

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-123

Judge:

Complainant:

ORDER

A superior court judge self-reported the issuance of a delayed ruling.

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 the judge failed to timely rule on a defendant's two *pro se* petitions for post-conviction relief. This failure violated Rules 1.1 and 2.5(A) of the Code of Judicial Conduct, Article 2, §11 and Article 6, §21 of the Arizona Constitution. The Scope Section of the Code provides that not every transgression will result in the imposition of discipline. The Commission decided, after considering all the facts and circumstances, to dismiss the complaint pursuant to Commission Rules 16(b) and 23(a) and issue a warning letter to the judicial officer reminding him of his obligation to issue rulings in a timely manner.

Commission members Denise K. Aguilar, Roger D. Barton, Colleen E. Concannon, and Joseph C. Kreamer did not participate in the consideration of this matter.

Dated: September 19, 2022

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were distributed to all
appropriate persons on September 19, 2022

Comp (Self-report)

2022-123

RE:

Arizona Commission on Judicial Conduct
1501 West Washington, St., Suite 229
Phoenix AZ 85007

Dear Commission Members:

This letter is to advise the Commission of an error that I made that resulted in a late ruling.

Defendant, filed a pleading titled *Pro Se Judicial Notice* on
Defendant asserted that trial counsel was ineffective for failing to call
to testify at the sentencing hearing or mitigation hearing. The Court treated this as a
Petition for Post-Conviction Relief and issued a minute entry ordering to file a
response. was filed

Defendant filed on
The Court treated this as Defendant's Reply Response to Petition
for Post-Conviction Relief.

Defendant's was received via email from court administration
rather than coming from the

I became aware that I had not ruled on this matter and promptly issued my ruling on

To ensure that this does not happen again, I will forward all motions received by my
division that are determined to be Petitions for Post-Conviction relief to the so they can
be properly tracked and assigned for ruling after they are fully briefed.

I regret this situation very much. I have also contacted the Chief Justice's office to
address filing an amended certification. Please accept my apologies for the error and rest assured
that it will not happen again.

Very truly yours,