

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 19-341

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Judge:

Complainant:

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**ORDER**

The complainant alleged a justice of the peace mocked him, disregarded his evidence, and conducted an improper independent investigation in a civil traffic matter.

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.

After review, the Commission found the judge made comments that conveyed the impression that he independently investigated the scene of the citation. While this was improper under Rules 1.2, 2.2, and 2.9(C) of the Code of Judicial Conduct, the Scope Section of the Code provides that not every transgression will result in the imposition of discipline. The Commission decided, after considering all the facts and circumstances, to dismiss the Complaint pursuant to Commission Rules 16(b) and 23(a), but to issue a warning letter to the judicial officer reminding the judge not to make comments that give the impression he independently investigated the facts of a case and may be deciding the facts on matters outside the record.

Commission members Christopher W. Ames, Barbara Brown, Joseph C. Kreamer and J. Tyrrell Taber did not participate in the consideration of this matter.

Dated: March 17, 2020

FOR THE COMMISSION

/s/ Louis Frank Dominguez  
Hon. Louis Frank Dominguez  
Commission Chair

Copies of this order were distributed to all appropriate persons on March 17, 2020.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2019-341

**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.

In the most straightforward terms;

- The Judge encouraged a casual exchange during formal proceedings
- The judge disregarded the inaccuracy of the date written on my citation for my court appearance
- My photo and video evidence was disregarded and not admitted
- When I attested to telling the truth, the Judge verbally said " \_\_\_\_\_ " and I felt like I was mocked
- The judge had leniency on the defendant before me because he claimed to have work \_\_\_\_\_ in law enforcement
- The Judge may have held himself in contempt by stating " \_\_\_\_\_ " like he did for the defendant prior.

Summarizing my experience:

I recieved a citation for speeding. \_\_\_\_\_ construction zone at \_\_\_\_\_  
I was heading \_\_\_\_\_ after exiting \_\_\_\_\_ As Judge I \_\_\_\_\_ confirmed, there have been so many tickets in this construction zone, he drove to the area to observe it for himself.

My citation had a scheduled court appearance for \_\_\_\_\_ and after several calls I learned that there are no court appearances on \_\_\_\_\_ and the Court was moving to \_\_\_\_\_ I then scheduled for the week prior on \_\_\_\_\_ Upon arriving, I was informed that I could pay the fine and take traffic school or submit a plea of not guilty to schedule a hearing. I opted for \_\_\_\_\_

The \_\_\_\_\_ Trial was set for \_\_\_\_\_  
As mentioned, the defendant prior to me was granted the option of traffic school and a fine. When I informed the court, I was not aware the option of traffic school was null and void once you enter into a hearing. The Honorable Judge \_\_\_\_\_ said he has never made that determination in his tenure.

My argument for pleading not guilty is simple. The speed signs for the construction zone were poorly placed for drivers and they are frequently moved by the construction workers. My video and photo evidence would have illustrated my point, but Judge \_\_\_\_\_ said that he drove to the intersection and saw it for himself. Concluding there was no need for me to submit my evidence. The point he missed though, was where he saw the speed limit signs, on any given day, is not the same location of the speed limit signs on the day I was issued my citation,

There are 2 signs at the intersection of the \_\_\_\_\_ There are no signs indicating construction zone(just pilons), no reduce speed ahead signs and no end construction zone signs. As the officer pointed out, you should maintain the construction zone speed until the next speed limit sign, which was about \_\_\_\_\_

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Knowing the ruling has been made, I will stop here. Although, I feel it's important to underscore the context of the defense to more accurately reflect the disregard I felt from this Judge.

He seemed to have a predetermined ruling and I will speculate that the revenue realized from speeding tickets at this construction zone over the past \_\_\_\_\_ is sizeable. Given the history of this construction zone and the number of people cited for speeding, I ask, is every driver disregarding the law in the same area or is the common denominator the signage or lack thereof?

I appreciate your consideration and allowing me to register a complaint. I would also encourage the Commission to review the audio of my hearing and the hearing prior. The office of the court should be held to higher standards.

Thank you.