

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-102

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace failed to notify him of a civil traffic hearing date.

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 member Anna Mary Glaab did not participate in the consideration of this matter.

Dated: June 14, 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 June 14, 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.

received a traffic citation. Civil Complaint: mailed, return receipt, two copies of a Motion to Dismiss to the _____ and one to the _____

Approximately _____ later _____ received a time stamped copy of the motion and a copy of the submitted order that was stamped, DENIED and signed by _____

No further orders or instructions were received.

On _____ received in the mail an unsigned document titled "Final Notice" stating _____ had an outstanding balance of _____ that must be paid in full by _____. The Notice further indicates a judgement has been rendered and an arrest warrant may have been issued.

On _____ also received in the mail a notice from the _____; that _____ driver license was suspended.

Under the Rules of Court Procedure for Civil Traffic and Civil Boating Violations, Rule 10. Entry of Plea; Failure to Appear states:
 (b) The defendant may deny responsibility by appearing in person or by notifying the court in writing. The defendant may, at the same time, tender the civil sanction listed in the court's deposit schedule for civil traffic violations to insure that no driver's license suspension will result from failure to appear. Upon receipt of said notice, the court shall set the matter for hearing and notify the defendant, citing officer, and any counsel of the date, time, and place for the hearing.

_____ denied responsibility in his Motion to Dismiss and _____ violated his duty and ignored Rule 10(b) to set the matter for hearing. By _____ failing to set the matter for hearing, suspending the accused driver's licence, threatening to turn the accused over to a collection agency without proper validation of a debt and coercing _____ to pay _____ by threatening to issue a warrant without due process, _____ rights were violated under 18 USC 241 & 242.

_____ believes _____ has ordered "pre-trial punishments" without lawful authority.