

To: The State of Arizona Commission on Judicial Conduct
1501 West Washington Street, suite 229
Phoenix, Arizona 85007

CJC - 08 - 198

Date: August 19, 2008

Since we live in _____ I called the court clerk _____ to see if I could request a hearing as I did not believe the ticket was warranted. She called back and said that the court would accept my request via phone since we live out of state. I finally received a notice to appear, the envelope was postmarked from _____. Since mail from there goes through a hub _____ I received the notice in my office mail in _____, the date to appear, _____. I immediately called the court and spoke with _____ and reported the issue, I asked how to go about requesting sufficient lead time to appear. She informed me that I had to write Judge _____ and make the request so I sent a certified letter addressed to Judge _____. I waited for over a month but when he did not respond I called _____ and asked her for the name of Judge _____ supervisor. She said that I would need to write to _____ and gave me the address. I sent a certified letter to Judge _____ stating my complaint about not being allowed sufficient notice to appear with an explanation of why I wanted the opportunity to plead my case. The return receipt showed his office received it on _____ (this letter was lost due to a computer issue). Enclosure 4 is a copy of his response to me which was sent the next day.

I called _____ again and asked her to find out why Judge _____ never responded to my request. She called back and said Judge _____ refused to honor my request. But would send me a letter of additional time to pay the fine (enclosure 5) which shows he did not respond until _____

I believe my basic rights to a fair hearing were violated but could not get any information as to who to send a complaint to. In addition to not being allowed an opportunity to plead my case, a warrant was issued for my husband.

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This ordeal was such a big issue that it was discussed on a public radio talk show. Upon being questioned about the entire incident, the Police Chief lied on a live broadcast stating that I had "moored" in a police only zone. I have at least 8 witnesses that were ready to testify that I was not, plus the officer that wrote the citation took a picture of our boat and the location of where it was which was not in a police zone. This entire incident has the appearance of collusion between the police and Judge with the City officials turning a blind eye in exchange for revenues brought in from citations.

I know it has been over a year since the citation was issued but this needs to be addressed. Those who were involved should not be allowed to misuse their positions like this. I finally found the attached complaint form on line. I realize that this entity cannot do anything about the Police Chief or his officer but I do believe Judge refusal to give me sufficient lead time to appear was a violation of my rights to a fair hearing. After all that has been said and done, I couldn't possibly get a fair hearing under Judge even if your department directed him to hear the case. Therefore, if you find that I do have the right to be heard, I would like to request that an impartial judge presides.

Sincerely,