

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-086

Judge:	No. 1049814444A
Complainant:	No. 1049814444B

ORDER

The complainant alleged a justice of the peace intentionally ignored the law.

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 the information provided by the complainant, the recording of the hearing, and the judge's response, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: June 18, 2013.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on June 18, 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, Arizona 85007

FOR OFFICE USE ONLY

2013-088

COMPLAINT AGAINST A JUDGE

Your name: _____ Judge's name: _____ Date: April 13, 2013

Instructions: Use this form or plain paper of the same size to file a complaint. Attach additional pages, as needed. Please describe in your own words what the judge said or did that you believe constitutes judicial misconduct. To help us understand your concern, be specific and list all of the names, dates, times and places where the conduct occurred. Include only copies of original documents or court recordings that are relevant to your allegations. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

During the hearing held on 12 -- 11 -- 12 to Judge took testimony from the officer who claimed to have stopped a speeding truck on Highway 90 northbound speeding. In
in cross-examine I ask the officer if he had seen me that defendant driving the speeding
vehicle. The officer replied, no. I asked the officer if he had seen me that defendant in
the speeding vehicle? The officer replied, no. The Judge then looked at the officer and
ask the officer again if he had seen me the defendant in the speeding vehicle? The
officer replied, no. The Judge then ask the officer if he had seen me the defendant driving
the speeding vehicle? The officer replied, no. In closing remarks I made point to the court
that even the prosecutings only witness had not seen me in the vehicle nor driving the
vehicle so how could I be held responsible for a speeding ticket I could not have been
involved. I stated a friend had been driving the vehicle and I had just came outside and
my stuff out of the parked truck when the police officer showed up later behind the truck
I was not allowed to explain this to the officer as he only asked how fast the vehicle was
going and I told him I did not know any told me how fast he had talked it and asked me
for my driver's license and insurance for the vehicle. I later called the county attorney's office
and tried to explain my case. I was told they had no record of it and I would have to wait until
it went to court to find out what would happen and what it was about. When I showed up
I was offered a plea bargain and no chance to explain my side of the story.
my case was postponed twice due to VA appointments due to my health. And one time
because the county attorney had not forward information I had requested prior to the court
the fact that I was not seen driving nor seen inside the vehicle speeding at any time by
the officer was totally ignored by the Judge. Instead all facts of the case were ignored:
and the judge found me guilty and fined me the max penalties.
Furthermore when I contacted the court office to file my appeal I told them I would be

to file my appeal and was told by the clerk that answered the phone to get it in as soon
(Attach additional sheets as needed)

Complaint against a Judge
(Page 2)

My name:

Judges name:

I could. I then was able to get transportation and turned in my appeal. I received a letter from the denying my appeal telling me that he'd received it too late. I sent him a letter in response explaining to him that I spoke to one of his staff that they had told me to get it in as soon as I could and I did so. He replied back it was too late and that I should have mailed it to them. I had never ever heard of mailing in a response to a court. I then wrote him again and ask him to reconsider deferring my payment and honoring my appeal he wrote to me and again denied my appeal and also deferring my payment as far as defined to. I then wrote to him in a formal court document that I was filing a Writ of Certiorari. He then to replied back that he was denying my Writ of Certiorari and that if I was going to challenge him for my appeal I would have to do it in a different matter.

First of all I was not challenging the appeal it states in the writ I am challenging his wrong ruling and asking him to make it right. The fact that he opened the door by denying my appeal gave me the right to file the writ on the fact that he made the wrong ruling. I again on Friday April 12, 2013 wrote in a letter and explain to him that he had read the writ wrong that I was not challenging the appeal but the writ was challenging his wrongfully ruling in the original a case.

I stand by the law that a man cannot be found guilty if he was not inside the vehicle were driving the vehicle if a police officer did not see him and yet gives him a ticket and then admits in court to both the Prosecuting Attorney, and the Judge, and the Defendant that he did not see the Defendant in the vehicle, or driving the vehicle yet he gave him the ticket. This is a travesty as they may have seen in this courtroom. I know that I cannot bring up other travesties that I have witnessed in this courtroom only the one that pertains to me.

With this said I would like to have this case investigated and if need be I will take whatever matters needed to further go on and see that it does not happen again to anyone else.