

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-240

Complainant: No. 1450410956A

Judge: No. 1450410956B

ORDER

The complainant alleged a justice of the peace used poor judgment in finding him guilty of a serious moving violation.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing the information provided by the complainant, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: October 4, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on October 4, 2012.

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

2012-240

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name:

Date: 09/04/2012

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.

This was a charge of following too closely in a Commercial Motor Vehicle for which DPS Officer was the officer filing the complaint. In testimony the officer stated how he used a uncalibrated stop watch. The officer stated the procedure he follows is to get an initial reading and then follow the vehicle get a second reading to see if a safe following space is regained. He also testified that at the time he took the second reading he was 600 yards behind my vehicle. He testified how he did this from behind which was the shadow method meaning pick a fixed point of the first vehicle start his stop watch and when the second vehicle (mine) reaches that point stop his watch. This was all done at 600 yards that is 1/3rd of a mile which is impossible. My attorney asked Judge to dismiss the case based on the Officer's testimony and the Judge said he would take this case under advisement and give his answer my mail. I got it and he found me guilty.

My complaint is that based on testimony of the arresting officer that Judge still for whatever reason exercised poor judgement in this decision of guilty.

I now after 28 years of CMV driving have a serious moving violation on my record and am unable to get another job. I don't think that he understands the seriousness of this. I also witnessed in Casa Grande Justice Court every case ahead of mine was the same exact charge and all were found guilty.

(Attach additional sheets as needed)