

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 18-099

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge erred in affirming the judgment of a lower court.

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.

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

Dated: June 20, 2018

Copies of this order were distributed to all appropriate persons on June 20, 2018.

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

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2018-099

**COMPLAINT AGAINST A JUDGE**

Name: \_\_\_\_\_ Judge's Name: \_\_\_\_\_

**Instructions:** Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

In the above captioned case number, Judge \_\_\_\_\_ erred in affirming the judgment of the lower court judges decision of this matter by not properly reviewing the provided evidence.

Judge \_\_\_\_\_ failed to properly examine the briefings filed by the Appellant and make a proper ruling finding the facts and concluding based on laws provided.

Judge \_\_\_\_\_ states in her Judgment the following:

This conclusion made is not entirely thorough in accordance with how the Appellant makes his argument involving the "\_\_\_\_\_ " used.

In the Appellant's Memorandum, he stated that \_\_\_\_\_ - the primary fact witness in this case - testified that his semi-marked vehicle does not contain any decals. In the official transcript it can be verified that \_\_\_\_\_ says: " \_\_\_\_\_ "

A.R.S. § 38-538 states the following:

"A. Except as provided in section 38-538.03, a motor vehicle owned or leased for six months or more by this state shall bear the designations 'State of Arizona--(name of department or agency)' and 'for official use only' in letters that are no more than two inches in height. The designation 'for official use only' shall appear above the designation 'State of Arizona--(name of department or agency)'."

This statute is directly relating designations as being decals on the vehicle. The terminology of " \_\_\_\_\_ " is irrelevant to the meaning of the statute and the proper contention being made by the defendant.

There are also contentions made with the exemption statute A.R.S. § 38-538.03 provided in the Appellant's Memorandum with the statute stating the exemption of designations (decals) are for political subdivisions using those exempted vehicle ONLY for felony investigations and activities of a confidential nature.

Judge \_\_\_\_\_ did not do a proper finding of facts and conclusion of law by willfully ignoring or not effectively reviewing the material evidence provided in the transcript and Appellant's memorandum.