

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-001

Judge:

Complainant:

ORDER

March 24, 2021

The Complainant alleged a municipal court judge was vengeful, had discriminated against him because he is a veteran, and had improperly denied his requests 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.

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 member Barbara Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on March 24, 2021.

2021-001

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.

Good Afternoon,

I am writing to address the iniustice I faced from the _____ court and several of its employees on _____. There have also been several other interactions on different dates as well. These are in relation and shed light on the main complaint.

I initially was issued a traffic citation for speeding, _____ in a _____ zone. I did not receive the ticket in the mail for whatever reason. I finally receive a " Failure to Appear " notice the first week of _____. I need to mention that my wife and I were going through a familial crisis due do some deaths in the family and chronic mental health reasons. I was absent from the apartment for most of _____ and _____. I have evidence of the _____ department being called to my home and asking me to vacate due to issues between her and I. Returning to the " Failure to Appear " notice, I see it states I was served. I ask my wife if anyone gave her important papers at the door. My wife then tells me a man did come at a peculiar time and ask for me by name. My wife, _____ informed the gentlemen she did not understand, as English is not her primary language. He told her, she had been served and throw the paperwork into her chest (not violently, but not gently either). I then immediately contact the court here in _____ to seek a resolution. I am told to go online and write it all in a motion and then to submit it.

I am a disabled veteran who served _____ in _____. While there I sustained severe injuries from a large _____ which, eventually would cause me to be medically discharged. I have spinal damage, limited range of motion, chronic rinoia in the ears, PTSD, Traumatic Brain Injury. All the conditions are documented by the _____ department. I have significantly reduced memory acquisition and retention.

The first motion was returned by the clerk via telephone call, who tells me it is too vague. The clerk instructed to be clear and precise and list a single request for the judge. I was given _____ options; the first was to take defensive driving course; the second was to have a civil traffic hearing, and the third to pay the fine. I had asked about the three choices but did not clearly specify which path I wanted to take, hence the return of the motion. I file a second motion requesting that I take a defensive driving course. I write a long motion explaining to the court that I did not wantonly disregard my court date but due to conditions outside my control, was unable to. I explained the travails my family has been suffering through the past _____ since the virus took both our jobs, several immediately family members, and all while I attend a _____ at _____ for _____. I get a second call from a different court clerk, who tells me that Judge _____ denied the motion, and did not give any other reason as to why. I asked if she denied the first motion and was told yes. Considering that, I request to have a Civil Traffic hearing, to make my case directly to a judge. Explain the mitigating circumstances, and advocate for myself as an ideal citizen and resident of _____. I explained the extreme hardships I had been through and apologized for missing the court date. This was my third motion. I receive a phone call from the same clerk I spoke to last time. He tells me that Judge _____ denied my motion. And again, did not give any reason why. I asked if the court could deny me the right to have a hearing. He tells me over and over I cannot help you or answer any questions pertaining to any of that. I ask why I cannot have my day in court, and he tells me, the Judge ruled I missed the original court date, and the 3rd motion was " _____ untimely ". I have timestamped proof that I submitted motions on the day right after speaking to the court on all 3 occasions. Since I received the " Failure to Appear " notice I have been in constant contact with the court trying to resolve the issue as fast as possible. The matter is urgent as Judge _____ has

CONFIDENTIAL

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

FOR OFFICE USE ONLY



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.

suspended my driver ' s license. The loss of which has placed yet more burden on my already heavily laden family. At this point I decide to sign a complaint against the court and need to locate the presiding judge assigned to my case. I am told by the court clerk that there is no one assigned to my case and the motions are heard randomly by which ever judge is available. I ask who ruled on my motions, and she tells me on all of them it has been Judge _____ (the first time I ever heard the name). I asked several times, how can I have my day in court, and I ' m told, " file another motion, explicitly requesting Judge not be the presiding magistrate. " I am bewildered why I am being denied my most, fundamental, and basic right to a hearing by which seems to be a vengeful judge. I believe I am being treated this way because I am a _____. I feel as if the court is against me for some reason. Thank you for taking the time to hear my complaint. Stay safe and a Happy Holiday to you and yours.

Respectfully,