

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-298

Judge:

Complainant:

ORDER

June 2, 2023

The Complainant alleged a superior court judge improperly denied a request to expunge records in two criminal cases.

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 Denise K. Aguilar did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 2, 2023.

Before The Residing 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

Superior Court of Arizona
County

Hon.

Judicial violation

Hon.

case no:

Hon.

Denied Expungement

of Both case # which is a violation of canon Rule 1.1 when the
doctrine of () gave clear instruction on how the court must function
when statutory law is altered that has a retroactive application
(Pending Action canon)

1. Violation of canon 1 R. 1.1 Compliance with the law by making
partial judgment not allowing court to function properly when
the doctrine of () pending action canon gave clear instruction
on how the court must function

Exhibit - A

Minute Entry
Dismissed Proceeding



Inmate

Last Name		First Name		Middle Initial	
Gender	Height (inches)		Weight	Hair Color	
Eye Color	Ethnic Origin		Custody Class	Admission	
Projected Eligible Release Date					
Prison Release Date			Release Type		
Most Recent Location			As of Date		
Complex	Unit	Last Movement		Status	
ACTIVE					

This only applies to Supervision.

Earned Credit Release Date is provided for guidance. Confirmation can be sought by contacting

Details of inmate offenses can be accessed by reviewing the case file at the Office of the Clerk of the Court where the case was adjudicated.

Commitment and Sentence Information 6 record(s)

Commit#	Sentence Length (yy/mm/dd)	Sentence County	Court Cause#	Offense Date	Sentence Date	Sentence Status	Crime
						IMPOSED	MARIJUANA VIOLATION
						IMPOSED	MARIJUANA VIOLATION
						SENT.MOD	MARIJUANA VIOLATION
						SENT.MOD	MARIJUANA VIOLATION NQ
						SENT.MOD	DRUG PARAPHERNALIA VIOLAT
						SENT.MOD	DRUG PARAPHERNALIA VIOLAT

Expunged

Expunged

Disciplinary Infractions 1 record(s)

Violation Date	Infraction	Verdict Date	Verdict
			REFER COMM/DHO - Major

Disciplinary Appeals 0 record(s) [Info]**Profile Classification** 4 record(s) [Info]

Complete Date	Classification Type	Custody Risk	Internal Risk
Active Classification	Initial Classification	Medium	Lowest
	Reclassification	Minimum	Low
	Reclassification	Minimum	Low
	Initial Classification	Minimum	Low

Parole Action 0 record(s)**Parole Placement** 9 record(s)

Custody Date	Class Type	Approved Date	Next Review	Parole Class
	INITIAL CL.			
	ADMISSION			2
	PAR.CL.CHG.			1/0 Day(s)
	ADMISSION			2
	PAR.CL.CHG.			1/20 Day(s)
	DISP. ACTION			3
	INITIAL CL.			1
	ADMISSION			2
	PAR.CL.CHG.			1/42 Day(s)

Detainer Requests, Detainers, and/or Warrants 1 record(s)

Arrest Date	Detainer Type	Charges	Authority	Agreement Date	Cancel Date
	NR				

COUNTY ATTORNEY

Deputy County Attorney
Bar ID #:

Telephone:

Firm #:
Attorney for Plaintiff

IN THE COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF

Plaintiff,

vs.

Defendant.

RESPONSE TO PETITION TO
EXPUNGE

(Assigned to the Honorable
Div.

The _____ by and through undersigned counsel, objects to the
Defendant's petition because the weight involved in the offense exceeds the limits in
A.R.S. § 36-2862. This case involved approximately one pound of marijuana. Exhibit A.

count 2 and 3 are Drug Paraphernalia Violations

ed about another 490 grams (17.2 ounces). Exhibit A.
27.8 ~~28~~ grams
Lab tech testimony in the trial transcript
PAGE

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**