

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-022

Complainant: No. 1354210775A

Judge: No. 1354210775B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The issue raised is legal or appellate in nature.

The commission is not a court and cannot change the judge's decision; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: February 19, 2009.

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on February 19, 2009.

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

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

FOR OFFICE USE ONLY

CJC 09-022

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name: Judge

Date: 1/29/09

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

I was pulled over and received a ticket for failing to stop at a stop sign, which I certainly had done (I did stop completely for sure). I appealed the ticket, and my case was heard by Judge [redacted]. The first case called that day (Dec. 22nd, 2008) was for the same violation, at the same location, on the same day, given by the same officer. This case's defendant's name was [redacted]. He brought evidence to his trial (or hearing) that he had taken from the officer's position, of the stop sign. [redacted] had parked a car at the stop sign and showed in a picture taken thru the windshield of a car he was sitting in, and the ~~se~~ car at the stop sign was not visible in the picture. Even with this evidence, Judge [redacted] found [redacted] responsible for the fine. Then my case was called. Though I told Judge [redacted] that I had come to a full stop that morning; that I had no reason to lie; that coming to court on a Monday morning was a hardship for me, since I own my own business and do not get paid time off; that a Saturday/defensive driving class was much more convenient for me; that the officer had changed his story at the scene (he first told me he "didn't think I even touched my brake" and then later said I had slowed down, just not stopped completely) - even after explaining all of this, I was found responsible for the fine. I decided to appeal the verdict. On the day I went to the courthouse to fill out the paperwork to file the appeal, I saw my officer back his car into a metal fence in the courthouse parking lot. While most of that is incidental, I knew he was at the courthouse that day. So, after filing (Attach additional sheets as needed) my paperwork for the appeal,

→

(cont.)

CJC 09-022

... I went to the same courtroom to see if the officer was there. I saw that he was, so I entered the courtroom to observe. I saw two more cases for the same violation at the same location, given by the same officer. Again, evidence was presented in the form of pictures showing that a short tree blocks the view from the officer's location, of the stop sign. Again, both defendants were found responsible for the fine.

I do not object, when a case comes down to one person's word against an officer's, for a judge to find in favor of the officer. However, when such strong evidence is presented in the defendant's behalf, showing that an officer could not have seen a violation occur, this is not appropriate. Judge is not following the rules of his court, which are 1) that the case is decided based on a preponderance of evidence, and 2) that a person is assumed innocent until proven guilty. Therefore, I, and the others mentioned above, wish for a review to be conducted of Judge