

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 06-048

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Complainant: No. 1278910221A

Judge: No. 1278910221B

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**ORDER**

The commission found no evidence of judicial misconduct in this civil traffic case. Although the complainant alleged that the judge and his staff were rude toward him, the commission's investigation revealed the complainant's behavior caused unusual sternness on the part of the judge and court staff. In addition, the judge tried to be more helpful with the complainant than is normally required of the judicial officer.

The complaint is dismissed pursuant to Rule 16(a).

Dated: July 11, 2006.

FOR THE COMMISSION

/s/ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on July 11, 2006.

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

Here in is a chronology of events as they happened by date. To help the commission, the canon's codes of conduct are matched to specific dates for quick reference.

Canon 3B7 - [redacted] The court says defendant can not view records on premise. Defendant does not request hearing, the judge schedules a hearing without defendant and without advising defendant of his rights.

Canon 1A, 3B5 & C1 - [redacted] Defendant does not request hearing, the judge schedules a hearing without defendant and without advising defendant of his rights. The court unilaterally tries to prevent defendant from attending defensive driving school.

Canon 3B4 - [redacted] Judge lies saying defendant hung up on phone call and that defendant never called the court. Judge misrepresents saying defendant already received requested information which defendant never did. Judge does not let defendant speak. Judge is rude and demeaning saying that he is not playing the defendant's games anymore. The judge does not accord the defendant dignity or courtesy by not letting the defendant speak and by calling the security officer to arrest the defendant for trying to speak and counts down to leave court room in 3 seconds or be arrested and go to jail.

[redacted] Police Department did not abide by the Freedom of Information Act and ARS 39-121. Canon3B5,7

The defendant never made plea, never requested a hearing and never had their rights explained to them. Judge [redacted] schedules a hearing without informing the defendant of his rights. Canon3B7, C1

Judge [redacted] has the court try to prevent the defendant, who is legally entitled and eligible to attend defensive driving school, from registering for Defensive Driving School. Canon 3B4,5,7,C1

The defendant never gets to view the information he's entitled to in order to effectively decide how to plea according to law. The defendant is denied his rights by the police and the court. The court is not impartial. All the defendant tried to do was exercise his rights under the Freedom of Information Act and ARS 39-121. In doing that, Judge [redacted] misconduct forces the defendant in, exasperation, to save time and aggravation by going to defensive driving school as outlined. The court even attempts to thwart that. Canon 1A, 3B5 & C1

[redacted] 70MPH in 55MPH Court [redacted] rescheduled to [redacted]

[redacted] Defendant Request Discovery [redacted] Police Department Time Stamped Copy

[ ] Defendant Request Discovery copy delivered to [ ] Court Time Stamped copy. Defendant realizes that discovery is not granted in civil cases, requests desired documents per Freedom of Information Act. Police Dept denies letting defendant view the documents on their premise, without charge, and demands \$50 for requested documents. Would not let defendant view the package before giving payment either.

[ ] Defendant appeared in court before Judge [ ] to determine if the court would help in getting the information requested without paying exorbitant fees that the police department is demanding. It was clearly stated in court, by the defendant, that there was not going to be a plea entered on this date, but on the scheduled court date of [ ]

Judge [ ] agrees the police department fee is exorbitant. Judge [ ] says I will call you back on Wednesday, [ ] at your home phone number. The defendant expresses concern of having enough time to review the requested information in order to determine plea by [ ] Judge [ ] replies that defendant will get the information in time to be able to review it and determine my plea by [ ]

The defendant asks Judge [ ] "aren't I supposed to be able to view these documents, without charge, on premise?" Judge [ ] replies; "no, you can't do that."

[ ] Judge [ ] does not call. Defendant calls the court at the end of the day to let the court know he is awaiting the Judge's return phone call as promised in court. Defendant leaves cell phone number.

[ ] Judge [ ] calls, approximately 9-9:30AM, while defendant is at work, on defendant's cell phone. The defendant answers saying; "I'm in the middle of a phone interview right now, I can't talk right now, I'll call you back later today or I'll turn the cell phone off and you can call back and leave a voice mail as to a good time to call you back." Defendant hangs up, and turns cell phone off. Never receives voice mail message from Judge [ ]

The defendant calls the court at the end of the day and is told that the hearing is set for [ ]

[ ] Confused, the defendant calls the court to find out that a trial has been set with the police officer to be present for [ ] The defendant never made plea, never requested a hearing and never had their rights explained to them. How could this be?

[ ] Confused, angry and disgusted, defendant goes to court to inform court of ARS 39-121 that states: "Public records and other matters in the custody of any officer shall be open to inspection by any person at all times during office hours." Also, to remind Judge [ ] that the defendant never made plea, never requested a hearing and never had their rights explained to them. Judge [ ] is in a meeting and is not available. The clerk comes out and says; "you're scheduled for hearing on [ ]" Defendant says; "how could that be done without me?" The clerk replies; "Judge [ ] ordered me to do it." The defendant lets the clerk know his true feelings about the system and abuse in denying him of his rights.

[ ] Confident and determined the defendant appears before Judge [ ] to inform court of ARS 39-121 that states: "Public records and other matters in the custody of any officer shall be open to inspection by any person at all times during office hours." Also, to remind Judge [ ] that the defendant never made plea, never requested a hearing and never had their rights explained to them.

Judge [ ] does not let the defendant speak, asks defendant to approach the bench so defendant can hear this up close and clearly. Defendant approaches the bench, stands at parade rest military position with hands behind his back and looks Judge Address straight in the eye never losing eye contact.

Judge [ ] says (I'm paraphrasing); "you're going to trial on [ ] and that's all you need to hear today and that's the way it is. No one hangs up on me when I call them. I was trying to help you and you hung up on me. I'm not helping you any more. I'm tired of playing your games. You did not call the court. You requested certain information you received that information and you're going to trial. No one treats my clerks that way. You're going to trial on [ ] and if you don't show up in court on that day I'll issue a warrant for your arrest. We are done."

During this tirade by Judge [ ] the defendant interjects; "I did not hang up on you. I never made a plea in this court. I never received any information. There are points of law that need to be discussed today."

Judge [ ] says if you don't leave I'll have you arrested and you'll go to jail right now. Defendant interjects; "Excuse me." Judge [ ] picks up the phone, calls the security officer and says; "you have 3 seconds to leave the court room and starts counting." Defendant leaves.

[ ] Upon receiving legal counsel, defendant decides enough is enough. This is wasting too much time and is very aggravating. So, defendant being eligible for Defensive Driving School, anonymously calls the court for the Defensive Driving School phone number and gets it. Defendant calls the driving school anonymously and checks availability of classes before [ ]

Defendant's legal counsel advises that since I'm eligible for the Defensive Driving School, if I can attend before [ ] then I don't have to appear for trial after giving court the certificate of completion. Further more by filing a complaint of Judicial Misconduct against Judge [ ] before [ ] he will not be able to hear the case. Also, a complaint can be filed with the Federal District Court against the police department and the court regarding the Freedom of Information Act and ARS 39-121.

[ ] When defendant calls the Defensive Driving School to register for class before [ ] the school says they have been instructed by the court not to allow the defendant to attend. The school is very cooperative and gives the defendant the name and phone number of the program manager in [ ] The local school says that if the program manager says it's okay for me to attend then they will register me.

The defendant called the court and driving school anonymously on [ ] and the owner of the driving school says he didn't know who I was until the court called and mentioned my name. How did the court now I was registering for traffic school and why are they trying to stop me from attending? The law says I can.

[ ] Defendant requests in writing, to Judge [ ] to attend Defensive Driving School. The court clerk says Judge [ ] is out Monday and Tuesday and there isn't any response from the judge or court to date, [ ] See documents attached.