

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-192

Judge:

Complainant:

ORDER

September 1, 2023

The complainant alleged improper legal rulings by an appellate court judge pro tem considering a criminal 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.

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 Roger D. Barton and Michael J. Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 1, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023-192

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 _____ the _____ (Judge _____) gave the State the opportunity to file a response to my Petition For Review, by submitting it by _____. The State chose to waive any opposition. I then filed a failure of the State to respond (waiving its known right).

On _____ the _____ (Judge _____) disregarded the waiver (abandonment by the State at both _____ and _____ level) and argued for the State on why I should not be granted relief. It was a "boilerplate" denial disregarding the facts of the case and that meritorious claims were submitted. Thus, relief should have been granted. I submitted a reconsideration to Judge _____ explaining why it was incorrect in its ruling and its violation of our adversarial system of justice.

On _____ a different judge (Chief Judge _____) addressed my reconsideration but gave no reasons for its denial.

On _____ Judge _____ then denied my request for an explanation (reasoning for the record) of its denial of my reconsideration. Both times, above, the Judges gave blanket denials, with no reasoning (boilerplate denials).

Note: This Court has my _____ copies of all rulings submitted on _____ in Complaint Case No: _____ (done only _____).

If this court requires new copies I can resubmit upon request. I profess Judge _____ is no longer an impartial judge and violated our adversarial system of justice. Submitted; boilerplate rulings with no proper arguments all in favor of the state disregarding our Laws (Federal and State). All rulings submitted on _____ in case No. _____ (_____) re: Judge _____.