

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-179

Judge:

Complainant:

ORDER

September 4, 2019

The Complainant alleged a justice of the peace improperly refused to quash a warrant in her criminal case.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Rules 16(a) and 23(a).

Commission members Gus Aragón and Roger D. Barton did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 4, 2019.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

19-179

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 _____ I was served with a notice to appear for a " _____ ". Prior to that I had no idea my check had bounced with _____ in _____ AZ. _____ never notified me either by phone or by mail that it was returned by the bank. If they had notified me, I would have made every effort to see that it was taken care of. Rather, they over reacted and sent me to court. I had left the employment of _____ I was his paralegal and he was extremely vengeful. There are several legal malpractice suits against him with my own defamation case filed in the _____ Court. He had assisted me in obtain a _____ Account at _____ and when I left he made sure they closed it. Hence, my check bouncing to _____ The events that followed were rather humiliating, traumatizing. The Judicial misconduct by _____ Attorney _____ and Justice Court _____ is unfathomable. On my appearance on _____ Attorney _____ began yelling at me in open court that I was a " _____ " and that I bounced checks for a living. My Daughter, _____ was present with me in court and witnessed the entire thing. I asked him to go out into the hallway to talk to me, that he was not allowed to yell at me. He wanted me to pay I believe was _____ I said since I was not aware that this took place and I am not a criminal and don't make a habit of writing bad checks, that I would be more than happy to pay the \$ _____ check and the bank fees. The Judge at the time, agreed. Since I am a _____ and currently in Law School, I could not believe what took place. They placed me on a diversion until the fees were paid. Time got away with me and I ended up in the hospital (_____ in _____ My health had taken a turn for the worse, and from there they transported me to _____ in _____ where I stayed for close to a _____ This was in _____ The court placed a failure to appear on me. They had a warrant for my arrest. I had my daughter promptly email the court to advise them what was going on, and they asked her to send proof, which she did. All the while I was having her make the payments to get the fees paid. We have receipts and the emails back and forth to the court. In _____ I had to have surgery. I was on bed rest for _____ Still making those payments to the court and finally paying of the \$ _____ the court and I agreed on. They refused to lift the warrant. I prepared a motion to quash the warrant based on the fact that I was ill and on bed rest and could not come in to the court. It was denied. They did not apply the fees to my case and I was arrested on _____ I spent _____ in custody at the _____ jail then transported to the _____ jail without being able to place a phone call to bond me out. I was search from top to bottom, not allowed to wear my own clothing or undergarments. Then after I was put into general population, they let me make a phone call. I had to post _____ bond and appear in court. I appeared and the deputy county attorney _____ said I didn't make any of the payments and I had to show him all the receipts and emails and he said to me " _____ " I explained and showed proof that I had paid the \$ _____ diversion payment. I then he said, well now you are going to pay a county attorney payment of \$ _____ and you have until _____ to pay it or go to jail. On _____ I went into the court to pay it, they didn't know how much I was paying, told me to go to the county attorney, then I went there to pay the \$ _____ Then _____ said, " _____ " I went and I got a money order and brought over to them, they refused to stamp it received and I am probably in jeopardy of being arrested again. The way the conduct business is highly suspect and they should be placed under investigation. The Judge refused to see I was ill and refused to release the warrant.

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The trauma I endured while in custody was inappropriate and they should be held accountable. I am a respectable person who made a mistake and I have lived here in _____ for over _____ and I don't write checks and I forgotten my card, and didn't know my for boss Attorney _____ had my account closed which is against the law. But since he has a relationship with the bank manager, he had pull. The Bad check program needs to be investigated for misconduct as well County Attorney _____ and his managing program Director _____ make up rules as they go along and make sure you are humiliated for bouncing a check. I can understand if the person is a serial bad check writer, I simply did not know this even happened and the treatment I got from the Judge, the County Attorneys, the program making up fees as they go along, is misconduct in its ripeness.