

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-244

Judge:

Complainant

ORDER

The complainant alleged a superior court commissioner made improper rulings in a criminal case.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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 commissioner 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 7, 2015

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the commissioner on October 7, 2015.

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

I understand the commission cannot reverse court orders or assign a new judge to a case.

I declare, under penalty of perjury, that the foregoing information and the facts I have provided upon which my allegations of judicial misconduct are based are true and correct.

Signature:

Date:

INSTRUCTIONS

Use the following space or plain paper of the same size to explain your complaint. Explain why you believe what the judge did constitutes judicial misconduct. Be specific and list the names, dates, times, and places relevant to your allegations. Additional pages may be used and relevant copies of documents may be sent with your complaint (please do not send original documents). Use one side of each page only and write legibly or type your complaint. Please keep a copy of your complaint for your records.

I. Background facts: IN I was in
 and was stopped for making a wide
 right turn while exiting private parking lot. I
 was subsequently arrested for
 (later proven to be computer error). The
 officer did not take me before a
 per ARS 13-3898, and Rule 4.1, AZ R. Crim P.
 Instead, the officer simply said
 and released me without any citation
 issued. IN I rented a
 in and police officers arrested
 me on a warrant for The State
 in me on

I was appointed public defender
matter was before Commissioner
against a
allowed to go to the
address
During that time I was
to
issues

complaint related injuries
This case was recently assigned to
I appeared on
for what I thought was a status conference,
but was the day trial was to begin. I told
I had swollen medications
and was not feeling well, and showed her my
legs were swollen. I also advised my
thoughts were
go to
but that I was
myself from my trial if
I did so. She said I could

My doctor at
run tests, but thought I was developing
said he would to

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and/or

My

attorney phoned me and said
The needed proof of a medical
issue to continue trial. My Doctor faxed
a letter to the Court I had a

The next day the called
and said to come in for
and was on for
and

Because my legs were still very swollen I
stayed home with legs elevated over head. Trial
went on without me and I was found
and sentence was set for

I filed a
on Motion for New Trial
on apparently

clerks e-mailed ^{atorney} ~~my~~
to be in court on
and to advise me to be there. No explanation
of the purpose was given.

advised me I needed to sign a
form. I asked if I would
be receiving a response from

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The State on my
to which she said
AFTER signing the form
advised she was
going to rule on my Motion. I said she
had just told me I would receive a
response and could file a reply.

said she was allowing the
State to argue

ruling I had
myself from Trial, including by staying
home and working on

also denied my argument the
State's complaint was invalid due to
failure to comply with the procedures
given by
and Rule 4.1, Proc.

per AFS 13-3898
and that the Court
Therefore lacked subject matter jurisdiction. Instead
of ruling on this issue and the facts she ruled
because I did not object to the state amending the

That

Indictant from a felony to a misdemeanor because the suspension order was an computer error, I argument that the state violated the any arrest statutes, or that the evidence was illegal.

II. Legal Issues

ruled I myself from trial -- even though my doctor at passed a letter saying I had a I did not raise it, Although aware of the controlling standard in the court to Rule 9.1 saying in part: must be construed to mean

Further, know a person may not be forced to give up one to secure another right. I.e.: The substantive due process right to bodily integrity or the right to be present at trial.

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**