

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 18-067

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Judge:

Complainant:

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**ORDER**

The complainant alleged a pro tem municipal court judge colluded with the prosecutor and failed to specifically address the allegations in his motion to dismiss.

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 Peter J. Eckerstrom did not participate in the consideration of this matter

Dated: April 19, 2018

FOR THE COMMISSION

/s/ Margaret H. Downie

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Margaret H. Downie  
Executive Director

Copies of this order were distributed to all appropriate persons on April 19, 2018.

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

**CONFIDENTIAL**

Arizona Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, Arizona 85007

**FOR OFFICE USE ONLY**

2018-067

**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.

On \_\_\_\_\_ at \_\_\_\_\_ the trial of the \_\_\_\_\_ began. \_\_\_\_\_ is accused of colluding with the \_\_\_\_\_ the prosecuting attorney at trial for the State.

I filed a pre-trial motion to dismiss for Lack of Jurisdiction on \_\_\_\_\_ The \_\_\_\_\_ mentioned "Jurisdiction of the court" in trial in his closing argument. \_\_\_\_\_ apparently did not read the Motion to Dismiss the defendant filed because "Jurisdiction of the Court" was never mentioned in that manner anywhere in the Defendants Motion to Dismiss. Yet \_\_\_\_\_ made a legal conclusion on that subject on the motion to dismiss.

In the entire body of my Motion to Dismiss for Lack of Jurisdiction, the word "court" was never mentioned. Not even once. Although the phrase "Lack of Jurisdiction" was meant to say "Lack of Lawful Authority" in the title of the Motion to Dismiss, the body of the Motion to Dismiss mentioned entirely around the unlawful authority used of the unmarked vehicle vehicle used in the Transportation stop. I even specified the specific statute in the motion.

In trial, in cross examination of the primary fact witness; \_\_\_\_\_ of the Dept. and in the my closing argument I mentioned the exact statute that required designations of political subdivision vehicles. A.R.S. §38-538. In \_\_\_\_\_ "Ruling Under Advisement", he never once mentioned any notion of my contention of the lawful authority of the vehicle \_\_\_\_\_ used in the Transportation stop.

\_\_\_\_\_ showed judicial misconduct by not addressing specifically what was said in my motion to dismiss. He only answered the city prosecutor's motion responding to my motion, which was addressing Jurisdiction of the Court.