

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 13-164

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Judge:	No. 1076114709A
Complainant:	No. 1076114709B

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**ORDER**

The complainant alleged a municipal court judge improperly denied his challenge to an affidavit of service in a photo radar violation case.

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 review, 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: July 25, 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 July 25, 2013.

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

COMPLAINT AGAINST A JUDGE

Your name \_\_\_\_\_

Judge's name \_\_\_\_\_

**Instructions:** You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

ON 10-13-12 I WAS CAUGHT REGARDING THE POSTED SPEED LIMIT BY PHOTO RADAR IN  
I WAS NEVER PERSONALLY SERVED WITHIN THE 90 DAY PERIOD AS PRESCRIBED BY LAW - AN AFFIDAVIT OF PERSONNEL SERVICE WAS FILED WITH THE COURT ON JAN. 3, 2013. THE AFFIDAVIT WAS FILED BY ONE AN EMPLOYEE OF PHOTO RADAR  
THE AFFIDAVIT CONTAINED UNTRUE FACTS THAT WERE OF A MATERIAL NATURE - THE AFFIDAVIT AMOUNTED TO PERJURY

SINCE I WAS NEVER PERSONALLY SERVED, I WAS UNDER NO OBLIGATION TO APPEAR IN COURT. I THEN RECEIVED NOTICE THAT MY DRIVING LICENSE WAS REVOKED AS I WAS CONVICTED IN ABSENCE. I THEN PAID THE FINE AND WAS ABLE TO HAVE MY DRIVERS LICENSE RE-INSTATED. I FILED A MOTION WITH THE COURT TO TRAVERSE THE PERJURED AFFIDAVIT OF PERSONNEL SERVICE -

I ALLEGED TWO GROUNDS OF MATERIAL FALSEHOODS WITHIN THE FOUR CORERS OF THE AFFIDAVIT -

1 - THE AFFIANT IS AND WAS NOT AN OFFICER OF THE COURT - THE JUDGE SHOULD HAVE

COMPLAINT AGAINST A JUDGE

Your name: \_\_\_\_\_ Judge's name: \_\_\_\_\_ Date: \_\_\_\_\_

**Instructions:** You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

TAKEN JUDICIAL NOTICE OF THAT FACT.

SECONDLY, THE AFFIANT SWORE UNDER OATH THAT HE IDENTIFIED ME FROM A PICTURE OF THE PHOTO RADAR - AFFIANT FURTHER STATED THAT HE CONFIRMED MY IDENTITY -

YET HE STATED THAT HE LEFT THE COMPLAINT OUTSIDE THE RESIDENCE SOMEWHERE ON THE DOOR - 6:30 P.M. IS NIGHT TIME.

I CHALLENGED THIS AS A LATENT AMBIGUITY IN THE AFFIDAVIT -

SINCE THE SERVICE WAS LEFT OUTSIDE IT STANDS TO REASON THE DOOR WAS NEVER OPENED - SO HIS POSITIVE IDENTIFICATION WAS MADE THROUGH A CLOSED DOOR -

I REQUESTED THAT I HAD MADE A PRIMA FACIE CASE TO CHALLENGE THE AFFIDAVIT IN COURT AND ORDER THE AFFIANT TO BE EXAMINED UNDER OATH -

THE COURT DENIED MY REQUEST -

(Attach additional sheets as needed)

COMPLAINT AGAINST A JUDGE

Your name: \_\_\_\_\_ Judge's name: \_\_\_\_\_ Date: \_\_\_\_\_

**Instructions:** You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

ON MAY 17, 2013 I RECEIVED WRITTEN NOTICE THAT MY APPLICATION TO TRAVERSE THE AFFIDAVIT WAS DENIED.

THE COURT STATED THAT HE HAD NO AUTHORITY TO HOLD A HEARING WHERE AN AFFIDAVIT CONTAINING PERJURY WAS FILED WITH THE COURT.

IT IS MY POSITION THAT THE COURT NOT ONLY HAS THE RIGHT TO HOLD A HEARING WHERE THE AFFIDAVIT FILES A PERJURED AFFIDAVIT, BUT HAS A JUDICIAL DUTY TO PREVENT PERJURED AFFIDAVITS TO BE A CORNER STONE IN HIS COURT.