

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 13-040

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Judge:	No. 1462410533A
Complainant:	No. 1462410533B

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**ORDER**

The complainant alleged a justice of the peace improperly entered a default judgment, was rude, and failed to ensure that she received proper notice of court proceedings.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge 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 all of the information provided by the complainant, the judge's response, and the recording of the hearing, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of court rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: May 24, 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 May 24, 2013

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

CONFIDENTIAL

State of Arizona

Commission on Judicial Conduct

1501 W. Washington Street, Suite 229

Phoenix, AZ 85007

### Complaint Against a Judge

Your Name: \_\_\_\_\_

Judge's Name: \_\_\_\_\_

Date: 2/22/13

On 8/9/2011 I went to the city of \_\_\_\_\_ | Courts located at \_\_\_\_\_ where I provided the clerk with a statement contesting the validity of the citation and to inform the judge I would not be able to appear on 8/29/11. The clerk accepted my statement and provided me with a warning that my statement may or may not make it into my file as the original citation from the city of \_\_\_\_\_; had not arrived. The clerk informed me without the original citation she is unable to create a new file folder.

\_\_\_\_\_ at approximately 9:50 am local time, I followed up with the court clerks' office where I was assured yes, my statement made it inside the file as the citation from the local police department had been received. The file was waiting to be reviewed by the \_\_\_\_\_. I informed the clerk I was already out of town if she could mail my new court date. After I initiated contact with the courthouse, I never received any other form of contact with the court. I did not know if the judge accepted my statement and dismissed the charges or any other possible outcomes.

\_\_\_\_\_ discovered the court had issued a default judgment against me and had placed a drivers' license suspension per the said default judgment. The court issued a default judgment not on the calendar schedule initial hearing on 8/29/11, but at a later date which I had no prior knowledge of this new court date. The court failed to provide me with a new court date via mail and issued a notice of a default judgment against me without providing me with the opportunity to appeal. When I followed up with the court I was informed I could not appeal the matter; the clerk stated the right to appeal is only available for individuals who appear in court. Furthermore, the clerk refused to allow me to see the judge post the default judgment. I was told the court does not accept appointments and this is a matter between me and the clerks where the only option for the clerks is to accept payment and nothing further.

\_\_\_\_\_ I filed a Motion to Set Aside Civil Traffic Default Judgment with the court and a motion to have this matter moved to another jurisdiction. I followed up with this item twice during the month of July, each time the clerks ensured me it was being viewed by the prosecutor. On 8/17/2012 I contacted the prosecutor where she refused to speak to me without an attorney present for the traffic

matter stating as there is another matter pending against me and she is to not speak to me in regards to this civil traffic matter. I asked is there another prosecutor who can review this motion and she responded no. While in court on 8/17/2012 for another matter [redacted] was given the 2011 citation by one of his clerks. He demanded an answer from me stating why he is just now receiving this matter. I informed him I petitioned the court over 1 month ago and I do not control what he receives from the clerk. He continued to rudely bark orders confused as to why I did not deliver this motion to him sooner; my motion was both signed and dated with a stamp from the clerk with a date identifier. At that point I stated to the judge I do not work here. On the spot without reviewing the file, the motion was denied. He exhibited no impartialness, he was not open-minded and I doubt he even read the motion. I then requested a change of venue as it was obvious this judge has personal hostilities, rude, disrespectful and made several inappropriate comments not just in this matter but other cases as well in which I am a participant.

With this matter I feel my rights to a fair trial, appeal and review were all denied. The clerks, city prosecutor and judge have all participated in giving me the run around. My asking for a case status is not equivalent to legal advice from the clerk office. I don't know is not an appropriate response from any of the aforementioned when I follow up for a case status. If the courthouse employees do not know, then exactly who is expected to know? According to court records on 9/12/12 a motion for appeal was filed, it is now February of 2013 where my case has not been sent to the Pinal County Superior Court for an appeal.

The Supreme Court has allowed [redacted] and his staff to conduct affairs on behalf of the court which none of their actions reflect that of the approved conduct of the Supreme Court. When I walk into a courthouse, my intent is to complete a transaction. I am not interested in being given the run around by clerks, ignored by the city prosecutor or have a judge who behaves as if he is the prosecutor, defense and the judge, on several occasions he has actually stated I don't want to hear what you have to say. If I am quiet then how am I to defend myself? The one statement that stands out even more clearly is when he stated I don't have to hear your motions and he stated he is doing me a favor. I am appalled by these actions.