

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-062

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace acted arbitrarily and improperly in denying her motions.

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).

Dated: April 12, 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 April 12, 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.

I was appointed to represent a year-old critically ill woman charged with extreme DUI 7.20 or over. In it was set for a jury trial at scheduled for or possibly days. I put together a package about uncontrolled hypertension and stage 3 kidney disease and all of her diligent efforts at rehabilitation. I submitted it to the prosecutor to attempt a plea since with extreme DUI's there is a lot of room to negotiate the jail time, and now house arrest, electronic monitoring and other alternatives exist to incarceration in jail. Unfortunately, the caseload shifted at the County Attorney's Office and a new attorney was assigned, at County Attorney's office, had no objection to a continuance

since [redacted] was new on the case and had no opportunity to review the package I sent over.

On [redacted] I filed a motion to continue marked Exhibit A, which was denied. I only knew this by reading the website as I never received a minute entry. I was in trial in Superior Court at the time, but managed to file an "Emergency/Amended" Motion to Continue citing the past information as well as 2 hearings in Superior Court on felonies both set; [redacted]. That is marked Exhibit B. It was summarily denied by a Minute Entry that was emailed to us. I then did a notice of Conflict per Rule 38.1 ^(Exhibit) and spent the entire evening after receiving my "not guilty" verdict drafting a Special Action for Superior Court to challenge [redacted] in the lower Court. That's attached as well.

I have never had a bar complaint, I do not abuse continuances, I have never had a bar complaint or a Rule 32 or a malpractice allegation. I take pride in that.

This judge has abused her discretion, cost the County money for all my time and acted capriciously and arbitrarily, and

Should be disciplined.