

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-032

Complainant: No. 1354910776A

Judge: No. 1354910776B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. It is not improper for a judge to require an out-of-state defendant to appear for trial. Unless a person chooses to plead guilty to a charge, he or she must attend the trial in person.

The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: March 6, 2009.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on March 6, 2009.

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

February 3, 2009

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

Subject: Complaint against _____ and _____, AZ,
 Municipal Court, _____,

Plaintiff: _____, Case # _____

Complaint as Follows:

November 4, 2007: I went to the Ohio Bureau of Motor Vehicles for a change of address. They informed me that the State of Arizona had a "holder" on my drivers' license and I was not allowed to change my drivers' license address. They referred me to Arizona Bureau of Motor Vehicles.

November 4, 2007: I contacted Arizona Bureau of Motor Vehicles. They referred me to _____, AZ Municipal Court.

November 4, 2007: I called the _____, AZ Municipal Court. I asked them what kind of ticket they had on me. They informed me of a DUI, December 10, 2001, registered in my name. I was unaware of any outstanding violations against me in Arizona or otherwise. They said they would "send me the proper paperwork."

January or February 2008: I finally received the first correspondence from Municipal Court. It was a "Notice of Pretrial Conference" with the City Prosecutor's Office requiring in person appearance Wednesday, March 19, 2008.

I immediately called the Municipal Courts and explained to them that my health and finances prevented me from making an in-person court appearance. I do not know the names of anyone with which I spoke—I was given department names only. They said they would send me more paperwork.

May 13, 2008: I requested help from the Service Coordinator of my seniors' building. Together we called the _____ Municipal Courts for guidance to resolve these problems. We followed the instructions given as follows: 1) We wrote a letter to Judge _____ (copy enclosed dated May 29, 2008); 2) I pled not guilty to all charges; 3) I enclosed a letter from my doctor stating my health did not permit me to travel and that I am hearing impaired and illiterate in writing and reading. 4) I requested that all proceedings be done by teleconference or mail. 5) I requested free legal council be assigned. (My income was \$700 a month.)

Unknown date: I received a notice of teleconference to be held July 16, 2008
July 16, 2008: I called . We held a Teleconference. She simply stated she would get in touch with me again.

Date?: Thereafter, I received two late night (9:00 p.m. and 10:00 p.m.) phone calls from Ms. . The first call, Ms. stated she required me to spend one day in jail. The second call, she required another document from my doctor stating I could not spend a night in jail. I told her, "To get off the case; she was no longer welcome."

Date?: I received correspondence from Ms. stating a "Pretrial Sentencing" was scheduled for September 3, 2008.

September 3, 2008: As scheduled, I called for Ms. for the "Pretrial Sentencing." However, I was connected with some gentleman (who would not give his name), who said "we are doing something different. We are taking this to trial." The man then hung up and did not allow me to ask any questions. Since September 3, 2008, I have heard NOTHING by phone or mail from the AZ courts.

I have called , AZ Municipal Courts several times and was unable to get any information. I have contacted Bureau of Motor Vehicles—they tell me my drivers' license are still "Held by Arizona."

I REQUEST ALL CHARGES BE DROPPED BY ARIZONA AND MY DRIVERS' LICENSE BE IMMEDIATELY REINSTATED BY THE STATE OF ARIZONA.

I trust you will assist me in correcting this matter. Thank you in advance.

Very truly yours,

Enclosures: (8) (12 pages total)