

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 22-172

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Judge:

Complainant:

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**ORDER**

April 20, 2023

The Complainant alleged improper decisions and a delayed ruling by a superior court judge in a post-conviction proceeding.

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 members Denise K. Aguilar, Michael J. Brown, Delia R. Neal, and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 20, 2023.

Before THE PRESIDING DISCIPLINARY JUDGE  
(THE ATTORNEY DISCIPLINE PROBABLE CAUSE  
COMMITTEE; CHIEF BAR COUNSEL)

In THE MATTER OF A NON-MEMBER  
OF THE STATE BAR OF ARIZONA

Motion R. 54(b) R. 47  
and R. 91  
(e), ART. 2 § 11, Ariz.  
Const. Art. 6 Section 21

Court in The  
State of Arizona Hon.

Judicial violation Hon. Case NO:  
filed in Court

Motion pending-action canon, Hon. violate Canon 1 R. 1.1  
THE Doctrine of ( ) gave clear instruction on how the court  
must function for pending-action canon when statutory law is altered.

Hon. ruling is untimely which violate Canon 1  
R. 2.5(A), Ariz. Const. Art 2 § 11, Art 6, section 21, Rule of the Supreme  
Court 91(e) and 6<sup>th</sup> Amendment of the U.S. Const. The untimely ruling  
Judicial violations get forth now. Exhibit-A

(1.) Violation of Canon 1 R. 1.1 Compliance with the law by making  
partial judgment not allowing court too function properly when clear  
instruction on how court must function under the ( ) doctrine of pending-  
action canon was used for the Rule 32.1(g) leverage for relief from  
prison Hon. is in violation of Canon 1 R. 1.1

(2) Hon. is in violation of a untimely ruling of motion pending-action  
canon 1 R. 2.5(A) Ariz. Const. Art. 2 § 11, Art 6, section 21, Rule of the Supreme Ct.  
R. 91(e) and U.S. Const 6<sup>th</sup> Amendment Exhibit-A The untimely ruling that  
is a serious crime of interference with the administration of justice

## COURT

Date:

Judge: **HON.**

By Judicial Administrative Assistant :

**THE STATE OF ARIZONA.**

**Plaintiff,**

**vs.**

**MINUTE ENTRY ACTION:**

## RULING ON MOTION

**Defendant**

The Court having recently received the State's Request for Ruling finds good cause to address the Defendant's Motion Pending-action canon for Decriminalizing marijuana filed on ("Motion").<sup>1</sup>

Defendant's Motion is essentially another request for post-conviction relief.<sup>2</sup> Defendant argues that Proposition 63 decriminalized marijuana, which should lead to his release from prison. First, however, the provisions and application of Proposition 63 did not create a law that is retroactive. Proposition 63 became effective on January 1, 2016, and is only applicable to charges that were incurred after that date. Defendant's offense

1 After reviewing the file, the Court acknowledges that no ruling on the Motion has been issued. Though the Court would note that Defendant filed separate motions on [REDACTED] and [REDACTED], which may have caused the Court to overlook Defendant's [REDACTED] Motion when [REDACTED]. Judges [REDACTED] and [REDACTED] later issued rulings the other motions. Additionally, the Court would point out that in a period of about four months (from [REDACTED] to [REDACTED]) Defendant filed [REDACTED] different motions seeking several types of relief. Notwithstanding, the confusion that may have occurred by all the different motions filed by the Defendant and this matter having been transferred to multiple judges in [REDACTED], the Court apologizes to the parties for this delayed ruling.

<sup>2</sup> Prior to \_\_\_\_\_, Defendant had filed at least \_\_\_\_\_ other petitions for post-conviction relief, including one on \_\_\_\_\_ and on \_\_\_\_\_, both of which were denied by the Court.

occurred in . Accordingly, while Proposition may be a significant change in the law, it is not retroactive to Defendant's case.

Second, one of the many purposes of Proposition was to decriminalize the possession and transportation of personal use quantities of marijuana, which must be one ounce or less. Defendant was convicted of transporting pounds of marijuana. Accordingly, this benefit of Proposition is not available to the Defendant.

Therefore IT IS HEREBY ORDERED denying Defendant's Motion Pending-action canon for Decriminalizing marijuana filed on

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