

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-042

Complainant: No. 1412110913A

Judge: No. 1412110913B

ORDER

The complainant alleged that a municipal court judge disregarded the law in his traffic case. He further claimed court staff gave him false information. After considering the complaint and the judge's response, the commission found no evidence of ethical misconduct on the part of the judge. The commission decided to dismiss the complaint with a private advisory letter instructing the judge to make sure her verbal rulings are clear and consistent with the relevant statutes. The complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: May 31, 2011.

FOR THE COMMISSION

/s/ Louis Dominguez

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on May 31, 2011.

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

My overall experience with the City of Tolleson Court House has been ridiculous. On September 20, 2010 I received a citation for failure to stop at a red light. I received my paper work in the mail and read through it thoroughly. On Friday October 22nd I called the court house to ask a few questions about my upcoming hearing on the following Wednesday 10/27/10. No one answered so I left a message which was returned on Monday 10/25/10. I asked the woman, I believe she was the court clerk, if I could still receive my free legal aid because I didn't write into the court house asking for it. She responded "yes when you come into court Wednesday you can file paper work for that which will depend on your income and you will also plead guilty or not guilty". I also asked if could speak to the prosecutor before my hearing to arrange a plea deal. She said "yes when you come in you will be given the prosecutor's number so you can talk to him about your case". So my understanding was that I was coming into court for an arraignment and to file paper work for my free legal aid. I didn't bother to write down the polite woman's name because I thought she gave me good information. I show up to court Wednesday the 27th to see the judge and the officer waiting for me. Judge _____ starts the hearing; I immediately stop her and tell her what I have been informed. She responds "free legal aid is only given to criminal cases". I was very confused because the information the court house sent me said nothing about that. I also told her I was expecting an arraignment today. She responded "you have known for a month now that this hearing was going to happen today". I also said that the unnamed woman told me I was going to be able to talk to the prosecutor. She explained to me that civil traffic court doesn't have a prosecutor. I told her I was extremely unprepared for the hearing but she decided to continue anyways. Officer Smith went first explaining his version of what had occurred then I followed. I asked the officer a few questions but like I said before I wasn't prepared at all. I pleaded my case saying that I didn't have enough time or distance to safely bring my vehicle to a stop before the light. I also explained that I went through the light clearly on yellow. The judge looked right at me and said "did you know it is illegal to go through yellow lights in the state of Arizona"? I was shocked and repeated her question to make sure I understood what she said. She acknowledged that she did say that and I responded no I did not. I was found responsible for my actions and had to pay the fines. Due to my citation being a red light violation I was also told I had to complete mandatory Traffic Survival School. I left the hearing furious and immediately contacted my personal lawyer and a lawyer here in Phoenix. We both talked and came to the conclusion that what the judge said couldn't possibly be true. I later researched Arizona's traffic signal law. Section 28-645 2a states absolutely nothing saying it is illegal to go through yellow lights. This law is very straight forward and doesn't leave much of a gray area for interpretation. I believe judge _____ convicted me of a law that doesn't exist. Her actions resulted in my insurance rates going up for three years and having to pay hundreds for dollars in fines. This also affects my job because my driving record is a crucial part for keeping my employment. No one is perfect but we all should be held accountable for our conduct. I followed up the day after my hearing to find out who gave me false information on Monday the 25th. I talked to the court clerk supervisor Olivia Perez explaining exactly what had happened. She told me she has no record of the court house ever calling me on Monday. I told

her I have phone records of that calling being made to me from Verizon Wireless. She told me there is nothing she can do about it. I said I have evidence on someone under your supervision not doing their job. Since she was no help, I talked to her and the Judge's supervisor Adrais Madrano. He was very disturbed by the conduct of his employees and told me I should file a report with this commission and include what had happened with the court clerk. If the commission finds the judge at fault, I would really appreciate a new hearing to amend this issue. I am also very curious to see if anyone else has been taken advantage by this Judge. So I am very seriously considering sending this report and copies of all documents to the local media. I contacted the court February 10th at 12:53 p.m. in regards to acquiring a copy of the hearing. I was told the court clerk supervisor was the only one who could do this and she was at lunch. The day passed and no one ever returned my call. I am held accountable for my actions at work and everyone at this court house should be as well.