

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-299

Judge:

Complainant:

ORDER

The complainant alleged a municipal court judge told him he had not been cited for certain traffic infractions, but refused to cancel fines imposed for those infractions.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judicial officer's rulings. In addition, 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: October 22, 2014

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on October 22, 2014.

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

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State of Arizona
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY



COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

On _____ at about _____^{am} my wife
and I were on our way
to her house to drink coffee. We
were in our _____ which we had recently
purchased from _____. We
were driving on _____ and when we
made a left hand turn on _____, an officer
on a motorcycle stopped us. Officer
_____ asked me for my driver's license
which I handed to him. I first got my
license in _____, in _____, and my
driving record was clean.

Anyway, officer _____ stated that
he initially stopped us because of an improper
stop/signal lamp color. It is obvious that
this allegation was fabricated to establish
probable cause to detain us. And being
_____ didn't help any.

I explain to Officer _____ that I had
just gotten my _____ out of the ^{shop} and that I
was going to get insurance for it as soon
as I got paid because I was working for
_____ Program at the time. I had
also just bought my license plate, but had

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it inside the back window. I also had the 3-day permit. _____ Plate. _____ Officer _____ stated that everything was fine and we could be on our way as soon as he ran a make on the plate. Well, after making the check, he said it showed that it belonged to someone who owned a truck. I told ^{him} that that couldn't be because I bought and payed for the license plate ^{at} the DMV. I offered to show ^{him} the receipt, but he said that wasn't necessary.

_____ Officer _____ said he was going to take the plate and that he would get back to ^{me} in about a week. Mr. _____ returned my license and said that I could continue driving in the meantime. He did not cite me because he didn't have a valid reason to stop ^{me} in the first place.

About _____ months ^{later} I found out that my license had been suspended because of this bogus and trumped up citation. Enclosed you will ^{find} copies ^{of} various documents and citations that I received when I went to

Cont. on p. 4

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the court house to find out why my license had been suspended. I also went to the police department on _____ and spoke to^a female Lt. from

_____ about the problem with my license plate. She clearly told me that I would never see my license plate again because it was shredded. If this wasn't arbitrary action, I don't know what it was.

On _____, at _____, I appeared before Judge _____ after I requested a hearing to resolve this issue. At this hearing I attempted to explain to judge _____ that officer _____ did not cite me. This judge refused to listen to my pleas and became very indignant with me and threatened to put me in jail for contempt of court. I'll admit that I was very frustrated at not being able to get justice done with my issue.

On _____ I went before
 Judge _____ once again. This
 time he wasn't so harsh with me
 and permitted me to explain my
 situation. When I ^{told} him that Officer
 _____ had not cited me, he
 said that he was aware of this
 and knew because it was in the
 computer. I was really shocked when
 he admitted to this injustice, and
 asked him if he would void the exorb-
 itant amount of money that I ^I supp-
 osedly owed. He said he would reduce
 the ~~fine~~ to _____, and would let me
 get my license when I paid it.

After making a few payments, I
 said to myself, why do I have to pay
 anything when my license was
 suspended arbitrarily with no
 valid reason.

So, I chose to buy the tape of
 this hearing where Judge _____ says
 that he knew that I had not been
 cited by Officer _____ Enc-
 losed you'll find this tape that'll

substantiate my claim of wrong doing by Judge Consequently I have suffered a great deal as a result of his arbitrary action, and I just want to get my driving privileges reinstated.

Not only did I pay money out of my pocket, my income tax refunds were also withheld to pay these bogus citations. Enclosed you'll find a copy of a letter from (Collection Agency) whom I wrote to requesting an investigation into this matter. Their investigation was ^{positive} as you can see, but in spite this action, I am still suffering. Last but not least, my wife and I are both victims of and this has also caused us much misery and loss.