

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-127

Judge:

Complainant:

ORDER

August 28, 2023

The complainant alleged improper legal rulings by a superior court judge (now retired) hearing a post-conviction relief 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 and Louis F. Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on August 28, 2023.

Complaint About A Judge

1) NAME

~~Court~~

~~Judge's Name~~

~~Presiding Judge~~

2)

3) PHOUR: -

4) Judges NAME:

5) COURT

6) Did you Have a case before this Judge? ^{A rule 32.00} YES NO

a) CASE NO

b)

3rd party Hire

c) WITNESSES: TBA

7) I understand this commission cannot REVERSE court orders or assign a new judge: YES

8) I affirm under penalty of perjury, that the information and the allegations contained in the attached complaint are true.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023-127

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.

ON OR ABOUT _____ AND _____
 ENTERTAINED _____ SECOND RULE 32 BUT
 HIS HONOR FAILED TO VERIFY IF THE _____ COURT
 HAD JURISDICTION TO ENTERTAIN A CASE, WHERE
 WAS DENIED HIS RIGHT TO APPEAL HIS LIFE SENTENCE
 CONVICTION TO THE _____ COURT. WHERE A
 FINAL ORDER OR JUDGMENT MUST EXIST BEFORE AN
 APPEAL CAN BE TAKEN. THIS WAS THE SECOND RULE 32
 IN FACT OR HOW. _____ AND THE COURTS HAVE
 INDEPENDANT DUTIES TO VERIFY _____ JURISDICTION AND
 TO INSURE THE _____ COURTS HAD _____ JURISDICTION
 MAY BE OBTAINED TO CONSIDER A RULE 32 OR A
 SECOND RULE 32. IN THIS CASE, THE _____ COURT
 HAD HIS HONOR. _____ HAD THE AUTHORITY
 TO REVIEW THE POST CONVICTION PROCEEDINGS IN
 TO INSURE PROPER APPLICABLE REVIEW
 PROCEDURE IN _____ POST CONVICTION PROCEEDINGS
 TO THE _____ COURT WERE FOLLOWED. THEY
 WERE NOT. THIS IS THE SECOND _____ COURT
 JUDGE TO DENY _____ RIGHT TO APPEAL HIS
 LIFE SENTENCE CONVICTION TO THE _____ COURT
 AND NOT THE COURT OR APPEAL IN POST CONVICTION
 PROCEEDINGS ACCORDING TO SAIZ-COURT. ART. 6 § 5.3,
 A.R.S. § 12-120.21 A.R.S. § 13-1711 NOW A.R.S. § 13-4031