

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 12-323

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Judge:	No. 1456610994A
Complainant:	No. 1456610994B

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**ORDER**

The complainant alleged a justice court hearing officer denied him an opportunity to present his case and ignored the law.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the hearing officer engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing the complaint and the hearing officer's response, the commission found no evidence of ethical misconduct and concluded that the hearing officer did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of the hearing officer's rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: April 19, 2013.

FOR THE COMMISSION

/s/ George Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed  
to the complainant and the judge  
on April 19, 2013

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

## JUDICIAL MISCONDUCT COMPLAINT

November 30, 2012

To: Arizona Commission on Judicial Conduct

I, \_\_\_\_\_ a resident of Yuma County, Arizona now comes forward and allege Judicial Misconduct in a complaint in regards to small claims case # \_\_\_\_\_ vs. \_\_\_\_\_ that was heard on \_\_\_\_\_ by Justice Court Hearing \_\_\_\_\_

At the opening of the hearing and throughout I was not allowed to present any physical evidence, or witness testimony and my verbal testimony was deemed irrelevant. When I attempted to physically present my supporting legal documents, I was told by \_\_\_\_\_ that they he did not want to see them. I then proceeded to read pertinent sections in which I was told they were irrelevant. \_\_\_\_\_ reached his decision without ever having looked at a single document to verify validity and a preponderance of the evidence. This included one critical document in particular that could have proven that the defendant's had previously attempted to have me unwittingly sign a legal document prior to any small claims court filing to legally block me from pursuing any re-compensation and or recourse for the said damages within the court system.

The documents were extremely pertinent to my case. They included receipts, emails and associated documents clearly demonstrating my case and in contrast to the defendant's filed "Answer" and contradictory to their own testimony under oath. These documents would have refuted the defendant's testimony. I was only allowed verbal testimony to presumably allow for reasons of plausible deniability to any knowledge of any factual or verified information.

I was not allowed to produce a witness that was present in the court room on my behalf to challenge the defendant's statements. However, they were allowed two witnesses that ironically through their own testimony via my cross examinations supported my claims. In spite of this fact, \_\_\_\_\_ summarily ruled in favor of the defendant's as them having a showing of the preponderance of the evidence, in which my physical evidence was not allowed to be seen and witness testimony to be heard.

In addition, I was not allowed a closing statement to present a conclusion as the plaintiff, but was only allowed to question the defendant. The fact that I was a plaintiff against a local business \_\_\_\_\_ for alleging intentional damage to my vehicle out of retaliation had apparently set the tone for the pre-conceived notion before my case was even to be heard by only allowing verbal testimony. My presence and that of my witness were only a formality in which to bring the case to a conclusion and avoid any embarrassment upon the defendant. Although small claims are a useful and informal amicable means to the courts as an administration of justice, the rule of law should still have prevailed.

Continuation:

During my cross examinations of the two witnesses, I was able to prove that they had falsified their filed "Answer", as it was fairly easy to do so as the defendants had filed a blanket denial of everything and then upon the commencement of the hearing admitted to events throughout the hearing under my cross examination. It was even potentially possible and hinted through the second defendant's testimonies that they may have even had possibly broken state laws in regards to the strict guidelines for replacing a vehicle odometer. Ultimately [redacted] did not want to hear any testimony from my witness, see any of my presented documents that would have refuted the defendant's testimonies and filed "Answer" in any manner or form or acknowledge any inconsistencies.

I am respectfully requesting an investigation into the alleged misconduct and have requested hearings with local entities and the Attorney General's Office in regards to the aforementioned discrepancies and a resolution. I have already been denied compensation through court procedures and decision and denial of due process. The fact that I am no longer eligible for an appeal or reparation from the defendant is extremely disparaging. Due to the fact that [redacted] employee in an official and lawful capacity for the this venue is relevant and proper.

As I had stated in my original small claims complaint, I am able to provide all of the documents that were present at the time of the hearing that [redacted] refused to see and therefore subsequently deem irrelevant. The denial of the due process in which I endured was unacceptable and unimaginable in its entirety in our day and age of civility of rules and laws.

In my current 16 years of law enforcement, including 18 years of combined federal service to include past requests to prosecute on the behalf of the U.S. Government in Magistrate Court, I have never seen anyone's right to due process so reprehensively violated as were mine and that of my witness.

Thank you for your time and consideration.

cc: State of Arizona Commission on Judicial Conduct  
cc: State of Arizona Attorney General's Office  
cc: Yuma County Attorney's Office  
cc: Yuma County Board of Supervisors