

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-167

Complainant: No. 1365810695A

Judge: No. 1365810695B

ORDER

The commission reviewed the complaint filed in this matter and found that the issues raised involved administrative irregularities that affected the complainant's ability to appeal his case. The complaint was resolved with a private comment advising the judges involved that the court should have been more responsive to the complainant. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: December 1, 2009.

FOR THE COMMISSION

\s\ William Brammer

J. William Brammer, Jr.
Commission Chair

Copies of this order were mailed to the complainant and the judge on December 1, 2009.

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

July 1, 2009

Arizona Supreme Court
Commission on Judicial Conduct
1501 W. Washington
Phoenix, Arizona 85007-3231

Dear Sirs,

Case No.

I am writing a letter of complaint directed at the Justice Court and Judges:
and located at 200 N. Arizona. This court does not respond to
telephone calls to the clerk and does not answer notices of appeal or notices to continue in a timely
manner.

I went to court in against the apartment complex where I lived several years ago. I went to court
on January 6, 2009. I did not feel that the judge, was fair in his ruling of January 14,
2009 which was not mailed to me until January 23, 2009 and received on January 27, 2009. Copies 1 &
2.

I filed an appeal that was sent via overnight Fed Ex, on February 5, 2009. 3 & 4 I sent a stamped and
addressed envelope so that my appeal could be stamped and returned to me. It was not returned to me, so
I am sending you an unsigned copy of what I sent to the court. 5
The clerk of court, " " did not return calls asking how much the filing fee would be, so
my mother wrote two checks to Justice Court to cover any expenses. These checks had never
been cashed and we wanted to see them returned. We wrote letters to the court asking for the return of
these checks and received no answer.

My complaint is that **someone** held my appeal for one month. They acknowledge that an appeal was
made. They acknowledged a payment of \$24, although neither check was made for that amount. So by
acknowledging an appeal from March 5, 2009 (a month later) instead of February 5, 2009, it was
dismissed and deemed abandoned. This was signed by Judge for Judge
. From March 5 it took until March 19, 2009 for someone to write the dismissal letter, until
March 24, 2009 for a judge to sign it and until April 6, 2009 for someone to mail it. Does this seem
timely to you? 6

A letter to the judge was sent on April 19, 2009, asking about the dismissal and inquiring about the
checks written for the appeal. It was never answered. It was sent to Judge and to
Judge who signed the dismissal for Judge . 7

On April 30, 2009, I received a letter from the court with a Notice of Debtor's Exam, to appear on May
19, 2009. 8 I mailed a letter asking for a continuance and to appear telephonically. 9 I sent this return
receipt on May 4, 2009. It was received on May 5, 2009 but not answered. I tried repeatedly to talk to
the clerk, " ", who never answered the phone nor returns calls.

My mother tried calling " " on May 19, 2009 and for the first time ever, " " answered the
phone. My mother asked her what was happening with my case and that I was not able to drive from
to . My mother also asked " " where the checks were that were mailed to the
court in February. put my mother on hold and when she returned to the phone, told her that

she could not find the file and was due in court. She asked my mother for her phone number and said she would call back. did call my mother back later in the day and said she found the checks in the safe and would mail them back. When asked about the lateness of the appeal that was filed on February 5 and acknowledged a month later, she said “sometimes things get lost on the judge’s desk”. A week later the checks were mailed back to my mother with NO explanation or note. Copy of checks dated 2-5-09 10

On June 15, 2009, I received another Notice of Debtor’s Exam, mailed June 10th to allow me to appear telephonically on June 30. 11 It was mailed in the return envelope that I had sent for my appeal on February 5th. Since postage had gone up, I was amazed that they did not add the extra 2 cents worth of stamps. 12 This was sent by another clerk of court, “ ”.

I had the Debtor’s Exam on June 30, answering all the questions from . I called at the appointed time, only to discover that the phone number they wrote at the bottom of the page was a **wrong** number. It was very frustrating but I finally got through to the switch board and they had to take a note to the court to call me back. Since I am unemployed, I have no way of paying this judgement.

I answered everything in a timely manner. I have receipts for all my mailings. The court did not answer in a timely manner or at all in some instances. I was ignored and not allowed to make an appeal because my appeal sat on a judge’s desk for a month or got lost by the clerk.

I feel that my 14th amendment rights of the U.S. Constitution have been violated. Further, I feel that my timely appeal was ignored, and thus, I have been victimized by the negligent court system. I would request that some authoritative body review this entire court proceeding and will find, as I claim, that this case was without merit and should have been dismissed.

Thank you,

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