

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-056

Judge:

Complainant:

ORDER

The complainant alleged a municipal court judge was prejudiced against him, denied him the right to record his proceeding, had a conflict of interest with the opposing party, made false statements in his case, denied him his due process rights, and made improper rulings in his case.

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(a).

Commission members Peter Eckerstrom and J. Tyrrell Taber did not participate in the consideration of this matter.

Dated: May 10, 2016

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 May 10, 2016.

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.

1. Prior to the hearing for _____ judge _____ reversed a motion (to Cover the Proceedings) previously granted by judge _____. No specific grounds were provided. "Rule 123" was cited generally but no specific section was mentioned that implies applicability to Rule 122, the Arizona Supreme Court Rule that the motion was filed in accordance with. Judge _____ denied my capability to defend myself by not allowing a recording to be made, and has now caused injury and further imposition to myself by forcing me to obtain and wait for a recording of the proceedings from the court. Judge _____ did not make specific, on-the-record findings for the denial of coverage, as required by Rule 122(d) of the Arizona Supreme Court. No likelihood of harm arising from such a recording was provided. A.R.S. Sup.Ct.Rules, Rule 122. The violation of court rules is an actual impropriety in violation of the Code of Judicial Conduct, Arizona Code of Judicial Conduct, Rule 1.2.
2. During the hearing for _____ judge _____ indicated the possibility of a conflict of interest between himself and the plaintiff existed. A fair and impartial hearing is not possible with any conflict of interest and is a violation of the Code of Judicial Conduct, Id. 2.2.
3. During the hearing for _____ judge _____ accepted testimony from an incompetent witness and cited such testimony as fact. Upon cross-examination, for example, the witness testified that he determined on his own that alleged defendant violated the statutes of the plaintiff state, but it was further shown that the witness was not qualified to make such determinations. Accepting such testimony shows bias in favor of the plaintiff and is a violation of the Code of Judicial Conduct, Id. 2.3.
4. During the hearing for _____ judge _____ repeatedly would not responsively answer my relevant, clarifying questions pertaining to the nature and cause of the proceedings and charges. When trying to ask for clarification, I was also repeatedly interrupted by judge _____. A fair hearing is not possible with such obstruction and is a violation of the Code of Judicial Conduct, Id. 2.2.
5. During the hearing for _____ judge _____ violated my due process by rushing me to judgment, over and above my objections. I was trying to be informed of the nature and cause of the proceedings and charges. Furthermore, I was not permitted to enter a knowing and voluntary plea on my own behalf before going to trial.
6. During the hearing for _____ judge _____ repeatedly acted as a prosecutor, asking me discovery questions, over and above my objections. Asking such questions shows bias in favor of the plaintiff and is a violation of the Code of Judicial Conduct, Id. 2.3.
7. During the hearing for _____ judge _____ repeatedly made arbitrary legal conclusions. When asked for the facts supporting these conclusions, only the testimony of the incompetent witness was cited. Relying on such testimony is speculative and subjective, shows bias in favor of the plaintiff, and is a violation of the Code of Judicial Conduct, Id. 2.2 and 2.3.
8. The case _____ was set for a _____ hearing on _____. I was present and the witness for the plaintiff state was not, even after approximately an hour had passed while the hearing for case _____ was conducted. I moved the court to dismiss the matter for a failure to appear, in accordance with the Rules, 17C A.R.S. Traffic Violation Cases Civ.Proc.Rules, Rule 21. Judge _____ denied the motion without good cause shown, in violation of the rule. The violation of court rules is an actual impropriety in violation of the Code of Judicial Conduct, Arizona Code of Judicial Conduct, Rule 1.2. I have been injured by this action and am under further imposition and threat of violence to continue the proceedings.
9. A false Order continuing the case _____ was filed by judge _____ indicating I requested a continuance with extraordinary circumstances shown. No such request was made and no such extraordinary circumstances existed.