

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-277

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace improperly refused to award him restitution. The complainant later sought to withdraw his complaint.

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 Gus Aragón did not participate in the consideration of this matter.

Dated: November 23, 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 November 23, 2016.

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

Comp

COMPLAINT AGAINST A JUDGE

2016-277

Name: _____

Judge's Name: _____

_____ has committed conduct in violation of the Arizona Constitution Article 2, Section 2.1 and the Arizona Code of Judicial Conduct Rule 1.1 & 1.2 as follows.

On _____ I was the victim of a deliberate hit-and-run accident. Fortunately, my vehicle was equipped with a dash cam and several days later the perpetrator was arrested and issued multiple citations by the _____ because of the video evidence I provided.

The criminal had no insurance and has refused and continues to refuse to pay for the damage he caused.

On _____ found the perpetrator guilty of _____ which according to A.R.S. 13-603 (c) REQUIRES the court to order restitution to the victim (me). Despite this fact, _____ denied any and all restitution. He refused and continues to refuse to order same, despite the fact the law requires him to do so.

I subsequently Noticed _____ informing him of his error or misconduct, but as of this date, he has refused to correct the mistake, leading me to believe it was deliberate misconduct.

LAW

Article 2, Section 2.1 Arizona Constitution

1. To be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal justice process.
2. To be informed, upon request, when the accused or convicted person is released from custody or has escaped.
3. To be present at and, upon request, to be informed of all criminal proceedings where the defendant has the right to be present.
4. To be heard at any proceeding involving a post-arrest release decision, a negotiated plea, and sentencing.
5. To refuse an interview, deposition, or other discovery request by the defendant, the defendant's attorney, or other person acting on behalf of the

defendant.

6. To confer with the prosecution, after the crime against the victim has been charged, before trial or before any disposition of the case and to be informed of the disposition.

7. To read pre-sentence reports relating to the crime against the victim when they are available to the defendant.

8. To receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury.

9. To be heard at any proceeding when any post-conviction release from confinement is being considered.

10. To a speedy trial or disposition and prompt and final conclusion of the case after the conviction and sentence.

11. To have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights and to have these rules be subject to amendment or repeal by the legislature to ensure the protection of these rights.

12. To be informed of victims' constitutional rights.

Contrary to Article 2, Section 2.1(3), I was NEVER informed of any criminal proceedings against the defendant.

Contrary to Article 2, Section 2.1(4), I was NEVER allowed to be heard before a plea was entered.

Contrary to Article 2, Section 2.1(6), I was NEVER allowed to confer with ANYONE before trial or disposition of the case.

Contrary to Article 2, Section 2.1(8), I was denied restitution, prompt or otherwise as REQUIRED by state law.

Contrary to Article 2, Section 2.1(12), I was never informed of my victim's constitutional rights.

RULE 1.1. Compliance with the Law

A judge shall comply with the law, including the Code of Judicial Conduct.

Comment

For a discussion of the judge's obligation when applying and interpreting the law, see Rule 2.2 and the related comment.

RULE 1.2. Promoting Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Comment

- 1. Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both the professional and personal conduct of a judge.**
- 2. A judge should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens, and must accept the restrictions imposed by the code.**
- 3. Conduct that compromises or appears to compromise the independence, integrity, and impartiality of a judge undermines public confidence in the judiciary. Because it is not practicable to list all such conduct, the rule is necessarily cast in general terms.**

refuses to follow State law or the Arizona Constitution. I am a victim of a criminal act and I am entitled to PROMPT RESTITUTION, which will not order. This judge has deliberately denied me what he has no right to deny.

His actions lead me to believe that he is not impartial and I have no confidence in his ability to render any kind of impartial decision in any matter in which I may appear. I have filed a civil matter against the Defendant, but don't believe will treat me fairly.

I have come to understand over the years that you don't care what judge's do wrong. Unless I have video of a judge having sex with a goat, you will let them get away with anything, but hope springs eternal.