

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-032

Judge:

Complainant:

ORDER

The complainant alleged a pro tem city court judge failed to review evidence and improperly found him responsible in a civil traffic matter.

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 judge'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: February 18, 2015

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 February 18, 2015.

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

2015-032

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.

I, _____ had a civil traffic hearing on _____ with Judge _____
During the hearing, Judge _____ did not review the written public records that
I have officially presented as evidence. Judge _____ and the State of Arizona
was legally obligated to have burden of proof in regards to a traffic citation that I,
_____ had disputed through the above mentioned civil traffic hearing. I,
_____ had documented evidence obtained through a public records request from the
_____ Department that showed the Program Sequencing for the
intersection in which the the above citation took place contradicted the officers testimony
against me, _____ I also had documentation stating the the intersection was
functioning without error during the exact time and date of the accident, also obtained
through the public records request mentioned above. I had also introduced a witness
whose testimony correlated with the documentation from the
_____ Dept. that due to the events that took place before the accident, proved that
the officers testimony would be incorrect. In addition to that, I have provided a video that
showed Judge _____ the intersection functioning exactly as the
_____ departments program sequencing states, thus proving that I would
have had a green arrow at the time of the accident and that the State of Arizona was
incorrect in their testimony about the events of the accident in the above civil traffic
hearing. Despite all of the provided evidence, Judge _____ did not review the
physical evidence in its entirety, and made a judgement against me without providing
proof correlating with her judgment. The officer was asked if he did review the
footage and evidence, and he did agree that it correlates with my testimony and that his
evidence was limited to the brief interactions at the time of the post accident interview
and that it is all he can present. Judge _____ did not respond to the proof

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provided with further questions to the officer, instead she imposed a Responsible judgement against me, When asked how the decision was reached, she simply stated that I can appeal it within if I would like, but did not take the time to review ALL evidence that I, have physically surrendered to the Court. This has ultimately led to a legal judgment that was made without the burden of proof on the State of Arizona and the Judge This judgment undermines an ethical, unbiased and proper legal legal proceeding as it allows potential error in a legally binding judgement that ultimately brings harm and consequences to a defendant due to a lack of proper review of ALL evidence surrendered to the court. This type of decision making shows the public that defendants may not always be innocent until proven guilty, but rather guilty until proven innocent; with the burden of proof left to defendants instead of the State of Arizona. I am asking for a full review of Judge performance in this case and if possible a response as to why her judgement was made without properly evaluating the evidence in it's entirety before making a decision. I would also like Judge decision and all evidence in regards to the above case to reviewed by the Commission on Judicial Conduct to determine if the State of Arizona and Judge was acting in accordance with the Constitution, Arizona state law, and the Arizona Code of Judicial Conduct. If the Commission on Judicial Conduct determines improper protocol was followed, or that the judgement made was not impartial or just, given the evidence provided by both I, (the defendant) and the State of Arizona, I ask that the Arizona Commission on Judicial Conduct use any disciplinary action necessary against Judge I sincerely appreciate review of this incident.