

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-074

Judge:

Complainant:

ORDER

February 8, 2023

The Complainant alleged a superior court judge failed to timely process pleadings filed 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 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 Michael J. Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 8, 2023.

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

FOR OFFICE USE ONLY

2022-074

COMPLAINT AGAINST A JUDGE

Your name: _____ Judge's name: _____ Date: _____

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

This judicial bar complaint is a Rule 2.2 violation. A judge shall uphold and apply the laws, and shall perform all duties of the judicial office fairly and impartially. However, here Judge _____ is not upholding the Rules of Criminal Procedures and continuously favors the State.

In this case, Defendant was allowed to file a supplemental _____ brief next to his attorney's brief. The supplemental brief was filed on _____. Pursuant to the AZ. R. Crim. Proc., the State had 45 days to issue a response. The State chose to only file a response to the attorney's brief and waived filing a response to the Defendant's supplemental brief. The State's response was due on _____.

Come _____ Judge _____ re-ordered the State to file a response. A response that has been abandoned and waived by the State. The State's response as of December is already _____ LATE. By allowing the State _____ from _____ is nothing more than a _____ continuance of which the state did not request. More than _____ after the State chose to NOT file a response, Judge _____ ruling is holding up the Defendant's _____ and causing an unnecessary delay. See Rule 1.2 and the attached Objection.

Judge _____ has a pattern of doing this, favoring the State every step of the way. And this office has sent Judge _____ a letter reprimanding him back in either _____ or _____ of _____ pursuant to _____ case _____. But to no one's surprise, Judge _____ is still demonstrating favoritism towards the State and still not complying with the Rules of Criminal Procedures.

Defendant's _____ was sent to the trial judge for a ruling on _____. See _____ minute entry attached. This delay by Judge _____ is causing nothing but an unnecessary delay. Instead of a ruling this month or _____ by the trial judge, Defendant will not see a ruling on his _____ until _____ or _____ of _____. This is a prime example as to why our legislators has placed these Rules of Criminal Procedures in place, to protect the Fundamental Due Process of all parties involved. Judge _____ has repeatedly shown that the Rules of Criminal Procures do not apply to county attorneys, rather, only to defendants. This is far from being impartial.

How many acts of injustice needs to be shown before Judge _____ is removed from the bench? Judge _____ has already shown that reprimanding him has no affect. Defendant recommends something more strict.

(Attach additional sheets as needed)

COMPLAINT AGAINST A JUDGE

FILE NO. _____

TO THE COMMISSION ON JUDICIAL CONDUCT:

I, the undersigned complainant, believe that Judge _____ of the (check
one) _____
city of _____ and county of _____, Arizona, has committed misconduct.

GENERAL ALLEGATIONS

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.

STATEMENT OF FACTS

Your Name: _____

Judges' Name: _____

Date: _____

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Exhibit A-1

On my Attorney Submitted a petition
for Post Conviction Relief as well as a Request to Withdraw Council,
Court waited To file it causing it to be untimely,
Judge of County denied both requests

In a witness came forward at Sentencing and
Testified That no Crime had occurred, actually She was an alleged
victim, at That point plea Should have been withdrawn, Judge also
me in open Court by saying I was committing crimes since. It was over yrs.
Attorney was a prosecutor in County which
constitutes a Conflict of interest, I was never informed of This