

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-327

Complainant: No. 1379910712A

Judge: No. 1379910712B

ORDER

The complainant alleged the judge refused to accept evidence, made inconsistent decisions, and delayed ruling. After reviewing the allegations, the response from the judge, and listening to the recording of the hearings, the commission found no evidence of ethical misconduct on the part of the judge and dismissed the complaint with a confidential comment pursuant to Rule 16(b).

Dated: March 16, 2010.

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 March 16, 2010.

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

Statement of Case # CT

State of Arizona vs.

My experience with Judge _____ has been something that I would rather not have been subjected to. I have experienced other courtroom proceedings, and I have not had the issues and problems in those courts, that I did in Judge _____ courtroom. Judge _____ would not grant me an initial continuation, even with a signed letter from my employer that was submitted in a timely matter. The letter explained the reason for my inability to appear in court on that day. I called the court clerks everyday three or four times and a day and recorded the conversations after submitting the request for a continuation. Every time I asked if Judge _____ had a ruling on the motion to continue, they could only tell me that Judge _____ has not ruled on it yet, and to call back the next day, as she should have ruled on it by then; this conversation was recorded. Even up until the day before the scheduled court date, I was unable to get an answer from Justice Court. The clerk assured me that Judge _____ would grant the request, giving the fact that I had provided a letter from my employer, and the fact that it was the first time that I requested a continuance. I told the clerk that I did not want to be considered to be failure to appear if by chance Judge _____ denied my request. The clerk told me to call first thing in the morning and there would certainly be a ruling by then; this conversation was also recorded. Even on the day of the court date, there had not been a ruling to speak of. Only on the day after court was I able to find out the ruling. To my surprise, I was told that Judge _____ denied my request. There was no explanation to why she denied it. By this point, I was very irritated and upset the way the court was handling the process of my case. I felt that if Judge _____ was not able to respond to my request in a timely manner, then she should have at the very least, granted my request for a simple continuation; especially when I provided a legitimate reason for the need to continue the date. I asked the clerk whom informed me of the ruling, what I could do from there. The clerk told me that I could still come into court to see Judge _____ by the end of the week. The clerk told me that I could still submit my evidence that I had for my defense. I was assured that the proceeding would occur just as it would have at the original court date; this conversation was recorded as well. On January 16th, 2009 I appeared in Judge _____ court, but this was not the case. Judge _____ accepted a document that I obtained from the Arizona Motor Vehicle Dept. that stated there was an error in their records, and that my license plate was not suspended. She stated plain and clear that the charge for driving with a suspended license plate was dismissed. However, I received a letter from the court that showed that I was still being held responsible and being fined for the charge of driving with suspended license plates. Then, Judge _____ agreed that the document that I provided showing I had temporary registration at the time I was cited for expired registration would be cause to dismiss the charge if I had brought it to her a couple days ago, but she would not accept it. Explaining to her that her clerk led me to believe that my evidence would still be accepted made no difference to her. I cannot understand why she was willing to accept evidence for one citation, and not accept the evidence that pertains to another citation. I guess, in the end she did not accept

either of them, because I am still having to pay fines on both charges. Judge advised me to file a motion to accept new evidence. I thought that it seemed pointless to do so, because I could predict her ruling. I still went ahead and gave it a shot. On January 16th, 2009 I filed a motion to accept new evidence; but to no surprise, she denied my request. I submitted numerous motions, and requests to Judge ; not one single motion was granted. It seriously felt like she put up a stone wall. It came to the point where I could not even get a hearing with her. She refused to speak to me.

The experience I had with Justice Court, from the way I was treated by the clerks to the unfair ruling from Judge , left me with no confidence in the judicial system. Only when I saw first hand how a Judge is supposed to conduct their responsibility to fair and just due process, in a completely different court did I understand how it's supposed to proceed and I can really see how Justice Court is not following proper procedure.