

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-013

Judge:

Complainant:

ORDER

April 9, 2020

The Complainant alleged a superior court commissioner issued an erroneous legal ruling 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 member Gus Aragón did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 9, 2020.

CONFIDENTIAL

Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2020-013

COMPLAINT AGAINST A JUDGE

Name: _____

Judge's Name: _____

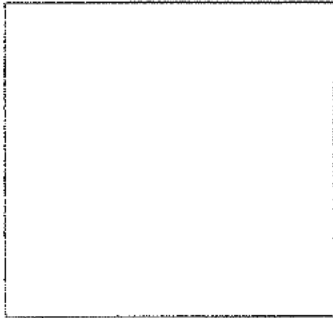
Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

* THIS DECISION IS A 'MISTAKE IN LAW',
DUE TO THE FACT THAT I WAS ON
PROBATION DUE TO CIVIL RIGHTS VIOLATIONS,
AS I DO KNOW THE COMMISSIONERS
DECISION WAS BASED OFF LAW

* LAWS, WHICH SOME JUDGE, LAWYERS AND POLICE
HAVE VIOLATED

* I IGNORANCE IS NOT AN EXCUSE, AND
NO ONE IS ABOVE THE LAW

UNLAWFUL



IN ~~OF ARIZONA COUNTY~~

STATE OF ARIZONA, Plaintiff
-vs-

Case Number _____

**ORDER REGARDING APPLICATION TO
SET ASIDE CONVICTION and
RESTORATION OF FIREARM RIGHTS
A.R.S. §§13-905 & 13-910**

Defendant (First, MI, Last)
Date of Birth: _____

Based on the information presented to the Court, THE COURT FINDS THAT: (only those items marked)

The prosecutor has received a copy of the Application to Set Aside Conviction.

- The Defendant **has met** all of the statutory requirements for the application; OR
- The Defendant **has not met** all of the statutory requirements for the application.
- The Defendant was convicted of a criminal offense not eligible to be set aside due to:
 - a dangerous offense.
 - an offense for which the person is required or ordered by the court to register pursuant to A.R.S. § 13-3821.
 - an offense for which there has been a finding of sexual motivation pursuant to A.R.S. § 13-118.
 - a felony offense in which the victim is a minor under fifteen years of age.
 - an offense in violation of section 28-3473, any local ordinance relating to stopping, standing, or operation of a vehicle, or title 28, chapter 3, except a violation of section 28-693 or any local ordinance relating to the same subject matter as section 28-693.

IT IS ORDERED:

- GRANTING** the application setting aside the judgment of guilt, dismissing the complaint, information, or indictment, and that the applicant be released from all penalties and disabilities resulting from the conviction except those imposed by:
 - a. The Department of Transportation pursuant to A.R.S. §§ 28-3304, 28-3305, 28-3306, 28-3307, 28-3308, 28-3312, and 28-3319.
 - b. The Game and Fish Commission pursuant to A.R.S. §§ 17-314 or 17-340.

The applicant's right to possess a firearm is also restored.

OR

The applicant's right to possess a firearm is **DENIED** due to the applicant's conviction for a serious offense as defined in Section 13-706.

DENYING: the application to set aside conviction for the following reasons:

The Defendant has not met all statutory requirements for the application.

The Defendant was convicted of a criminal offense not eligible for a conviction to be set aside.

Other reasons: NOT ENOUGH TIME HAS ELAPSED SINCE DISCHARGE FROM PROBATION. THE COURT WILL RECONSIDER AFTER ADDITIONAL TIME HAS PASSES.

DATE:



· wrote:

After a careful look at the information you have provided and after discussing this with our attorney, I suggest that you seek legal counsel. The allegations you have made are best handled in a court as they are beyond my ability or authority to sort out due to their legal nature. I would also suggest that you work closely with _____ to assist you.

Thank you for reaching out and I wish you all the best,

—

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at

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