

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-016

Complainant: No. 1354300007A

Judge: No. 1354300007B

ORDER

The commission reviewed the complaint filed in this matter along with the recording of the hearing and found no ethical misconduct on the part of the judge. The judge repeatedly told the complainant that if he could provide the document showing the charge had been dismissed, the court would dismiss the charge.

The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: April 21, 2009.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on April 21, 2009.

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

STATEMENT OF THE CASE

Appellant, _____ hereby, respectfully submits this Opening Memorandum on Appeal.

On November 11, 2008 at approximately 12:05pm the Defendant was traveling east bound on 51st near the intersection of Indian School. The Defendant was cited for three violations. First violation of 28-2532A Misuse of 3 Day Temporary Registration. Second violation 28-235B failure to display legible plate until cancelled or revoked and the violation 28-235B no proof of insurance.

On January 12, 2008, a civil traffic hearing was held in the Phoenix Municipal Court, in Courtroom 403 at 2:30pm. The Honorable _____ presided over the hearing. After denying the Defendant his oral motion for a continuance the Defendant approached the bench and handed Judge _____ exhibit 1. Exhibit 1 is a statement from Nurse Practitioner written on a _____ letter stating the Defendant is under psychiatric care. The Defendant was not aware of the charge 28-2532A Misuse of a 3 Day Temporary Registration. The Defendant was under the assumption that charge was dismissed in the appearance hearing by Judge _____. He dismissed only one charge confirmed when it was brought to his attention, after the Clerk and the Defendant approached him. The Defendant pleaded poignantly with Judge _____ for a continuance to prepare himself for the unaware charge. The Defendant reminded Judge _____ of his rights as a mentally disabled United States citizen. The Defendant went to inform Judge _____ of his unfair treatment to the Defendant who is not only mentally incompetent but also a minority. Judge _____ did not comply to the Defendants reasonable request

and started the trial. After hearing the testimony of the two officers; and his partner only, Judge found the Defendant responsible for the 28-2532A Misuse of the 3 Day Temporary Registration. Judge found the Defendant not responsible for the 28-23532A Failure to Display Legible Plate until cancelled or revoked. The Defendant was ordered to pay a fine of \$157.00.40. The Defendant understands his rights as a United States and as a minority with a mental disability. This matter was handled improperly by the courts with extreme prejudice. The Defendant now appeals Judge verdict.

STATEMENT OF THE LAW

The burden of proof in a civil matter is the preponderance of the evidence.

The Defendant submits that the state failed to comply to written established law that protect the disabled and blacks in the court of law. The Defendant submits that the court denied the Defendant a voice in the trail testimony and questioning, moreover abusing his constitutional rights to due process. The Defendant submits if he were given an equal opportunity to bring forth testimony, facts, and exhibits in evidence, the court would have failed to satisfy the burden of proof in this matter. The Defendant was beguiled of his basic rights in a court of law. Such wanton practices in this day and age should not be tolerated by the people of this great state. Its my civic duty to stand up and cry out against the callus tactics that Judge represents and the harmful treatment he has cast upon me. Judge 's unlawful actions were indeed catastrophic to my well being. Judge has no respect for the mentally disadvantage and no regards to laws that were made to protect them. Judge actions were in direct violation of the American Disability Act of 1990(ADA). { 42USC 12101ET SEQ }, 28CFR PART 35(TITLE II, Department of Justice) and 28CFR PART 36 (TITLE III Department of Justice) Title II covers all activities of the state and local governments give people with disabilities an equal opportunity to benefits from all their programs, services, and activities(eg public education, employment, transportation, recreation, health care, social services (courts), voting and town meetings. Judge was in direct violation of my Civil Rights. Violations for being denied the rights to due process in the courts. Due process of the law implies the right of the person affected thereby to be present

before the tribunal which pronounces judgment upon question of life and liberty or property, in its comprehensive sense to be heard by testimony or otherwise, and have the right of controverting by proof of every material fact.

Our courts have a legal obligation to afford The People of The United States due process.

The 5th and 14th Amendments of the U.S. Constitution guarantees individuals the right to due process of law which is often referred as due process. The 5th Amendment states

“No person Shall be Deprived of Life, Liberty, or Property without Due Process of Law.”

(The 14th Amendment was written after The Civil War to provide a natural guarantee of the basic civil rights to blacks.) Due process is guaranteed by the Bill of Rights and The United States Constitution.

If the Defendant were treated fairly he would have brought exhibits from the MVD.

Testimony to the facts that the MVD was in fault, because of their inability to furnish

permit applicants with the rules and procedures of the 3 Day and 30 Day Temporary

Permits. Upon notifying the MDV of the ticket that I had received after purchasing the

3 Day Permit, I was then given copies of the policies and procedures pursuant to

ARS-28-2003, 28-2155, 28-2325 and 28-4333.

CONCLUSION

Based on the unlawful criminal behavior that Judge _____ has imposed on the Defendant as a result the Defendant has endured a massive mental setback of psychological harm that has devastated his well being. The Defendant respectfully requests this Court to overturn the ruling in this matter. The State failed to show, by the preponderance of the evidence, that the Defendant is responsible.

RESPECTFULLY SUBMITTED this _____ day of _____, 2009