

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-304

Judge:

Complainant:

ORDER

The complainant alleged a municipal court judge improperly found her 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: December 16, 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 December 16, 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

2015-304

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.

~~see attached copy of the~~

~~decision, Request for full refund, and~~

~~Comments regarding the~~

~~decision. LETTER TO ATTORNEY~~

GENERAL

TO Commission ON JUDICIAL CONDUCT

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2015-304

NO ADDRESS
NO PHONE NO EMAIL

Arizona Attorney General

Dear City Attorney GENERAL :

The website failed to provide me a complaint form, therefore, I wish to file a complaint regarding the judicated matter of _____ and the subsequent reversal by the _____ court case _____ that "...finding that _____ was responsible was an **abuse of discretion**. ...the judgment of the trial court is reversed."

Please review my _____ judgment, and the request for a full, not a partial, refund that was filed today with the Court.

My requests are as follows:

Intervene to return all fees paid by

Launch an investigation regarding the decisions by Judicial Officer _____ in regards to _____ in my case and in current or previously judicated cases where proof of insurance was provided that resulted in the defendant paying a fee that may have also been an abuse of discretion by

Launch an investigation of the court clerk staff telling people that have proof of insurance to pay the fine as an abuse of discretion. While _____ was waiting in the court clerk's lobby, _____ overhead a little old lady, who had been cited for ARS 28-4139(A) that her insurance company made an error in reporting her _____ to the _____ The supervisor told the little old lady that she still had to pay the _____ The little old lady wrote out a check in that amount. Even though she was innocent! How many other examples are there?

Launch an investigation of the _____ supervisor calling the court and most likely spoke to the court clerk supervisor regarding _____ and the court clerk supervisor told the _____ supervisor that under no circumstances was she to write a letter to the court stating that Mr. _____ had valid insurance, as testified by Mr. _____ at the hearing.

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2015-304

Launch an investigation of Deputy
department for an abuse of discretion:

Deputy

and the practices of the

Deputy Deputy lying in wait, citing innocent citizens for ARS 28-4139(A), even though the proof of current insurance was presented to the deputy, thus violating the concept of as stated by Judge

Deputy for ignoring the law ARS 28-4134. had not committed any traffic violation to warrant the traffic stop.

28-4134. Law enforcement officer responsibilities

A. On the investigation of a motor vehicle accident or an alleged violation of the motor vehicle laws of this state or a traffic ordinance of a city or town, a law enforcement officer shall:

1. Inquire of the department computer system whether there is a notice of valid insurance cancellation or nonrenewal applicable to the motor vehicle or an indication that the vehicle is not registered for operation pursuant to section 28-4152.
2. Require and the person shall produce evidence of financial responsibility for that motor vehicle.

B. A department report that there is a notice of cancellation or a nonrenewal applicable to the vehicle or that the vehicle is not registered for operation pursuant to section 28-4152 is sufficient cause to charge the owner or operator of the vehicle with a violation of chapter 7, article 16 of this title and section 28-4135 or 28-4139, or both. The officer shall issue a citation under section 28-4135 or 28-4139, or both, unless the operator of the vehicle produces other or more recent evidence of financial responsibility. [Emphasis added]

testified that he was ignorant of ARS 28-4134 in his testimony at the hearing, even after his review of pursuant to Rule 13. The Division failed to educate of ARS 28-4134, therefore was not informed, nor it appears that any of superiors, fellow or anyone employed in a capacity that would have been in contact with to have informed of ARS 28-4134.

Watch and listen to the video evidence submitted by the State of Arizona. It is clear that when stated his ignorance, is heard stating the old mantra, "ignorance of the law is no excuse." But that appears okay with the court and the division that officers do not have to know the laws they are enforcing.

In the alternative, was NOT ignorant of ARS 28-4134, DID know of his duties pursuant to ARS 28-4134, and with malice and forethought falsely testified of his ignorance. Further evidence of the perjury of in examination of at the hearing stated: 1) consulted his notes prior to the hearing, 2) the only notes were the documents: and the to appear, 3) the violation stated the traffic speed of was in a 4) testified that was violating the law by speeding at in a However, in his initial testimony did not mention the speeding violation, neither did his notes reflect the moving violation, nor did state that violation to at on as a reason for the traffic stop. In addition testified that along from the point of initial contact and the traffic stop near that there were no curves and there were no posted signs of In fact there are several

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curves and are posted signs. erred by not questioning the truthfulness of that he was ignorant of the laws that he is enforcing, and anyone that transverses between and knows there are several curves and several posted signs. credibility must be questioned due to his obvious perjury.

would like the investigation expanded into how many cases judicated regarding ARS 28-4139(A) failed to provide a witness from the Department. disagrees with Judge regarding argument that the State of Arizona did not provide a witness. Again please review the The bottom line is that could only testify what he knew. He stated there was no accident, and his video evidence clearly states that the only reason for the traffic stop was to confiscate the plates. This is obviously a violation of ARS 28-4134. He had no first-hand knowledge of the allegation that the vehicle had no insurance.

does not believe that Judge was correct in his interpretation of the alleged violations by Specifically there was no competent fact witness by the State to the truth that the vehicle was NOT insured. The perjury by was not explored. did violate ARS 28-4134; the video evidence is clear in that respect that he did. admonishes for not calling witnesses at the hearing. This is a crazy. How could anticipate that a would read the law and ignore it and find guilty?

How could a preponderance of the evidence find guilty by

I currently have no address. I will be in contact with you in the future for a response to my request and any subsequent actions taken by your office.

had requested that the refund was to be paid back in the green pieces of paper and coins that were accepted by the courts. On the Court Clerk Supervisor informed that sending money through the mail was not allowed. Even though has proof of a letter and the money still attached to that letter, sent in the mail by the court to When will the lying and deceit stop?

Now that you are informed, as they say, "If you are not part of the solution, then you are part of the problem."

My fear of returning to Arizona or to be traced is justified with the police killing homeless people. Please see

Thank you.