

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-358

Judge:

Complainant:

ORDER

July 10, 2023

The complainant alleged improper rulings by a superior court judge hearing his 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 members Colleen E. Concannon, Scott C. Silva, and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on July 10, 2023.

Before The Presiding Disciplinary Judge (The Attorney Discipline Probable Cause Committee; Chief Bar Counsel)

In The Matter Of A Non-Member Motion: Ct. R. 54b
Of The State Bar Of Arizona

Court in the State of Arizona

Hon.

Judicial violation County Hon. Case No:
for expungement under the "Smart and Safe Arizona Act"

1.) Violation of Canon R.1.1 Compliance with the law by disobedience of the doctrine of (2012) pending-action canon gave clear instruction on how the courts must function when statutory law is altered that has any retroactivity

2.) With the willful disobedience the grounds for Sanctions Rule. 76(a)(2)

3.) Participants in Unauthorized Practice of Law Proceedings. Rule. 77(c)

COURT, COUNTY

HON.

CASE NO.

DATE:

STATE OF ARIZONA
Plaintiff,

vs.

Defendant.

R U L I N G

**IN CHAMBERS RULING REGARDING MOTION TO EXPUNGE MARIJUANA RELATED
OFFENSE RECORDS PURSUANT TO ARS § 36-2862**

Defendant filed a motion requesting that law enforcement and court records relating to his arrest and conviction on in this case be expunged pursuant to ARS §36 – 2862. The State's filed a response indicating it does not contest expungement of the conviction and records relating to but argues that Counts and do not qualify for expungement

Upon review, the Court makes the following findings of fact and conclusions of law:

1. Counts and of the indictment involve charges of possession and transportation marijuana for sale and are not eligible for expungement.
2. Count is eligible for expungement pursuant to A.R.S. §36-2862.

Accordingly,

IT IS ORDERED as follows:

- Expunging any record related to Count of the indictment dated , possession of drug paraphernalia, a Class felony. All records related to Counts and shall remain as is and are not affected by this ruling
- A copy of this order shall be transmitted to the , the , and the

Judicial Administrative Assistant

RULING

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Date:

Case No.:

- Sealing all court records relating to the expunged charge, Count possession of drug paraphernalia, including the Petition to Expunge and related records, and permitting access only by the subject of the petition or that person's attorney.

 /s/

cc:

AZDPS Criminal History Records
Case Management Services -
Clerk of Court -
Clerk of Court -
Clerk of Court -
Clerk of Court -

County

Judicial Administrative Assistant

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Petition to Expunge Records:

Court

Deputy

Person Filing: _____

Mailing Address: _____

City, State, Zip Code: _____

Email Address: _____

Telephone Number(s): _____

(Attorney or LDP only):

State Bar or LDP Number: _____

Party you are representing: _____

In the _____ of Arizona for _____ County

<p>State of Arizona, Plaintiff vs. _____ Defendant (FIRST, MI, LAST) Date of Birth: _____</p>	<p>Case Number: _____</p> <p>Petition to Expunge Marijuana-Related Offense Records and Restore Civil Rights, Including Firearm Rights, Pursuant to ARS § 36-2862</p>
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The above-named Petitioner, pursuant to ARS § 36-2862, hereby requests that the Court order expungement of Petitioner's criminal history records and, if applicable, restoration of Petitioner's civil rights. As grounds for this petition, Petitioner states as follows:

A. REQUIRED INFORMATION

1. Eligible Charge. I hereby request that the law enforcement and court records for the following offense, eligible under ARS § 36-2862, be expunged (*choose from the following; if you had more than one eligible offense under more than one case number, file a separate petition for each offense*):

- ☐ Possessing, consuming, or transporting two and one-half ounces or less of marijuana, of which not more than twelve and one-half grams was in the form of marijuana concentrate.
- ☐ Possessing, transporting, cultivating, or processing not more than six marijuana plants at my primary residence for personal use.
- ☒ Possessing, using, or transporting paraphernalia related to the cultivation, manufacture, processing, or consumption of marijuana.

2. Name of citing or arresting law enforcement agency: _____

3. Superior court case number: _____

CC:

**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.**