

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 10-305

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Complainant: No. 1090201922A

Judge: No. 1090201922B

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**ORDER**

A complaint was opened by the commission after learning that a justice of the peace pled guilty to a misdemeanor criminal damage charge stemming from two traffic citations he received. The commission reviewed the judge's response and decided to dismiss the matter with an advisory letter regarding potential bias. Accordingly, the complaint is dismissed with comments, pursuant to Rules 16(b) and 23.

Dated: April 18, 2011.

FOR THE COMMISSION

/s/ Louis Dominguez

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Louis Frank Dominguez  
Commission Chair

Copies of this order were mailed to the complainant and the judge on April 18, 2011.

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

Narrative:

On 041510 I responded to the area of Turkey Track and Ponderosa Park Rd. in reference to a report of mail boxes being damaged.

When I arrived I observed 6 mail boxes and the frame they were on had been damaged. The stand for the mailboxes was a single post about three feet tall and a horizontal post about six feet in length. I observed paint of the post that appeared to be dark green in color. There was glass stuck to the end of the horizontal post. While standing there I could see tire tracks and a fluid trail of some sort leaving the mail boxes.

I was able to follow the fluid trail to a house at Turkey Track Rd. In the driveway was a dark green Chevy Suburban. As I approached the vehicle I could see the passengers side of it was severally damaged.

The vehicle was damaged in the grill area, there was a hole in the windshield on the passengers side the same size as the horizontal post from the mailboxes. The rear passengers side tire was gone from the rim and the rim was worn down as if it had been driven on.

A male subject came out of the house as I was looking at the vehicle. I asked the male subject if the vehicle was his and he said it was.

I asked the male if he had any ID and he handed me an AZ license identifying him as [redacted] dob 010546. I asked [redacted] what happened to his vehicle and he said he hit a tree last night while he was coming to his friends house.

[redacted] said he lives in the Dewey area and got here last night about 2000 hrs. He said he was extremely tired and was having a hard time staying awake on the drive last night. He said somewhere on the way here last night he ran off the road and struck a tree. [redacted] said this is where his vehicle got all the damage.

I asked [redacted] why he didn't report the collision and he said because he didn't have to report a single vehicle collision. [redacted] said he was thinking about reporting it this morning, it was just to late last night and he was tired and wanted to go to bed.

I asked [redacted] about the mailboxes and he said he didn't hit any mailboxes, he only struck a tree. I asked [redacted] where the tree was at and he said somewhere along the way here. I asked if it was before or after he turned onto Ponderosa Park Rd. and he said it was after he made the turn.

I advised [redacted] that his vehicle did strike the mailboxes. I advised him there was paint transfer and glass from his windshield on the frame. [redacted] said he didn't realize he hit the mailboxes.

I asked [redacted] if he had been drinking last night before or while he was driving to his friends house and he said he didn't have anything to drink. I asked [redacted] if he had any idea how far he drove with his vehicle in the condition it was in and he said it was probably a couple miles. I asked him if he was having any trouble driving his vehicle and he said it was a little hard to drive after he hit the tree.

I advised [redacted] that I would return to talk to him again, but I needed to take some pictures.

I was able to follow the gouge mark from [redacted] rear rim. It led backwards from his vehicle to the mailboxes about 100 yards away, back up the road a distance of .6 miles where it left the road. At this point there were several tire pieces laying on the ground and road. I was able to locate the spot where [redacted] left the roadway and struck a bunch of brush. [redacted] drove his vehicle for a total of .8 miles after the first collision.

I was able to locate a second location where [redacted] ran off the pavement and this appears to be where his tire separated from the rim and he started

driving on the rim.

During the time that [redacted] was driving on his rim I could see where [redacted] drove in the center of the road and his vehicle would have been across the center line on at least two separate occasions.

When I returned to [redacted] there was a female standing with him. The female was identified as [redacted] said [redacted] called her about 2300 hrs and said he was on his way to her house. She stated she was sleeping when [redacted] arrived. [redacted] said it had to have been around midnight when [redacted] arrived at her house because, it usually takes him about an hour to drive from his house to her house. She said he came into the bedroom and got into bed with her. She said she didn't really wake up when he got in bed, she just remembers him getting in.

[redacted] was cited for Criminal damage X6, for the mail boxes that he damages, speed, Failure to report a collision, drive left of center, unsafe vehicle and no proof of insurance.

End of report.

T. Anderson #N44