

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 19-319

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Judge:

Complainant:

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**ORDER**

December 24, 2019

The Complainant alleged a superior court judge failed to read his pleadings in a criminal case.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission members Christopher W. Ames and George H. Foster, Jr. did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 24, 2019.

COMPLAINT AGAINST A JUDGE

BY: \_\_\_\_\_

AGAINST: HON. \_\_\_\_\_

DATED: \_\_\_\_\_

UNDENIABLY, MANY, IF NOT MOST, PRO-SE COURT FILINGS CAN BE EXHAUSTING TO READ. WHILE NOT A LAWYER, THIS COMPLAINANT IS RATHER ARTICULATE WITH HIS COURT FILINGS. THUS, WHEN JUDGE \_\_\_\_\_ ISSUED ORDERS SO INACCURATE, IT BECAME EVIDENT THE COMPLAINANT'S FILINGS WERE NOT ACTUALLY BEING READ.

CANON 3(B)(1) REQUIRES A JUDGE TO "HEAR AND DECIDE" MATTERS TO WHICH THEY ARE ASSIGNED. JUDGE \_\_\_\_\_ WAS ASSIGNED TO DECIDE THIS COMPLAINANT'S PETITION FOR POST-CONVICTION RELIEF. TO MEET THE REQUIREMENT OF THIS CANON, JUDGE \_\_\_\_\_ WAS OBLIGATED TO ACTUALLY READ THIS COMPLAINANT'S FILINGS BEFORE MAKING ANY DETERMINATION. AS EVIDENCED HEREIN, IT IS OBVIOUS THE COMPLAINANT'S SUBMISSIONS WERE NOT ACTUALLY READ.

ON \_\_\_\_\_ THE COMPLAINANT SUBMITTED HIS SUCCESSIVE RULE 32 PETITION FOR POST-CONVICTION RELIEF. (EXHIBIT "A").

ON \_\_\_\_\_ THE HONORABLE \_\_\_\_\_ ISSUED AN ORDER DENYING THE PETITION. (EXHIBIT "B"). IN PART, JUDGE \_\_\_\_\_ STATED, "

THIS FINDING IS INCORRECT. PAGE \_\_\_\_\_ PARAGRAPH \_\_\_\_\_ OF THE PETITION (EXHIBIT "A"), CLEARLY DIRECTED THE HONORABLE \_\_\_\_\_

TO THE CASE OF STATE V. YONKMAN, 312 P.3d 1135 (ARIZ. 2013).

THE COMPLAINANT HAS THIS AREA ON EACH EXHIBIT.

ON THE COMPLAINANT FILED A MOTION FOR REHEARING TO ADDRESS THE MISTAKE BY JUDGE (EXHIBIT "C").

ON THE COMPLAINANT FILED A MOTION FOR STATUS REGARDING THE MOTION. (EXHIBIT "D").

ON THE HONORABLE ISSUED AN ORDER. (EXHIBIT "E"). THE ORDER'S CONTENT REVEALS, LIKE THE PETITION FOR REVIEW, JUDGE DID NOT READ THE FILING.

A REVIEW BY THE COMMISSION WILL DETERMINE THE DOCUMENTS CREATED BY THE COMPLAINANT ARE NOT CONFUSING OR COMPLEX. THE ORIGINAL PETITION (EXHIBIT "A"), CLEARLY LITES THE CASE REVIEWED UPON AS THE " " HAD JUDGE ACTUALLY REVIEWED THE FILING, HE COULD NOT CLAIM THE PETITION LACKED THIS NEEDED FOUNDATION. BUT HE DID. THE MOTION FOR RECONSIDERATION TOOK THE EXTRA PRECAUTION OF ATTACHING THE YONKMAN DECISION. THE MOTION FOR STATUS SHOULD HAVE ALERTED JUDGE

THAT THE MOTION FOR REHEARING WAS STILL PENDING, BUT IT DID NOT. INSTEAD, JUDGE TREATED THE STATUS MOTION AS A THESE ERRORS ARE WHOLLY ATTRIBUTED TO A FAILURE TO READ. THERE IS NO EXCUSE FOR THIS BEHAVIOR WHEN JUSTICE IS AT STAKE.

CANON 1 MANDATES THAT "A JUDGE SHALL UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY." INTEGRITY IS NON-EXISTANT WHERE A JUDICIAL GATEKEEPER FAILS TO ACTUALLY READ A SUBMISSION. A DEFENDANT RARELY GETS RELIEF AFTER A CONVICTION IS FINALIZED. A DEFENDANT NEVER GETS RELIEF WHERE A JUDGE FAILS TO READ A DEFENDANT'S FILINGS.

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IT IS PROBABLE THIS COMMISSION WILL CONSTRUCT THIS COMPLAINT AS THAT OF " " ON THE BASIS OF JUDGE " " THAT IS NOT THE BASIS OF THIS COMPLAINT. RATHER, THIS COMPLAINT IS THAT JUDGE FAILED TO ACTUALLY READ THE COMPLAINANT'S SUBMITTED DOCUMENTS. FAILURE TO READ IS THE COMPLAINT BEING ALLEGED. THE ORDERS GENERATED BY JUDGE ARE THE EVIDENCE OF THAT FAILURE.

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RESPECTFULLY SUBMITTED

DATED: \_\_\_\_\_

EXHIBIT A

COURT OF ARIZONA

IN AND FOR THE COUNTY

STATE OF ARIZONA,

PLAINTIFF,

v.

DEFENDANT.

NO:

DEFENDANT'S SUCCESSION  
PETITION FOR POST-CONVICTION  
RELIEF PURSUANT TO  
A.R.C.P. 32.1(g).

1. THE DEFENDANT, SUBMITS THIS  
PETITION FOR POST-CONVICTION RELIEF, PURSUANT TO  
ARIZONA RULES OF CRIMINAL PROCEDURE 32.1(g). THIS PETITION  
IS PREMISED ON A SIGNIFICANT CHANGE IN THE LAW THAT,  
IF APPLIED TO THE DEFENDANT'S CASE, WOULD OVERTURN THE  
DEFENDANT'S CONVICTION AND SENTENCE. THIS PETITION IS  
SUPPORTED THROUGH THE FOLLOWING MEMORANDUM OF  
POINTS AND AUTHORITIES. THE ATTACHED APPENDIX CONTAINS THE  
RECORDS SUPPORTING THIS PETITION.

**THE COMMISSION'S POLICY IS  
TO POST ONLY THE FIRST FIVE  
PAGES OF ANY DISMISSED  
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE  
REMAINDER OF THE  
COMPLAINT IN THIS MATTER,  
PLEASE MAKE YOUR REQUEST  
IN WRITING TO THE  
COMMISSION ON JUDICIAL  
CONDUCT AND REFERENCE  
THE COMMISSION CASE  
NUMBER IN YOUR REQUEST.**