

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-056

Complainant: No. 1356710785A

Judge: No. 1356710785B

ORDER

The commission reviewed the complaint filed in this matter and found no evidence of ethical misconduct on the part of the hearing officer assigned to the complainant's traffic case. The issues raised in the complaint are legal in nature because they involve the hearing officer's decisions and not his conduct. The more appropriate remedy, therefore, would have been to file an appeal.

The commission is not a court and cannot change a judge's decisions; therefore, 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.

Judicial Complain –

The reason for my complaint is the intentional disregard or non knowledge of Arizona State Revised Statutes. In my opinion, he is not qualified to hear any traffic cases in the State of Arizona.

On February 27th, 2009, I appeared in the Justice Court in his hearing room #202 at 1:00 PM. The traffic offenses that I was charged with were violations of ARS 28-729.1 & ARS 28-4135C.

In the case of ARS Revised Statute 28-729, the statute states: "A person shall drive a vehicle as nearly as practicable entirely within a single lane and shall not move the vehicle from that lane until the driver has first ascertained that the movement can be made with safety."

Officer testified that when he pulled me over that I stated that I was two to three lengths clear of the vehicle in question and that his rear bumper was in my rear view mirror. I believe that my testimony provided proof that I had obeyed the Arizona Revised Statutes. If this were the matter, I would not be complaining. It was his statement after my testimony that he asked me if everyone who came into the court and testified and said that they had safely ascertained making a lane change that the charges should be dropped should have the charges dropped. My response was that is what the law says and that if they don't want the law to state this, they should change the law.

The second offense was for a violation of ARS 28-4135C which he found me guilty of for not having proof of insurance. When I sent in my copy of the complaint, I sent in proof of insurance at the time I was pulled over on January 5, 2009. I asked him if he had the copy of my insurance card and he stated that he did and that was why he was only going to fine me \$112 instead of \$500. According to ARS 28-4135D, "A citation issued for violating subsection B or C of this section shall be dismissed if the person to whom the citation was issued produces evidence to the appropriate court officer on or before the date and time specified on the citation for court appearance and in a manner specified by the court, including the certification of evidence by mail, of either of the following:

1. The financial responsibility requirements prescribed in this section were met for the motor vehicle at the date and time the citation was issued.

The court was provided with a copy of my insurance card which was in force from 10/4/08 to 4/4/09.

Finally, the last point that I brought up in court was the officers testimony occurred just east of 67th Avenue on the 101. This violation occurred outside the jurisdiction of the Justice Court and the citation should be dismissed. He also ignored this matter.

If Arizona wants to pursue the enforcement of traffic violations, they need to employ qualified Judges that know and understand the law.