

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-091

Judge:

Complainant:

ORDER

The complainant alleged a municipal court judge was not properly managing his court.

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. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: April 22, 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 April 22, 2015.

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

State Of Arizona

Re: Court Complaint Case

Thank you for returning a letter at least acknowledging receipt of my complaint, I thought it relevant to share with you how your court system in County has failed the public and at worst, give you and your personnel the opportunity to adjust your system and process moving forward.

- As I had informed you, I spent untold hours attempting to retrieve documentation relating to both the courts findings of the infraction, the judgement of guilty due to a claim of not showing for a court case and the claim that I was served in person with such material.
 - ***The only response that I could get from your staff either via the phone or email was that all material was downloadable from your court website. They were wrong, they are wrong and unbeknownst to your staff which should be better educated, once your court system finds someone guilty, the documents are no longer downloadable from your web site, the link goes away - please use this as a training opportunity for your staff.***

Because I could not get your staff to understand this, I filed my complaint; the good news is I did receive a call from ***that bad news is called me on when my court case was on to contest the fact that I was served the documentation [Email Attached]***. While thrilled that your staff finally acknowledged their error, showing me the documentation the day before the court case does not offer a defendant the ability to adequately review the material, challenge the validity of the server or review what information they have about how I was supposedly served.

After reviewing the documentation, I was amazed to see that in the servers claim of service, he was ***so sure that I was served that he claimed he did not know the race, gender, dob, approximate age, height, weight, hair or eye color of the person he served [Highlighted in the email in yellow]***

When reviewing the cost of making my flight arrangement [Email Attached], you will see that the cost of the flight to AZ to contest the serving was for a ticket that at the time was

Clearly based on my experience with a court system in Arizona it made no sense for me to try and obtain justice based on the following;

- The court would not provide documentation regarding the infraction, the default judgement nor the information regarding me being served in person until the day before my hearing

- The court would not move the date to provide me more time to review the materials that eventually were given to me - whether in person or absentia, if you have not provided me the documentation, how am I do defend myself?
- You have a server who is so sure they served me, they don't know whether they served a male, a female, someone who weighs pounds or someone who weighs pounds?
- The own courts personnel is not familiar with how the distribution for their documents via their web site work

I want to reiterate my ask at the time of the complaint; allow me to review the paperwork, if based on the paperwork provided, the evidence and if I was to plead guilty, allow me to go through traffic school - the same rights as afforded someone who was properly served in the first place.

Sincerely,

CC:

Presiding Judge,

Court

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