

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-327

Judge:

Complainant:

ORDER

The complainant alleged a pro tem municipal court judge engaged in improper demeanor and failed to award restitution in a criminal traffic case.

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 Louis Frank Dominguez did not participate in the consideration of this matter.

Dated: January 11, 2017

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 January 11, 2017.

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

2016-327

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.

Dear Arizona Commission on Judicial Conduct,

I appeared in court on _____ at _____ in the _____ as the Plaintiff in a "Leaving the Scene of an Accident" case. The case number is _____

I was shocked at the way _____ treated me during the hearing and believe that he had a preconceived opinion of me and treated me with disrespect for the trauma that I occurred months before this court came into session. The Defendant _____ had to appear before a _____ times before I was called to court so if _____ was the presiding Judge at that time this could account for his reactions to me in court for he lacked integrity and displayed imparity to my side of the situation while I was speaking on the stand.

I looked up your "Arizona Code of Judicial Conduct" and believe that he violated Canon 1 and its comments #3 and #5. In Canon 2, he violated Rule 2.2-#1, Rule 2.3-(B), Rule 2.5 -comment #4. In addition to that he violated Rule 2.6-comment 1; and Rule 2.8 (B). I also believe that Rule 2.11 (A) and (A) 1 is an exact description of how he perceived me. He was curt, cold, and stern.

In the past, I have done my patriotic dutv as a "randomly selected juror" in a Criminal case and, once again in a Civil case when I lived in _____. At that time, I did take it upon myself to view several cases prior to those appearances to learn what happens in a court room. Your court room shocked me.

I am have read about and have watched actual crime stories of "criminals" that got away with crimes in this country! The woman that hit me told a multitude of lies and she played _____ like a violin. Once I heard her testimony, I wanted to get back on the stand to point our all her lies, but I was told that I would not be able to go back. Since she did the hit and run, why couldn't I listen to her story before I went on the stand? I never dreamed anyone could, or would, come up with so many stories! I wanted to scream out loud in that court room every time she lied! I taught my children to have integrity and she is teaching her children (who were there with her), how to get away with a crime! What a parent!

Since she had already appeared in court a few times, why didn't I get the opportunity to at least read a transcript as to what she had told the court ahead of time? I asked my insurance company if I could go to the court to witness what she was saying for her appearance in _____ and _____ but I was told that since I wouldn't be able to say anything it would be a waste of time.

Boy, did I learn that this was not the right advice! I am going to write a letter to my insurer about this! At the very least, my prosecutor should have let me read her transcript from her court appearances! I was foolish enough to believe that the court system was fair and iust!

Let me assure you, on _____ when I first met _____ they both could walk fine without any assistance! When she hit me, she could walk very easily and did not need a wheelchair. In court, she had to be pushed by her daughter in a wheelchair. She didn't need a caregiver when she hit me, as she was the caregiver for her husband on that day, and he was the only one with her. Later I found out he has _____

I was driving at the speed of 30-35 miles per hour in a 45 mile per hour zone because I had just started up from a stop sign. I was 200 ft. from the stop sign when she hit me. When I felt a bump in the rear on the passenger side, I looked in my rear-view mirror and saw that a car had stopped so I stopped my car and, as I was getting out of the car, she immediately drove around to "block" my car from going forward. I don't know what possessed her to do that as I was getting "out" of the car.

She told me that I hit her and I thought that she was crazy. She hit me on the side of the "passenger rear" and the damage was from the end of my back door to the rear bumper. Her damage was on the driver's side from the "front" edge of the driver's side door to the front headlights.

I asked her where she was coming from and she said that she had made a right turn at the light. I said, "You made a right turn and in that short distance you wound up on the left lane (3 lane street)? She said, "I always do that"! I said, "Lady, you better stop doing that because you are going to kill someone or yourself one day".

I was upset over her hitting me and complained that I have a \$ deductible. I already knew that no one was hurt as they were both out walking around. She wanted to exchange phone numbers and thank goodness I didn't do that because now that I know what type of a person she is, she would have given me all the wrong information, then take off anyway. I am smart enough to never do that until the police arrive.

She did tell me that she has a bad heart and I said, "So do I. I have Atrial Fibrillation and had a double bypass" and showed her my scar. After I did that, she never mentioned her heart or anything else about her heart. However, she told the Judge and everyone in the court room that she had told me that "she had chest pain and that I had a phone and I didn't call for help". That was a flat out lie! I am trained to call for help in that type of circumstance. Besides, she never knew I had a phone at the time because it was in my car and she had already driven away when I retrieved it!

I was a volunteer for for almost years and assisted many people to take care of their family member who had . When I saw the man with I told the police officer who I had reported the accident to, that the man she was with, was either physically or mentally challenged. Later the police officer told me that the man was her husband and he had . All the while I thought it was her son!

When I wanted to expound on my testimony the Judge was curt and said, "No!" in a very stern manner or would stop me and tell me to answer in one word. If he had already formed an opinion of me then why did I have to waste my time, my gas, and the day to go to court?

This is what she told the Judge – She left so she could pick her daughter up from work because her daughter is her caregiver. If she was in so much pain why did she drive to pick her daughter up from work, why not go to the hospital? And, after she picked up her daughter, why didn't she have her daughter take her to the emergency room right away if she was in pain? I'm sure her Doctor told her that she could die from an A-Fib attack!

When the Judge asked her if she went to her Doctor's office she said, "No, I called him and he said that I should wait 20 minutes and if the pain doesn't go away I should go to see him". At one time a couple of years ago, I had eight different Doctors and NOT ONE of them would ever come to the phone or even call you after work if you left a message-period! Their assistant handles all calls. The Doctors in Arizona are unreachable. Try it one day. Of course, if you are a Judge or Lawyer, they may come for you but have one of your staff try and no Doctor will ever come to the phone.

I lived in for years and when I lived there, the Doctors will call you after 4pm if you left them a message. Besides, a Doctor that has a patient who has A-Fib would never tell that patient to wait 20 minutes, to see if the pain subsides! First, they would not come to the phone, and second, the

assistant she talked to would tell her to have someone take her to emergency or call 911! AND if you call a Doctor's office in AZ, and no one answers the phone immediately -- they usually have a recording that tells you that, if this is an emergency, call 911. My guess is that she never called her Doctor's office.

If this woman would have told me that she had chest pain I would have called 911 for her immediately! I never had a cell phone in my hand, and in fact, the only time she knew that I had a cell phone was when I heard her blame me for the accident for the third time and I said, "Okay, that's it! I'm calling the cops". I went to the car, leaned over to go into my purse to get the phone, I heard her tell the man (her husband), "Get in the car", which sounded okay to me because it was 109 degrees out, but then I heard the car rev up, (like she had punched down on the gas pedal), and off it zoomed away! I thought I was watching a movie! I tried to get the license number and thank goodness I did get the last 5 letters and digits but she was gone!

I wanted restitution for my damages because now it shows on my insurance record that my insurance company had to pay to have my car repaired as though the accident was my fault. I will not forget that permanently stained my insurance record by not having insurance pay for my damages which were substantial--\$

This Judge was curt, cold, callous, and stern with me. It was evident that he was bias toward me and had empathy for her because he spoke softly, was patiently repetitive, caring and understanding toward. Read the transcript and you will see that three quarters of the time we were there, he spent on her concerns rather than mine, believed all her lies, practically apologized that he "had" to fine her because she broke the law, and repeated several times that she can appeal the case! So now what, because of his repetitive and sympathetic tone, is she going to spend more of the taxpayer's money and get back the \$ that she paid the court for a hit and run? Unbelievable! I was, and still am, stunned! This man is a liability to the taxpayer.

Of course, she pretended to not know anything but she knew enough to make up all those lies so someone was helping her!

is part of the reason that criminals repeat crimes over and over before they are finally incarcerated! When you don't punish people for the smaller crimes they get brave and repeat more crimes and each time get more daring. That is how children do it so I guess either didn't have children or wasn't around to see them grow up!

Our police see these liars over and over, at the taxpayer's expense and many times they don't go to jail until they kill someone or commit a federal crime. Is this Judge assuring himself job security? Why do we have Judges that are not able to read people? If they have been a Judge for and they can't tell a liar from someone else, then, in my opinion, they should be demoted to a different job.

Thank you for the opportunity to allow anyone to write in to make a complaint. I hope you understand my frustration and why I had to voice my disappointment in the legal system.

Sincerely,