

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-220

Judge:

Complainant:

ORDER

December 16, 2020

The Complainant alleged that a superior court judge made improper and untimely rulings in a post-conviction relief matter, elicited privileged information, and spoke to him when his lawyer was not present.

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 Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 16, 2020.

Re: Honorable
County, Superior Court

COMP
2020-220

Case No.:

VIOLATIONS: Rules 1.1, 1.2, 2.1, 2.2, 2.3, 2.5(A), 2.7, 2.15
Application: Part A(1) "The provisions of the code apply to all judges.
Authority: Rule 81 - Rules of the Supreme Court. (, ,)
PCR Counsel: --- SBN

FACTS: Through Counsel I submitted Post-Conviction Relief that was timely. Both and myself complied with established deadlines; to wit, Petition, Response, and my Reply on - " I only have access to the Ariz. R. Crim. P., however, I believe the timelines under rule 32.6(2) Setting a Hearing, remain unchanged. The rule states, "If the court does not summarily dismiss the petition, it *must* set a status conference or hearing within 30 days on those claims that present a material issue of fact. (Petition, Response, and Reply Attached). The black letter of the Ariz. R. Crim. P. are binding and enforceable. Against my wishes, Counsel did not file a request for status on the " " of , out of fear that it might " " The Commission is aware of the conflict between

Judge _____ and myself beginning in _____ that resulted in multiple complaints to this board as well as _____ Federal Actions under 42 U.S.C. §1983. I am also directly responsible for numerous complaints filed against _____ on behalf of other inmates including _____, who as you know was appointed Counsel by a District Judge in a civil case that was personally involved in. This resulted in a foiled murder plot against a "_____ " in the _____, orchestrated by state actors a.k.a _____ in collusion with attorney _____ The murder weapon was recovered and a former _____ and _____ admitted the plot during a recorded statement with plaintiff's counsel. _____ was forced to place _____ in Protective Custody. It made him look like a total ass! At one Conference he told me "_____ " in reference to the _____ case. I was a complete thorn to _____ for a couple of years and any hatred he feels towards me is justified, except for one thing: He's a JUDGE! There is no room for emotion on the bench. During the course of _____ trials he made what I consider to be "_____ " but that is within the judges "_____ " --how could I

possibly " " some kind of malicious intent?
I can't! I am fighting the conviction on appeal,
which all reasonable individuals confirm is a winner.

I finally have a conference scheduled for
--- That's well over days LATE!!! Put
aside that timeline established by 32.6(2)---

Our State Constitution, Art. 6, section 21 reads:
"Every matter submitted to a judge of the
Superior Court for his decision shall be decided
within sixty days from the date of submission
thereof." This expired on --- and again,

against my wishes, counsel would not
pursue the remedies provided for under section
21, which is: "The Supreme Court shall by rule
provide for the speedy disposition of all matters
not decided within such period." These dates

cannot be contested. I suspect --- will
play the " " ... that excuse FAILS! The

number of arrest in --- County are signi-
ficantly down as police are under orders to
look for alternatives to arrest, all trials
have been stayed which took a considerable
amount of the Courts attention. As a

" " certified through the
Since --- I have received

" " responses from Courts since
the pandemic --- why is --- so different??

I need not remind the Commission that it is not protected with immunity... or of my extensive litigation experience, I come from a long line of " " and joined the " " with graduation from class of the in

I earned an undergraduate in the and taught in the (Later named)

I am now represented, in a separate matter, by a civil rights firm out of (agreement attached). Should justice be denied, I will forward the results to them for review and possible recourse. Know this-- I am relentless, a trait drilled into me as a over

ago. I exhort you to all diligence in pursuing and investigating an appropriate exhaustion to all matters stated herein. Please keep me posted as to the expeditious outcome.

Dated

Respectfully,

RETAINER AGREEMENT

THIS AGREEMENT is entered into between _____ (hereinafter referred to as "Client") and _____ and _____ of _____ (hereinafter collectively referred to as "Attorneys").

Client retains Attorneys to represent Client in a claim arising [REDACTED]. Client authorizes Attorneys to take all steps to pursue this matter that the Attorneys deem reasonable. Client agrees to pay the larger of (1) thirty-three and one-third percent (33 1/3%) of the gross amount recovered by Client by way of settlement, mediation, arbitration, trial or other award, or (2) the amount awarded to Client specifically for attorneys' fees, including any such fees awarded pursuant to an attorneys' fee provision, the Federal Tort Claim Act, other statutes allowing for attorneys' fees, state law, federal law, contract, or any other authority that provides for attorneys' fees. If this matter is resolved on appeal, the fee charged will be forty percent (40%) instead of thirty-three and one-third percent (33 1/3%) percent.

Billing. The billing for this matter involves two types of items:

- (1) "Fees," the amount due for services provided by Attorneys in pursuit of this matter.
- (2) "Costs," the amount due for
 - (a) services provided by non-attorneys in pursuit of this matter, including experts, investigators, consultants, and information technology specialists; and,
 - (b) other expenses incurred by Attorneys in pursuit of this matter, including, but not limited to, filing fees; messenger fees; process server fees; record retrieval fees; legal research fees; copying, printing, and scanning costs; court reporter fees; parking fees; mileage fees; design and production of trial exhibits; offline and online file storage fees; and, any other out-of-pocket expenses incurred by Attorneys in pursuit of this matter.

Client authorizes Attorneys to hire, retain and compensate such experts, investigators, consultants, and other non-attorneys that Attorneys believe are reasonably necessary to pursue this matter on behalf of Client. All such expenses shall be treated as Costs.

Client agrees that Attorneys have Client's authority to incur Costs on behalf of Client that Attorneys deem reasonable to pursue this matter on behalf of Client,

* Pages 2-8 NOT INCLUDED