

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-051

Complainant: No. 1386910854A

Judge: No. 1386910854B

ORDER

The complainant alleged that a justice of the peace improperly imposed restitution without providing proper notice. After analyzing the allegations and the response from the judge, the commission found no evidence of ethical misconduct. The judge realized his mistake and struck the erroneous restitution order. Therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: July 23, 2010.

FOR THE COMMISSION

\s\ Keith Stott

E. Keith Stott, Jr.
Executive Director

Copies of this order were mailed to the complainant and the judge on July 23, 2010.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2010-051

COMPLAINT AGAINST A JUDGE

Your name: _____ Judge's name: _____ Date: 2/17/10

Instructions: Use this form or plain paper of the same size to file a complaint. Attach additional pages, as needed. Please describe in your own words what the judge said or did that you believe constitutes judicial misconduct. To help us understand your concern, be specific and list all of the names, dates, times and places where the conduct occurred. Include only copies of original documents or court recordings that are relevant to your allegations. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

ACCIDENT WAS INVOLVED

9/22/10 RECEIVED CITATION IN EAGAR MAGISTRATE FOR 28-701(A) SPEED, 28-2153(A) EXPIRED
REGISTRATION AND 28-4135(C) NO INSURANCE. THE CASE WAS TRANSFERRED TO ST. JOHNS JUSTICE
COURT ON 11/10/09. IN ST. JOHNS I WAS APPOINTED A PUBLIC DEFENDER FOR CIVIL TRAFFIC
I HAD STATED THAT I WAS GOING TO PLEAD GUILTY. A HEARING WAS SET FOR DECEMBER 23, 2009
AND WAS CONTINUED BY THE PROSECUTOR FOR EAGAR HEARING WAS RESET FOR
JANUARY 13, 2010. I OR MY ATTORNEY WAS NOT SENT A HEARING NOTICE
THEREFORE NEITHER ONE OF US APPEARED. I WAS FOUND GUILTY. I THEN FILED A LETTER
TO SET ASIDE THE JUDGEMENT DUE TO NOT RECEIVING NOTICE. MY REQUEST WAS GRANTED
AND HEARING WAS SET FOR FEBRUARY 3, 2010. I SENT A LETTER STATING I DID NOT WANT
A HEARING AND JUST WANTED TO PLEAD GUILTY DATED FEBRUARY 2, 2010. ST. JOHNS THEN
STATED TO COME IN AS SCHEDULED ON FEBRUARY 3, 2010 FOR SENTENCING. ON FEBRUARY 3, 2010
I APPEARED I WAS FINED FOR THE CHARGES, THEN JUDGE STATED THAT HE WAS
ALSO SENTENCING ME TO RESTITUTION FOR THE TWO VEHICLES THAT I HAD DAMAGED AS A
RESULT OF THE ACCIDENT FOR \$13,193.71. WHEN I ASKED TO SEE THE ESTIMATES AND
WHERE THE ESTIMATES HAD COME FROM JUDGE WOULD NOT ALLOW ME TO SEE THEM
AND TOLD ME IF YOU WANT TO SEE THEM "TAKE IT TO TRIAL." HE THEN KEPT TELLING ME
IF I DID NOT PAY THE RESTITUTION HE WOULD ISSUE A WARRANT FOR MY ARREST.
ONE OF THE VEHICLES WAS TOTALED THE OTHER WAS A 1980-81 CHEVY LUV OR NISSAN THAT
THE VICTIM STATED WAS TOTALED HOWEVER HE IS DRIVING IT ON A DAILY BASIS. MY
UNDERSTANDING IS THAT THE VICTIMS SHOULD HAVE TO FILE A CIVIL CLAIM AGAINST ME FOR
THE DAMAGES. I FEEL I SHOULD OF BEEN ALLOWED TO SEE THE ESTIMATES THAT WERE GIVEN
TO JUDGE IF I WOULD OF KNOWN THAT RESTITUION WAS BEING ORDERED FOR \$13,193.71
I WOULD OF PLEAD NOT GUILTY SO THAT I COULD OF DISPUTED THE AMOUNT OF RESTITUION
I FEEL THE JUDGE WAS RUDE, UNFAIR AND DID NOT APPLY THE LAW RIGHT BY MAKING ME PAY
RESTITUTION AND NOT GIVING ME A COPY OF WHAT THE VICTIMS HAD ASKED FOR.

(Attach additional sheets as needed)