

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-112

Judge:

Complainant:

ORDER

The Complainant alleged that a superior court judge violated the law and did not timely rule on his motions.

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 reviewed all relevant available information and concluded that although some systemic delays had occurred, the judge had created new procedures to ensure that petitions for post-conviction relief are timely ruled upon. The Commission approved sending the judge an advisory letter to specially ensure that the judge continues to properly monitor the post-conviction filings. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission members Roger D. Barton and Joseph C. Kreamer did not participate in the consideration of this matter.

Dated: November 12, 2021

FOR THE COMMISSION

/s/ Louis Frank Dominguez
Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were distributed to all appropriate persons on November 12, 2021.

Judicial Complaint

Please note that this is my second complaint against Hon. _____.

On _____, I submitted a Motion Pursuant to Rule 24.4 to correct the sentencing in my case. CR2015-00242-002 Pursuant to Article VI § 21 of the Arizona Constitution, the Court is required to act on all filings within a 60 calendar day period. However, the Court (Hon. _____) failed to act on the Defendant's Motion that was filed on _____.

This Motion deals with the fact that based on UNITED STATES v. HAYES, 532 F.3d 349 (5th Cir. 2008) the Court must identify the felonies as "functionally consolidated" as the two Plea Agreements were dependant on each other.

The Hon. _____ has failed/refused to abide by Article VI § 21 of the Arizona Constitution, he has additionally committed perjury by signing and avowing under penalty of perjury, any and all documents stating that he has no issues/matters on his case load that has not been addressed in the 60 day period required by the Arizona Constitution, and procedural required, per se, as a function of Due Process of Law (5th and 14th Amendment; Article II § 4) at Arizona Rules of the Supreme Court Rule 91(e).

As the Hon. [redacted] has refused to abide by Article VI § 6 of the Arizona Constitution, he has created a Due Process of Law violation against the Defendant. Defendant filed a

[redacted] which the court decided to not accept jurisdiction over the matter. Defendant has since filed a [redacted] (awaiting case #) in an attempt to have an authority over the Hon. [redacted] direct him to make a ruling on the matter as the decision directly affects the contents and arguments in Defendant's Rule 32/33 Brief.

Additionally, the Defendant filed a Motion for an extension of time on [redacted] citing the fact that Defendant has been waiting for a ruling on the Motion filed on [redacted] because of the impact it has on the contents of Defendant's Brief, which the Hon. [redacted] has yet to rule on as well at this time.

This abuse of power, abuse of discretion, and misconduct by the Hon. [redacted] has violated federal constitutional rights to Due Process, Amendments 4, 5, 6, 8, and 14, the Arizona State Constitutional rights, Article 2 section 1, 4, 5, 15, and 24, the color of the law, and the supremacy clause of the federal constitution.

COMPLAINT AGAINST A JUDGE

FILE NO. _____

TO THE COMMISSION ON JUDICIAL CONDUCT:

I, the undersigned complainant, believe that Judge _____ of the (check one) municipal court; justice court; superior court; court of appeals; or supreme court located in the city of _____ and county of _____, Arizona, has committed misconduct.

GENERAL ALLEGATIONS

I also allege that the judge's misconduct involves one or more of the following (check all that apply):

- A plea of guilty or no contest or a finding of guilty to a crime punishable as a felony under Arizona or federal law or of any other crime that involves moral turpitude under such law.
- A disability that seriously interferes with the performance of judicial duties that is or is likely to become permanent.
- Willful misconduct in office.
- Willful and persistent failure to perform duties.
- Habitual intemperance (addiction to alcohol or drugs).
- Conduct prejudicial to the administration of justice that brings the judicial office into disrepute.
- A violation of the Arizona Code of Judicial Conduct.

In support of these allegations, I submit the attached statement of facts and request that the commission take appropriate action to investigate the judge's conduct.

Complainant's name: _____ Telephone: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Complainant's Signature: _____ Date: _____

Check here if you are involved in a lawsuit that is still pending before this judge. Case No.: _____