

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 08-046

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Complainant: No. 1329910731A

Judge: No. 1329910731B

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**ORDER**

The commission reviewed the complaint filed in this matter and determined that the judge did not knowingly violate the ethical canons. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: July 14, 2008.

FOR THE COMMISSION

\s\ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on July 14, 2008.

*This order may not be used as a basis for disqualification of a judge.*

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We were looking for an address on the right side of past the "South" direction. When we couldn't find it, after driving forth and back several times as far as the we gave it up and decided to look for it in the daytime, (main reason: it was dark, no overhead street lights)

I proceeded in the opposite direction, driving now "North" on at the speed of 25 Miles posted. I saw him in plain view and the Sheriff's SUV parked, the front and the wheels of the vehicle slightly turned "South".

My automatic reaction caused me to check my speedometer. I was also fully aware of it, that he followed me, me in a small car, him in a big SUV vehicle hardly leaves any room for a dispute, that I was not paying attention as to who is driving behind me.

Once leaving the 25 Mile Speed Zone and entering the 45 Mile Speed Limit, posted at the end of I accelerated in speed. About 3/4 of a Mile down the road he turned his lights on. I pulled over to the right, stopping my vehicle.

When I asked the Traffic Officer why he was stopping me, he yelled and cursed at me: "Hell, you were driving 39 Miles through town." His behavior towards me was very intimidating to me. Also at that time he gave me the impression that he was very agitated, yelling at me and being as red as a lobster in the face, his hand still on the gun. I assured him that there were no guns in the car. With that he took his hand off the gun.

In the state he approached me, I had the distinct feeling what ever the foregoing confrontation with that person was, the anger in him still lingering, was transferred over to me.

In Court the Officer told his story, me than asking the Judge what the Speed Limit was, him yelling at me 39, but the traffic ticket stating 37, and my speedometer indicating 35 Miles per hour in a 45 Mile Speed Zone.

Judges reply: "Didn't you see that he used the radar gun."

My reply: "No, I don't have my glasses with me."

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He quoted me my own words that I had said earlier, "that I was looking for an adress." He then made the assumption that I was not watching the road, which he couldn't be more wrong about it. Giving it up by me no longer looking for the adress, and driving up to the is quite a little stretch.

The Judge was aware of it that I paid close attention to the woman before me, pleading her case for a traffic violation. In that the Judge took the argument away from me, and making it for the officer.

"His radar gun was calibrated before and after his shift," neglecting to have this confirmed by the Officer. I was not furnished with a copy of the record of calibration for that day on and off how far the variance was off on that radar gun. This was the argument the woman made before me in Court, which I was deprived off by the Judge. Therefore I was unable to plead, much less to prove my case.

He also neglected to ask me if I had anything further to say, and found me responsible for the traffic ticket. It was a slam dunk case for him, as he saw it. I didn't know what my legal rights were and restrained myself from saying anything further in fear off being held in contempt of court.

Comparing myself to the young woman before me in Court, I feel I was discriminated against, partially because of my nationality, the Judge being aggravated with me, because I was trying to get out from under, paying a fine. I was cut short abruptly by the Judge, allowing me little or nothing to say to my defence, with him talking right over my head.

This is what concerns me. The Officer claimes I was speeding 35 Miles "Visual," it being dark and no overhead street lights. If I was already driving 10 Miles over the Speed Limit, violating the law, did he use the radar gun right then, as he claimes on the traffic ticket, with me in plain view? If he did, surely by then he had a clear read out of the actual speed. Instead of pulling me over right then in the zone that I was speeding, he choose to follow me down the road.

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It was then that he noticed that I was actually driving 37 Miles per hour. The question here is not "if" I was driving 37 Miles per hour, but rather "where" I was driving 37 Miles per hour. Where was the proof of all that in Court?

I am a 69 year old woman with a fixed income, disabled, and unable to engage in gainful employment to supplemynt my income. In addition I am in need of a second back surgery. The reason for me not to preceed with it, was at the advice of my Attorney, since the first surgery didn't solve my problem, and I am able to function fairly well. However, by no means do I imply that this exempts me from wrong doing.

Also, I was warned by my Orthopedic Surgeon to be aware of cars following me to close, to avoid a rear ending collision, which will leave me paralyzed. With that possibility I check my rear view mirror and my speedometer constantly, not to be intimidated by someone following me who is in a hurry, impatient, trying to provoke me to drive faster.

With the courts decision I was willing to accept my defeat, but with the gloating of the Officer, which I found distasteful and very disturbing, I became an eerie feeling. I began to believe that he pulled a trick on me and got away with it, something that I expected all along.

Officer knows the route to his advantage, and from to the , which he stated

in Court he followed me, with just one building in between, I believe, me leaving the 25 Mile Speed Zone, entering the 45 Mile Speed Zone, he used his radar gun there, as I stated in Court, "I accelerated in Speed." At this time I like to point out once more, that he was beside himself and overlooked the fact me being about 3/4 of Mile in to the 45 Speed Zone.

I strongly believe the Officer with his badge, and the Judge in his position, pulled a powerplay over me, where I felt helpless and hopelessly overpowered, do to the lack of my experience in

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in Court proceedings, then taking a full advantage off it.  
If I want an Appeal I will have to hire an Attorney, pay for  
the Court Transcript and the Court Cost, even with a waiver, and  
the record of celebration has to be subpoenaed... where will  
it all end?

According to the law, the preponderance of evidence is upon  
the the accusing party. In my case it seems if I do not have  
the money to hire an Attorney, it is his word against mine, and  
I lose because the Judge automatically believes the officer, which  
implies that the Judge believes I am not telling the truth, leav-  
ing me with no way to prove my innocence. Therefore I have to  
pay the fine or my drivers license will be suspended.

Sincerely,