

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-500

Judge:

Complainant:

ORDER

The Complainant alleged a superior court judge made improper and late rulings in a criminal post-conviction relief 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.

After review, the Commission found the judge issued a substantially delayed ruling. The judge's conduct violated Rules 1.1 and 2.5(A) of the Code of Judicial Conduct, along with Art. 2, §11, and Art. 6, §21 of the Arizona Constitution. Respondent's conduct also violated §12-128.01, A.R.S., relating to payroll and certifications of compliance. 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), but to issue a warning letter to the judicial officer reminding of the obligation to issue timely rulings.

Commission member Joseph C. Kreamer did not participate in the consideration of this matter.

Dated: February 20, 2024

FOR THE COMMISSION

/s/ Christopher P. Staring

Hon. Christopher P. Staring
Commission Chair

Copies of this order were distributed to all appropriate persons on February 20, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY**2022-500****COMPLAINT AGAINST A JUDGE**

Name: _____ Judge's Name: _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

In this matter Judge _____ fails to adequately REVIEW
the presented claims pertaining to " _____"
-see- Attached petition and Judge
Ruling, as said Ruling was erroneous
due to his failure to conduct a fair and impartial
REVIEW of petitioner's claim -see- CANON 1; Rule 1;
Rule 1.2, CANON 2; Rule 2.2. In furtherance the claim
of " _____" presented clear and convincing
evidence as to substantiate said claim, yet Judge
held petitioner as a pro se litigant to the SAME
stringent standards as Attys who are licensed with
the appropriate Bar Associations -see- Application of
Buccheri (App. 1967) 6 Ariz. App. 196, 431 P.2d 91; Halbert
v. Michigan, 545 U.S. 605, 617 Douglas, 372 at 357-358.
In addition to his failure to adequately address
the previously stated claim Judge _____ has been
reluctant to address a pending successive
which was filed with the _____ County Superior
Court on -see- Attached (successive)
County Superior Court NOTE: This
claim is " _____" and pertains to an
illegally obtained SEARCH WARRANT, petitioner
there to filed a MOTION for RULING on a number
of occasions, yet this matter has been before
Judge _____ for approx. 18 mo.s, Therefore in
REVIEW of the attached COURT doc.s the Judicial

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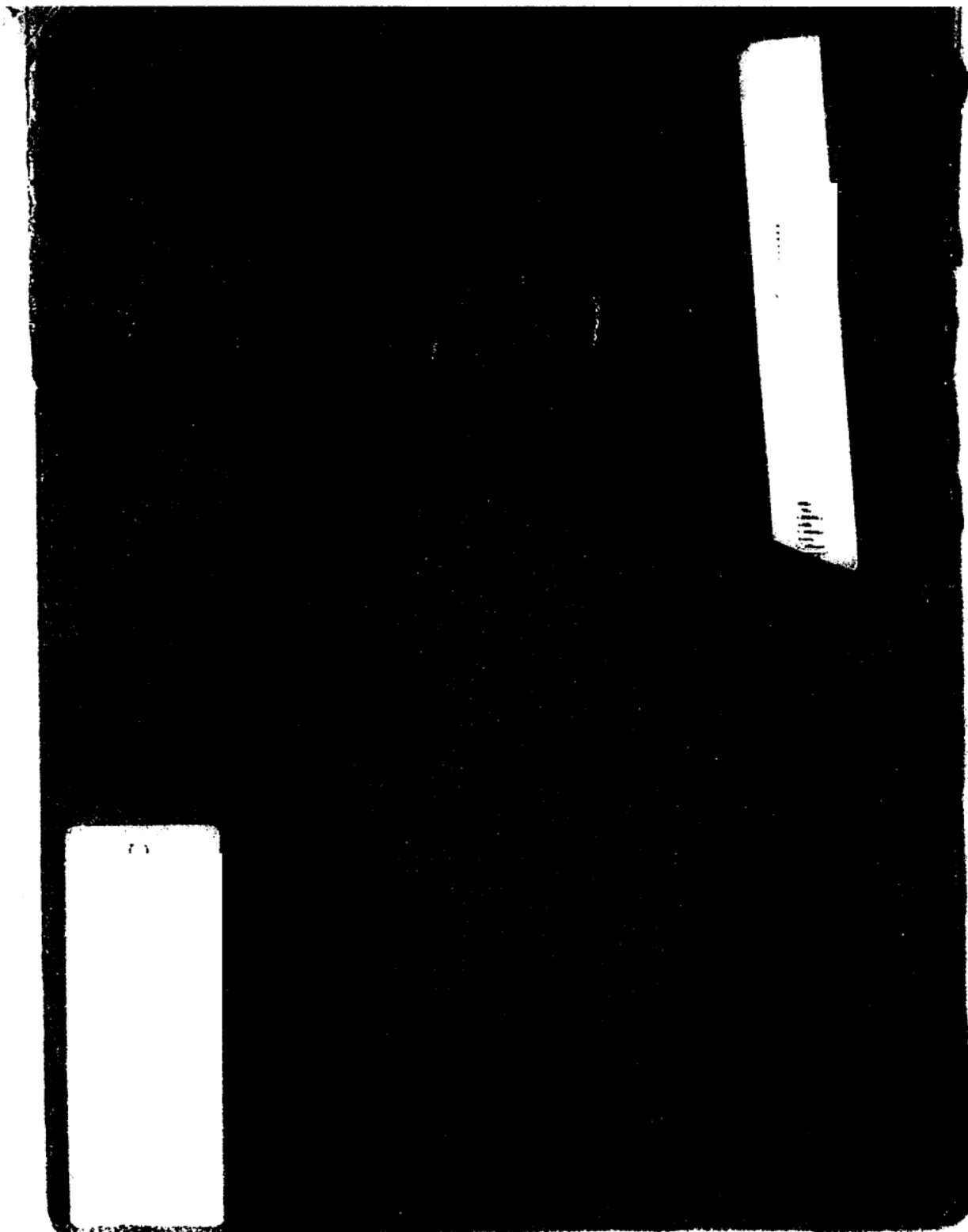
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Commission may find Judge guilty
of various CANONS and code of Judicial Conduct
violations and given these points it would
be requested that the Arizona Commission on
Judicial Conduct hold Judge accountable
to the extent of the Commission's authority.



Juror Misconduct EXHIBITS

COUNTY

HONORABLE

v.

RULE 32 PROCEEDING DISMISSED

Pending before the Court are Defendant's Notice Requesting Post-Conviction Relief, Petition for Post-Conviction Relief, and "Notice for Post-Conviction Relief for Newly Discovered Evidence of Possible Juror Misconduct Dated _____," all filed on _____.

These filings comprise Defendant's third Rule 32 proceeding. It is successive.

_____ A jury found Defendant guilty of four counts of manslaughter, all class 2 dangerous felonies; five counts of aggravated assault, all class 3 dangerous felonies; and four counts of endangerment, including one class 6 dangerous felony and three class 1 misdemeanors. On _____ this Court entered judgment and sentenced Defendant to four concurrent _____ terms of imprisonment for the manslaughter counts to be followed by concurrent terms of imprisonment and jail terms for the remaining counts. The Arizona Court of Appeals affirmed the convictions and sentences on direct appeal, issuing its order and mandate on _____ (mem. filed). His previous Rule 32 proceedings were unsuccessful.

A. Rule 32.4(b)(3)(D) Claim

In his current submission, Defendant claims this Rule 32 proceeding is untimely but that circumstance is not due to fault on his part. (Notice at 2; Petition at 3) This claim arises under Ariz. R. Crim. P. 32.4(b)(3)(D). According to Defendant, relevant evidence was not discovered

**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.**