

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-148

Complainant: No. 1267910625A

Judge: No. 1267910625B

ORDER

The commission reviewed the complaint in this matter and found no ethical misconduct on the part of the judge.

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

Dated: September 18, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on September 18, 2006.

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

STATEMENT OF FACTS

CJC-06-148

Your name: [] Judge's Name: [] Date: 19 NOVEMBER 2009

1. On or about [] I was cited for a violation of ARS 28-2532 A. I filed a Denial of Responsibility on []

2. On [] I filed a Motion to Dismiss Due to an Unlawful Traffic Stop;

3. On [], a trial was held in this matter; I was found responsible and ordered to pay a fine of \$545.00. The Motion to Dismiss filed on [] remained unruled upon at that time;

4. On [] I filed a Motion to Set Aside Judgment and a Motion to Vacate Decision and Stay Imposition of Fine;

5. On [] Judge [] denied the Motion to Dismiss Due to an Unlawful Traffic Stop, but waived the fine. In the minute entry the Court ordered that if I wanted a new trial, I had to request a new trial in writing within twenty (20) days. At no time did I request a new trial.

6. On [] I filed a Request for Ruling on Outstanding Motions and a Notice of Appeal as to the Motion only, indicating: *"the Defendant appeals to the Superior Court from that portion of the decision of the Court done on the [] denying Defendant's Motion to Dismiss Due to an Unlawful Traffic Stop filed on []"* I appealed ONLY the portion of the ruling denying my Motion.

7. On [] the Court denied all my outstanding motions, declared the Notice to Appeal as "moot" and scheduled a new trial in violation of the Arizona Constitution and the U.S. Constitutions which prohibit "double jeopardy" and "retrial".

8. On [] I filed a Motion to Reconsider, or in the alternative, Motion to Stay Proceedings Pending Special Action. The Court did not rule on the Motion to Reconsider or the Motion to Stay, and failed to notify me that the trial was still scheduled;

9. On a new trial was held which I did not attend as I believed the court was ruling on my motions and would not unlawfully schedule a second trial for the same offense. I was wrong. I was found responsible for a second time for the same offense and fined \$545.00. At no time did the trial court set aside the verdict from the first trial. As of now, I have been convicted of the same offense twice, in violation of both the Arizona and U.S. Constitutions.

By failing to consider my motions, the judge has denied me the right to be heard. By failing to rule upon the motions, the Judge has not disposed of said motions promptly, efficiently or fairly.

By scheduling a new trial after I was already found responsible for the charge, the judge violated the Arizona and U.S. Constitutions' prohibitions against re-trials and double jeopardy.

This Judge swore a duty to uphold the Constitution, yet she scheduled a SECOND trial in complete disregard for the Constitutional rights of the Defendant.

