

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-448

Judge:

Complainant:

ORDER

February 7, 2025

The Complainant alleged improper fact finding by a justice of the peace in a traffic trial.

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 Regina L. Nassen did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 7, 2025.

CONFIDENTIAL

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

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2024 - 448

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.

JUDICIAL COMPLAINT

The following complaint is supported by Attachments providing the details and justification for the charges claimed against 2 Justices of the Peace, _____ and _____. This complaint applies equally to both and the claims and circumstances are closely aligned and underscores a common shared issue.

To summarize, the best description of these trials is in the vernacular, it was a Kangaroo Court as described in Attachment Three, page 15. Of the 10 examples of kangaroo court violations these trials met 6. Claims against the judges are based on their violation of numerous laws during their trials and their application in generating a guilty verdict. These are summarized as follows. Where a specific charge applies to only one of the judges the charged judge is identified.

1. Violation of my constitutional right to be assumed innocent until proven guilty.
2. Violation of my constitutional right to a fair trial.
3. Violation of my right to testify.
4. Creation and application of an illegal charge and using it to render a conviction.
5. Violation of my right to be involved in, and to control, one's own defense.
6. Violation of my right to have a stenographic record created of the trial proceedings.
7. Failure to file a written judgment.
8. Failure to provide the defendant with a written copy of the judgment.
9. The creation of a chargeable TCD that is not included in the MUTCD.
10. Violation of the rule barring a judge from introducing a new charge (**Judge _____**).
11. Violation of 13 – 2921, Harassment
12. Violation of the Arizona Code of Judicial Conduct, rules 1.2, 2.2, 2.5, and 2.6.
13. Abusive litigation and abuse of process.
14. Violation of Federal Law as described in the MUTCD

Both trials concerned a single traffic violation case, _____. The first trial failed to record the proceedings properly resulting in a retrial with a new judge. The 2 trials essentially followed the same process and generated the same issues, hence the use of a single document to describe the complaint. Coincident itself is instructive in identifying the common cause of the corrupt process. In the few areas where they differed the specific judge is identified. Also, a separate summary is provided for each. Otherwise, everything applies to both judges.

The issues go far deeper than a simple complaint against these two judges as is discussed in detail in the first attached document. These Justices are the focal point of a failed traffic court system characterized by a level of ignorance and illegalities that is best described in the

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vernacular, a Kangaroo Court designed to result in a guilty verdict covering the system's incompetence. It is unlikely that anyone who is innocent will ever receive a fair trial from either of these judges supported by a corrupt JC system.

There were numerous common, and instructive factors in their adjudication: neither judge knew or understood the laws governing traffic control. This deficiency was amplified by their serious lack of intellectual acuity that, had it existed, would have quickly led to the realization that the citation and associated claims by the plaintiff did not have any legal basis.

To understand the claims made throughout this document it is **imperative that the reader understand the system that controls and manages the traffic control system. It is described in great detail in the Manual on Uniform Traffic Control Devices (MUTCD)**, which lays out the system and the laws governing its application. This is essential in understanding the following the set of attachments provided at the end of this document concerning the laws that were ignored and broken by the Judges.

MUTCD SYSTEM OF TRAFFIC CONTROL

All traffic control law is controlled by the federal government and administered by the Federal Highway Administration (FHWA) and is described in detail in the FHWA publication, MANUAL on UNIFORM TRAFFIC CONTROL DEVICES. A brief description of the MUTCD system is provided in Attachment 1 and was provided to (and ignored by) both judges.

The first important feature to understand is that Traffic Control Devices (TCD's) exist in two classes, a differentiation that neither the plaintiff nor either judge understood.

- **Chargeable TCD.** A TCD in this class identifies a specific requirement that must be met by every motorist. Examples include Stop Signs, Speed Limits, Weight Limits, No Turn on Red, No Parking, etc. A driver found in violation of a chargeable TCD will be cited.
- **Information TCD.** These do not include any direction the driver must take but does provide important associated information such as warnings of road configuration changes ahead the driver should be aware of such as divided highway ahead, 6% grade ahead, and warnings of an upcoming chargeable TCD. In some cases, this warning sign of an upcoming chargeable TCD is mandatory.

The form of **information TCDs** can be either written or schematic. They include warnings of changes in road configuration such as Lane Ends, Divided Highway Ends, upcoming crossroads, and upcoming chargeable TCDs such as 4-Way Stop Ahead, **Road Closed 1 Mile Ahead** and **Work Zone 1000 Feet Ahead**. Those in the information category are clearly not chargeable. They do not direct the driver to take any action, just inform the driver that there may be lane changes and chargeable TCDs to be aware of. **The future clearly cannot be chargeable, a concept even**

a 10-year-old can understand. As previously stated, some information TCD's are a mandatory accompaniment to a chargeable TCD and include signs like ROAD CLOSED 1 MILE AHEAD and

complement of information TCDs covering every possible traffic condition, including the mandatory warnings of upcoming chargeable TCD's.

The most telling issue, and one that is completely unacceptable for anyone who has been given power over other people's lives, is that both Judges and Officer demonstrated the lack of sufficient mental acuity to comprehend the fact that no one could possibly be charged with a violation of law based on ignoring a sign that only contains information. I brought this up more than once with both judges and they just cut me off. Both deliberately stopped me from defending myself using this argument. They just shut me down. This is clearly documented in the last paragraph of the transcription (Attachment 2) where judge Jones cut me off while explaining this issue and, at the end of his interruption, refused to let me continue. He went directly to his charge stating that I was guilty (of a new charge he made up and introduced himself) and must pay the fine, and I was free to go.

In Judge creation and introduction of this new law, both actions being illegal, he made two claims that have no legal merit. To begin with, his terminology was wrong, critically so because it is legally misleading. **There were no "barriers"** as he referred to the through-traffic control posts, **they were Traffic Delineators, and the differentiation is critical because going through delineators is legal and bypassing a barrier is not.** The purpose of delineators is to control the through-traffic using standard TTC (Temporary Traffic Control) methods, which these were, to guide traffic around work areas. This is explained in **Section 12 of Attachment 3, Legal Issues.** While violating a "barrier" would create a chargeable TCD, Traffic Delineators do not, and for good reason. Work areas on surface streets may be blocking long stretches of homes, businesses, institutions, or other areas where public access is required. The solution is to use delineators for traffic routing in combination with solid barriers to protect the work area itself. Delineators are set up to guide traffic around work areas and are preceded by a sign directing through-traffic to the right or left of the line of delineators. This gives drivers access to their homes, businesses, or any other destination they require access to.

The series of photographs provided in section 13 of Attachment 3 show how this traffic control system is managed. The actual work areas and equipment are protected by solid barriers to prevent any vehicle or pedestrian entry. Openings between the delineators provide vehicle access to homes and businesses. Side roads are accommodated by a wider spacing accompanied by traffic direction signs. These photos were taken locally where several roads are under TTC for road and utility work. Collectively they cover at least 3 miles.

The rules governing "Road closed" are covered in section 2B.58, Page 98 of the MUTCD, and are shown on page 7 of the Defendant's Trial Exhibits, ATTACHMENT 5. It specifies that **ROAD CLOSED shall be preceded by the applicable Advance Road Closed warning sign**, which must be located sufficiently ahead of the closure to allow a motorist to use the last open exit

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**