

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-074

Judge:

Complainant:

ORDER

The complainant alleged that a justice of the peace did not give him an opportunity to be heard, denied him a fair hearing, and made an erroneous decision.

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).

Dated: May 17, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were distributed to all appropriate persons on May 17, 2017.

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

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

Comp

In re:

2017-074

VIA US CERTIFIED MAIL

COMPLAINT AGAINST A JUDGE

Please accept this letter as a complaint against _____ of the

On _____ of this year, a hearing was scheduled by _____ on my Motion to have the Constable seize non-exempt property from a judgement debtor.

The first item on the agenda was a Motion of Change of Judge for Cause, but since I mistakenly cited the wrong statute, the Judge denied the motion, even though he knows I have stated I cannot get a fair trial in his court.

At that hearing, the Judge called the only witness allowed to testify; the Constable. The Constable testified that he did not seize non-exempt property because he felt the Debtor "needed" the property. He said a utility trailer and solar panels might be considered "fuel", but also stated it wasn't officially considered exempt property. He also stated that he had no knowledge that solar panels were even connected to the debtor's dwelling.

The judge ruled that the Constable had the right leave the debtor with non-exempt property would not overrule the Constable's decision.

The judge refused to let me make any argument whatsoever. I was not allowed to speak and explain my position. Since the judge wouldn't let me speak and ruled that he wouldn't overrule his Constable, why was there even a hearing? A hearing is so that a party can be "heard".

Canon 3. (7) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

Arizona law is very specific about what is and what is not exempt property, and there is nothing in the statute that a Constable or a Judge can declare “needed” property as exempt. The needs of the debtor are not a factor in what is considered as “exempt property”.

Chapter 8 of the A.R.S. lists exempt property. The judge did not have the authority to rewrite the A.R.S. If he thinks what a debtor “needs” is exempt, he should petition the Legislature to rewrite the law.

This is clearly a violation of Arizona law.

It’s almost as if _____ is assisting this Defendant to make a mockery of his Court and the legal process, all to my detriment. I expect and deserve a level playing field in front of _____. Why is this being denied me over and over and over?