

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 09-312

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Complainant: No. 1378810834A

Judge: No. 1378810834B

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**ORDER**

The commission reviewed the complaint filed in this matter and found no evidence of ethical misconduct on the part of the judge. The issue raised is legal or appellate in nature and a more appropriate remedy would have been to file an appeal. Therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: January 14, 2010.

FOR THE COMMISSION

\s\ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on January 14, 2010.

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

Complaint #  
Status: Closed  
Date: Aug/22/2009

State Of Arizona  
Vs

CJC 09-312  
November 16, 2009

NOV 16 2009

My name is . I am writing you this letter after carefully considering all my options. On August 22 2009, I was driving with my friend on Scottsdale Rd heading south. As we approached Shea Blvd, I placed my car at the left lane getting ready to turn left towards east. I was inside the intersection as the light changed. We gradually moved further into the intersection and for some unknown reason the car in front of me stopped and I found myself in the middle of the intersection (Figure 1).

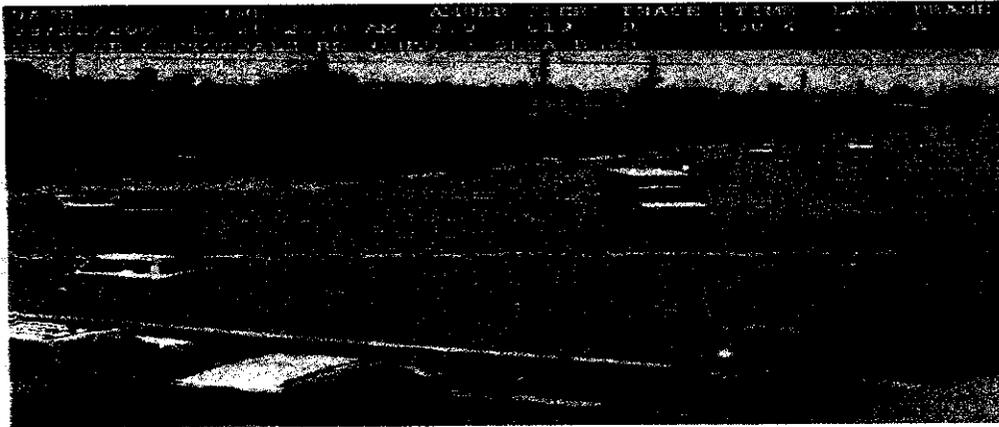


Figure 1 White Mazda Inside intersection

I immediately acted to clear the intersection to enable free flow of traffic (Figure 2).



Figure 2 White Mazda clearing the intersection

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After a few days, I received a letter from Scottsdale Police Department claiming that I crossed the intersection in red light. It is clearly shown by the camera that I had not committed any violation and therefore I asked for a hearing with the Scottsdale court. My hearing was scheduled on October 27, 2009 at 4 pm.

I am currently going to school full time, graduating this December as Mechanical Engineer, while operating my own business. As a student and a new business owner / operator, every job is important otherwise I might find myself with no place to live. My business involves cleaning AC units as well as carpets. On the day of my hearing, I was scheduled to clean a house whose tenant's son suffers from leukemia and should have come home from the hospital that day.

The job lasted longer than expected and I forgot about my hearing. As soon as I realized my mistake, I called the court 16:58 pm (Figure 3) and I explained what happened. I have been told that I can try to talk to the Judge. Thus on the following day Oct/28/2009 I attended Scottsdale court at 9:00 am hoping that the judge will understand my reasoning for not appearing for my hearing.

<u>Date</u>	<u>Time</u>	<u>Destination</u>	<u>Number</u>	<u>Call Type</u>	<u>Minutes</u>
10/27/09	05:32 PM	WASHINGTON, DC			25
10/27/09	04:58 PM	PHOENIX, AZ			5

Figure 3 Part of my cell phone bill shows that I called the Court.

The judge Mrs. entered the courtroom, ordered me to approach the bench, and asked me for my excuse. I tried to explain that I forgot about my hearing because I was busy at work trying to help my client with her sick son (I attached the invoice).

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Apparently, Mrs., decided that, it was my choice not to show up and ordered me to pay my citation. I tried to explain that I did not committed any traffic violation and that I don't deserve such a harsh punishment just for not showing up for my hearing but she did not give me the opportunity.

I also would like to mention that the same judge as I was leaving the courtroom approached another defendant and asked for her reasoning for not showing up for her hearing day. The woman answered that she forgot about it (just like me) and yet the judge ruled in her favor.

I understand the severity of my action and I deeply regret that. I also understand that the justice system is overwhelmed with cases and failing to appear for my hearing result in wasting public money and time to handle other cases. However, I do not understand why do I have to pay for somebody else's mistake where it is clearly shown that I did not committed any traffic violation and it is clear that justice had not been made in this case.

Moreover, I would like to state that I accept the fact that I should be penalized for not showing up for my hearing. However, I believe that justice should be made and I should not be found responsible for this violation. Because by claiming responsibility my insurance policy will increase significantly and even more upsetting is the fact recently I received a job offer from (Attached Offer Letter) and one of their criteria for employment is driver license record and this additional violation might jeopardize my employment with the company.

In addition I tried to appeal although without any reason my appeal was dismissed and I had not been given any reason why (Attached Appeal Dismissal Letter) I continuously called the

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called the court to figure out the reason but I always found myself unsuccessfully waiting forever for the appeal to pick up the phone.

I am asking to please revise the judge ruling in this case. At least eliminate the points from my driving record because of the following reasons:

1. There was no traffic violation involve and no intentionally wrong doing just being at the wrong place at the wrong time.
2. I am just a student that tries to find my place in this world and do my best to be a good citizen and help other people. When I could not find a job due to the recent economy meltdown in Arizona I did not choose the easy way and ask for unemployment benefits. I took an initiative and opened up my own business because I believe that others should use it.
3. I believe in our justice system and know with all my heart that it will do everything in its power to insure that justice will be made. While being sensitive to its citizens life because life are not black and white and we are human beings and not robots.
4. I never claim any responsibility for this violation and my right to appeal was denied with no reasoning

I would like to thank you for taking the time to review my complaint and hopefully help me with this matter to insure our justice system remains an institute we can be proud of and trust.

Sincerely Yours