

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-145

Complainant: No. 1363910804A

Judge: No. 1363910804B

ORDER

The commission considered the complaint filed in this matter and after reviewing the recording of the hearing, found no evidence of ethical misconduct on the part of the judge. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: October 21, 2009.

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on October 21, 2009.

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

On 2/14/09 at about little after 8 pm, as I pulled up to stop sign and stopped, I could feel the seat belt snuggle or pull on the strap, when I used the brakes. The night of the citation, there was no lighting coming from the officer's vehicle, which would have indicated that there was a police vehicle parked in a non lit area, next to some apartments, and a very large tree that obscured any curb lighting. I felt like I was being trapped by Officer [redacted] Whether his lights were on or not, would have not changed my driving habits.

Police officer turned on his vehicle lights as I proceeded to go forward. Officer was to my left as I pulled out from the intersection where the stop sign is, which was to my right. When I looked to my right and left. I noticed the officer turned on his white lights, along with red and blue flashing lights. When I noticed the officer following me, is when I immediately pulled over to my right. After being stopped, I was asked by the officer. Do you know why I stopped you? My reply was, no I do not. When Officer [redacted] said why had he stopped me? I immediately disagreed with him, and said do what you have to do. Then the officer asked me for my driver's license, proof of insurance and vehicle registration.

I did not mention to the Officer [redacted] where I was headed to because, my dying aunt, [redacted] was not an excuse, but a very important concern after talking to her from the hospital where my mother was at. The reason for going there was she was aspirating as I spoke to her on the telephone.

On hearing date 5/04/09 I was early. Once Officer [redacted] was given the oath, he indicated that states evidence was lost and could not be located. Then the Judge [redacted] asked me, if I had an objection if he provided a copy of the Arizona Traffic Ticket and Complaint to Officer [redacted]? My reply was, no objection your Honor. After a copy was provided to Officer [redacted] the officer proceeded to perjury himself under oath as to where he was stationed. Officer [redacted] indicated that he was stationed in front of the stop sign to my right, which he was not.

Judge [redacted] should have followed the proper protocol in dismissing the Arizona Traffic Ticket and Complaint. My thinking was that Judge [redacted] abused his power knowing that I did not have attorney present to assist me in this matter. Officer [redacted] was totally unprepared and that the Judge [redacted] was trying to stimulate his memory. Even after hearing Officer [redacted] story, I felt he had the wrong individual.

Then Officer [redacted] indicated that after he presented the Arizona Traffic Ticket and Complaint. Officer [redacted] replied that, I had said I hope my mother is still alive. That is not what I said to him. I indicated if my aunt is dead, you will hear about this matter. Officer [redacted] indicated that I should have called 911. I indicated that 911 could not help.

Once I was given the oath. I proceeded to ask Officer [redacted] where he was stationed. Officer [redacted] indicated he was stationed in front of the stop sign to the right. Then I used a black marker to indicate where Officer [redacted] was really stationed on the diagram and he proceeded to perjure himself again. Asked Officer [redacted] Would again the same question. Officer [redacted] replied with the same answer.

After that I indicated to the Judge [redacted] Your Honor Officer Hould is perjuring himself. As I pleaded with the Judge [redacted] about the Officer [redacted] Judge [redacted] was not very professional in handling his duties in resolving this matter.

I informed the Judge [redacted] that I had a witness but that they could not be present because of an accident. Then judge [redacted] stated that I was lying, which I was not. Judge [redacted] indicated that he did not want to hear from me. After that I felt the judge did not treat me properly, and that my civil rights were violated by the judge, [redacted] and Officer [redacted] for lying in court.

Judge [redacted] indicated that the state had the burden of proof, which Officer [redacted] did not have any states evidence.

Informed Judge [redacted] that I did not want to sign the document and he was not happy. Judge [redacted] indicated I could appeal the Arizona Traffic Ticket and Complaint.

Before departing _____ court, I inquired about filing an appeal, but it cost more money.

After leaving _____ Court, I drove to the _____ Police Department Headquarters and requested to speak to an officer from Internal Affairs. I spoke to young lady with gold blonde streaks, but do not remember her name. I informed the officer about the conduct from Officer _____ in perjuring himself at _____ Court and that it was his word against mine.

If it is necessary, I would be glad to take a lie detector test, to prove my innocence's. I have no reason to perjure myself. The foregoing information on this document is the actual truth.

Would appreciate your assistance in this matter. Thank you very much.

STATE OF ARIZONA

COUNTY OF _____

On this 28th day of May, 2009, before me, a Notary Public, personally appeared _____ with a note in the foregoing instrument, who is to me known to be the person described in and who executed the foregoing instrument, and acknowledged that the person executed the same as the person's free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public in and for said County and State

My commission expires:

07/29/2012

