

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-154

Judge:

Complainant:

ORDER

September 22, 2023

The complainant alleged a municipal court commissioner prejudged his 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 Commission Rules 16(a) and 23(a).

Commission members Denise K. Aguilar, Barbara Brown, and Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 22, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

23-154

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.

When I came to court on [] I came in early. As I entered, I noticed that the judge and the witness of the state was fraternizing and laughing together. It seemed that the conversation they were having was as if they were old or new friends and had just hung out the previous day or weekend. The distinct thought came to my mind that I stood no chance in winning my ticket, not because I did not feel I had a valid reason to have the ticket dismissed, or to have the judge allow myself the chance to attend traffic school, but because judge [] and this state witness seemed to be friends based on their conversation.

It was awkward how friendly their conversation was, and did not seem typical. It was hard because in my mind, I felt that no matter how well I presented my reasons of contesting my ticket, that judge [] was not going to go against what the state representative's decision was going to be. I even had the thought, after I had left the court to see how many cases have come before the judge and the state witness together, and how many were sided on the state witness.

I received this ticket on [] after being served. No ticket had ever arrived in my mail, nor was I even aware of this ticket until I was served by a process server at my residence. Because of covid or other reasons, the scheduled court date kept being pushed back and back. Come [] I was without a job, and was going to start the process of applying for police departments, [] being one of those. I truly felt that with the construction that was going on at [] and [], and how many other vehicles were in the intersection, and going as slow as I was going, I truly felt like I was not at fault. After the judge made his decision which went along with what the state witness felt like should happen, I wrote a motion to see if the judge would have a soft heart in giving me a second chance to be able to go to traffic school so that I did not have to pay the ticket, and also have to go to traffic survival school. I even asked if I could donate money to someone in need and I was informed that they did not have any program like that.

I paid the fine, and submitted my motion immediately. I really was hoping that judge [] would find it in his heart to give me a second chance to go to traffic school rather than pay the fine to the courts, go to traffic survival and still have the points on my record. I never heard anything, nor did I receive anything in the mail.

I called the court on [] because I had not received anything in the mail from the courts in regards to my motion and was asking what I needed to do to make a complaint. I really felt that I had a valid reason for my reasons as to why I did not think I was at fault. I was not speeding, there was construction and there were several other vehicles in the road at the same time I was. I don't even remember seeing any flash so I did not have any reason to be concerned about violating any road laws. The corners were not very visible, and you had to make a guess as to whether I had crossed or not crossed. That alone made me feel like there was nothing concrete based on those facts and the others I presented to the judge.

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gone that route as opposed to trying to fight it. If you look at the court video, you will see that judge looked at me several times as almost telling me that I should go that route as opposed to trying to fight the ticket. This also gave me the impression that the judge had already made up his mind before I even presented my case to him. The fact that no letter or notice was sent to me in regards to my motion, led me to believe that what I had to say meant nothing to judge. As I mentioned before, when I entered the court and judge and the state witness was having the friendly conversation, it made me feel uncomfortable and gave me the impression that no matter what I said or presented to the judge, his decision was made up.

There is the letter of the law and spirit of the law. I honestly was hoping that the judge would have had a little mercy on the fact that I had this ticket. I have not had a ticket in a very long time, I'm not speeding or getting in trouble, and honestly not having had a job for a while, put stress on me having to pay this hefty ticket. I felt pleading my case would have allowed the judge to express mercy, as opposed to not granting the dismissal of the ticket. But the way I felt with the judge and the state witness and their communication is the reason for my complaint.