

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaint 14-309

---

Judge:

Complainant:

---

**ORDER**

The complainant alleged that a justice court hearing officer was biased and disrespectful.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judicial 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 review, the commission found no evidence of ethical misconduct and concluded that the hearing officer 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 29, 2014

FOR THE COMMISSION

/s/ George A. Riemer

---

George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the hearing officer on October 29, 2014.

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



As a citizen of [redacted] AZ, I would like to file a complaint against [redacted] (but the paperwork shows a [redacted] for showing partiality and preference which is a violation of canon 1 & 2 of the Arizona Code of Judicial Conduct. The [redacted] showed preference toward the officer before and during the trial. The events leading to this complaint occurred on [redacted] On [redacted], I was scheduled to appear in court on a [redacted] at [redacted] I arrived at the downtown district court at [redacted] and checked into court and waited for my hearing to begin. I was second on the docket for my case and I noticed at [redacted] I still hadn't been called to see the judge. As time went on, I noticed the officer who issued the ticket was nowhere to be seen, so I asked the court clerk, how long I would have to wait for my case and she advised that we would give the officer time to show up. Later around [redacted] I was told the Officer called at [redacted] and said he was on his way. I was called by the [redacted] Officer at [redacted] stating the officer was still not there and if he didn't show by [redacted] it would be dismissed. I believe this first action showed partiality being that court began at [redacted] and the Officer didn't call until after court was well in process to state he would be late and when he finally arrived he was in street clothes which showed he was not detained by work and he was not penalized because of this, instead we waited with no regard to my or the court's time.

Prior to testimony given by either side, I requested a continuance under 17C Rule 15 of the A.R.S Rules of Procedure in [redacted] and [redacted] and the [redacted] advised he was not going to grant a continuance but wanted know why I wanted one anyway. When the trial began, the [redacted] proceeded to show preference to the Police Officer by coaching him to add certain key facts to his sworn testimony that the officer was not otherwise attempting to add. Examples of this included that once the Police Officer was done with his testimony the [redacted] advised him to add information about the laser, how it is tested/calibrated, and his certification. This information should have automatically been provided by the Police Officer as this is the way he issued the citation, not by the coaching of the [redacted]. This action showed a violation of Canon 1, Rule 1.2, which states, "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety" and this did not instill confidence in me that this would be an equal and fair trial without impropriety, as the [redacted] was given the Police Officer hints of how to strengthening his case.

During the trial, the officer could not recall key events in question based on his sworn testimony, such as the color/make/model of my car or events that occurred during the traffic stop yet the [redacted] stated, "This is an open and shut case". This action showed a violation of Canon 2, Rule 2.2, which states, "A judge should uphold and apply the law, and shall perform all duties of judicially officer fairly and impartially" and this did not occur as the [redacted] was not objective or open minded in the case, especially when key facts were missing from testimony.

By the [redacted] sworn testimony it was a routine traffic stop, which was not the case. After my sworn testimony was given about how the traffic stop was not typical, then and only then was the Police Officer able to recall the events of the traffic stop and made changes to his testimony. Through the inconsistency of the Police Officer, the [redacted] still choose to rule on the side of the Police Officer, because he said he "used a laser". Although the Police Officer had no evidence to corroborate his story. The [redacted] continued to show disrespect to the court and me, as a citizen by ruling with the [redacted] veteran Police Officer after coaching him through HIS sworn testimony. I feel the entire case was ruled and conducted with bias toward the Police Officer, which is also a violation of Canon 2,

Rule 2.3, "A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice" and the entire court experience for me showed bias and prejudice toward me because I was a citizen and not a Police Officer.