

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-170

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace was rude and condescending to him.

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.

After review, 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: October 4, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer

Executive Director

Copies of this order were distributed to all appropriate persons on October 4, 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

2017-170

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.

2017-170

To Whom It May Concern:

I'm writing in regards to an encounter I had with Honorable Judge [redacted] on [redacted]. I was appearing before the judge in relation to a restitution hearing that was set and follow up. I wish this was going to be the only issue regarding this entire debacle beginning with a traffic citation and motor vehicle accident that occurred over [redacted]. An [redacted] was the [redacted] and upon conclusion of his investigation a driver traveling in the same direction had a video recorder and recorded a portion of the incident and the [redacted] decided to issue a criminal traffic citation of reckless driving to me after viewing the submitted video.

The owner of the vehicle I was operating notified his insurance carrier and the other vehicle involved in the minor accident had required Liability insurance coverage only. The owner's insurance company also viewed the video and determined the accident was ruled [redacted]. The damage on the vehicle I was operating was negligible.

A hearing was set and meeting was set with the [redacted]. A tentative offer was made by the Prosecutors office reducing the Reckless Driving charge to [redacted] Civil Traffic citations. Another date was set for [redacted] with additional phone calls discussing offer. The Prosecutor requested a continuance and was granted for [redacted]. Upon attending that meeting a new Assistant Prosecutor was assigned and we had to start over again as the Supervisor said the other offer that was formally offered, was not "[redacted]" now. They countered now with [redacted] civil traffic citations, which was more than original offer. I decided to request a trial by jury.

A new hearing date was set and attended by all parties. That hearing was set and after several attempts of selecting a jury the court apparently did not have enough available jurors. A new hearing date was set and attended by all parties. At this time, I did not have legal counsel and then prior to selecting a jury I chose to obtain legal counsel.

Another hearing was scheduled with legal counsel and a jury was selected and just prior to the hearing the Prosecutor offered a new deal and which was accepted. I was given a reasonable payment plan for the fines totaling \$ [redacted] and the payment plan was paid on time and completed as required. I was then sued by the other driver for damages for repair of his vehicle since the insurance carrier only paid [redacted] of the damage as it was determined by the carrier [redacted].

I have received numerous notices via US mail from the court. During the drawn out process of this situation I had moved [redacted] and the court was notified of the new address change in a timely manner on [redacted] moves. I have received mail at [redacted] addresses properly until the most recent hearing. I never received a notice for the hearing for damages from the accident. I contacted the Court office and had the hearing continued as I was out of the state for the scheduled hearing date. Time passed and I never heard back from the court on a new hearing date. After waiting approximately [redacted] or so I contacted the court inquiring on this case on or about [redacted]. I was informed that there was a hearing rescheduled and a Judgment was ordered for the Complainant. I advised the Court at this time that I never received proper notice. [redacted] checked the file and stated it was sent via USPS. It was confirmed that it was sent to my former address and *not* my current address and the courts had previous sent correspondence to me at new address.

My complaint fell upon deaf ears at the court. Basically stated it was my problem as they sent it out as required (*although the courts erred in sending it to wrong address*) I am a responsible person and made sure I notified the courts and [redacted] of all changes. I did the proper notifications but obviously the Courts will not acknowledge their mistake. This mistake had a negative effect on me.

I was given a new hearing date to attend to arrange for payments. I attended in front of Judge [redacted]. Upon hearing the amount, the restitution was set. I then explained to the judge that I had taken [redacted] to begin college and was living off student loans while looking for employment that wouldn't interfere too much with schedule. I am [redacted] and take pride in my work. The judge asked what I planned on doing to pay make payments and I replied I could make the minimum payment yes, but a payment I knew I would be able to maintain and not fall into delinquency possibly imposing undue jail or penalty from the state. The judge and I verbally

agreed to \$ dollars the and every following, once finding a job I was to contact the courts and make arrangements to increase that payment. My biggest hurdle is that I rely on public transportation and I want to make sure that I can get to and from my potential employer. He signed off on the agreement and I headed to the lobby to set up a payment plan, once I reached the teller I was told that my payments would be \$ for some arbitrary reason. When I informed the teller of the agreement come to by the State and I, she informed me I would have to write a Motion for the matter I had just settled prior.

I would like to know why the would increase this payment at their discretion without notice. Why would an agreement with the Judge not be honored? During the meeting of Judge mentioned to me that I could " " for a minor \$ accident which insurance paid. I find his lack of respect for my situation offensive. I am bettering my life to be a contributing citizen. Placing blame for being in a different socio-economic standing was rude, condescending, and I would like this matter to be reviewed further.