

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 06-007

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Complainant:

No. 1275400433A

Judge:

No. 1275400433B

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**ORDER**

An initial review of the complaint filed in this matter reveals that the issues raised are legal or appellate in nature and do not involve allegations of ethical misconduct.

The complainant disagrees with the judge's decision to uphold the protective order; however, it is the judge's job to weigh the evidence and make a decision. If a person disagrees with the decision, his or her remedy is to file an appeal. The commission is not a court and cannot review a judge's decisions.

The complaint is dismissed pursuant to Rule 16(a) and the matter is closed.

Dated: February 6, 2006.

For the Commission

/s/ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on February 6, 2006.

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

COMPLAINT AGAINST A JUDGE: CJC-06-007

Your name: [ ] Judge's name: [ ] Date: Jan. 11, 2006

Cases: [ ]

I have 2 Injunctions against Harassment on my record because [ ] lied about me and Judge [ ] made it legal. I am filing this complaint against Judge [ ] behavior of disregarding evidence in favor of perjury.

During [ ] I volunteered in my Grandson's [ ] Kindergarten class. When his mother, [ ] found out, she requested an Injunction against Harassment be placed against me. She alleged:

1. I followed her home from the school,
2. I interrupted [ ] class, and
3. I made threats within the last year to take [ ] away from her.

None of these events occurred, so I requested a hearing.

1. At the hearing, [ ] presented a police report as proof of me following her home.

I never followed her home. I have included the police report with this complaint. I pointed out to Judge [ ] that the last line of the police report states "the complaint of harassment was determined to be unfounded."

2. Under oath, [ ] told Judge [ ] that the teacher said I tried to take [ ] out of school and I got mad when the teacher stopped me.

I never tried to take [ ] out of school. The teacher never said I tried to take [ ] out of school. In a statement from a taped phone conversation, I asked the teacher, [ ] do you remember me ever trying to take [ ] out of school?" The teacher's response, "No."

3. Under oath, [ ] told Judge [ ] I made threats (in a phone conversation) to take [ ] away from her. Her boyfriend witnessed the conversation.

I never threatened to take [ ] away from her. I taped the conversation and offered it as evidence. Judge [ ] refused. Here is the boyfriend's testimony.

"I heard [ ] ask why [ ] is keeping [ ] away from him, and I could hear [ ] say the "B" word toward [ ] That's what I heard."

[redacted]

The extent of [redacted] evidence was the police report, her words, and her prisoner boyfriend's statement.

I may be missing something, but I don't see a bit of evidence supporting [redacted] allegations. [redacted] allegations were clearly fabricated, and lying under oath is perjury. This isn't a case of He said/ She said. This is He said and provided evidence/ She said and provided no evidence.

Judge [redacted] let the Injunction remain in effect, disregarding evidence and not punishing [redacted] for perjury.

On [redacted] 2005, the Injunction expired and I volunteered in my Grandson's 1<sup>st</sup> grade classroom. [redacted] found out and immediately requested and received another Injunction against Harassment, [redacted] The 3 events she alleged this time were:

1. Interruptions during class,
2. I asked my Grandson questions about her, and
3. I continued to have others lie so I can see [redacted].

Again, these events never occurred, so I requested a hearing.

At the hearing, [redacted] had numerous allegations and absolutely no evidence. I'll provide my evidence after each allegation.

1. [redacted] alleges that I go to the school without asking.

The School sign in book and the teacher's letter state:  
[redacted] signed in through the office  
at 10:28 AM and was issued pass # 07."

2. [redacted] alleges that [redacted] is upset that I'm there, and he doesn't want me there.

The teacher's letter states "[redacted] was extremely happy to see him. [redacted] showed utmost consideration for him, all of the children, and me."

3. [ ] alleges the other volunteer is uncomfortable with me being there and doesn't want me there,

Judge [ ] you said the incident (now it's an incident) at the school, there were no aids in the room ?

Me: Yes, there were no aids in the classroom.

Judge [ ] was she (the volunteer) in the classroom

[ ] "No, she hadn't volunteered that day"  
(When she does volunteer, she doesn't volunteer in [ ] class anyway)  
"She told me she was really concerned. She made me panic."

Judge [ ] Did you discuss that with the teacher?

[ ] "No, I didn't discuss it with the teacher. I was really upset."

Judge [ ] When the order was not in effect, [ ] went to the school and according to the teacher, there that day, didn't have a problem with [ ] being there. OBVIOUSLY another parent did have a problem

So what's happening here is a volunteer who doesn't work in [ ] class and wasn't even at the school that day is OBVIOUSLY convincing [ ] and Judge [ ] that I interrupt and interfere in [ ] class. Does the Judge care about what the teacher had to say?

The last line of the teacher's letter says [ ] is always welcome in my classroom."

4. [ ] alleges I ask my Grandson questions about her.

On [ ] birthday, I saw him at my ex-wife's house. We were playing and I rubbed his head and he said "Ouch". I asked what was wrong and he said he had a bump on his head. I asked how he got the bump and he said "Mommy hit me". I asked my ex if she knew about this and she said "Yes, I had to put ice on his head to get the bump to go down." She also said [ ] got the bump when "he fell against a door." Actually, both statements are true. [ ] hit him so hard that she knocked him into the door. I filed a complaint with Child Protective Services 7 months later [ ] when I was told the whole story.

To support [ ] allegation of me questioning [ ] Judge [ ] says to me:

"Now [ ] you're saying that when you went to the house, all you did was talk to your Grandson, but when he went home he would have told his Mom that you asked questions, I'm not saying that's bad, I'm saying that's what kids do. One question could be drawn out to be you asked him a bunch of questions."

Wouldn't it have been more appropriate to tell that to [ ]?

To further help [ ] with her allegations, Judge [ ] says:

Judge: You weren't aware of [ ] until after it happened. Is that what you're saying?

[ ] um

Judge: Cause he said he went on [ ], for 45 minutes to an hour, then he saw him again on [ ] Is that your son's birthday?

[ ] Yea. I was working at the time, so, I do know that, not on my son's birthday, but the other date, [ ]

Judge: And you have [ ], so it could have been [ ]

[ ] Yea,

Judge: And that's where you have [ ]

[ ] Yea, one of those dates.

5. [ ] alleges I have people lie so I can see [ ]

[ ] I was called by [ ]. [ ] was going to call CPS, and was questioning [ ] about me.

Judge: What were the lies?

[ ] From what my son tells me, [ ] just brings things up about the past, about [ ] father, I mean, just things I don't think my son should hear.

[ ] [ ] showed (the father's) suicide note to [ ]

Judge: OBVIOUSLY, [ ] chose not to tell you till later on about [ ] being in the home. Whether [ ] asked her to lie or not, we don't have her here to ask her.

First of all, I wasn't at my ex-wife's house on [ ] Secondly, my ex says she did not call [ ] I told Judge [ ] that [ ] is at home all day, let's call her. Judge [ ] refused. Lastly, even if I did show [ ] his father's suicide note, he couldn't read it. He can't read yet. I love my Grandson and would never do anything like that to hurt him. When he's older and wants to know, I'll let him see it.

Here are a few more examples of [ ] allegations/ delusions.

[ ] hasn't done anything to attempt to see [ ]

[ ] When I go to the school to see [ ] you get an Injunction against Harassment placed against me.

[ ] still parks 3 houses away from me.

[ ] I haven't parked there for more than 9 months. The woman I visited there moved away before Christmas 2004. (This is [ ]). And there is nothing in the Injunction that says I can't be there.

[ ] to [ ] rescue: You do have the right to go visit people that you would like. Probably, it's not a good idea to sit in your car and watch. (Gee, [ ] didn't even accuse me of this.)

[ ] In the last restraining order, we negotiated counseling for [ ] He hasn't even attempted to do any of that.

[ ] There is absolutely nothing about me getting counseling in the "restraining order".

[ ] The whole rest of the [ ] family gets to see [ ]

[ ] The whole rest of the [ ] family is one person, my ex-wife. My daughter is thousands of miles away in Chile, my son, [ ] father, committed suicide 2 ½ years ago, and I'm not allowed to see [ ] thanks to [ ] and Judge [ ]

[ ] I tried to settle this (visitation) with [ ] and it just didn't work out.

Judge: Was any attempt made at all?

No, none.

I sat in  office for an hour or more on 3 or 4 occasions. You never showed up. All appointments were scheduled around your work schedule. Call  and ask her who sat in her office. Judge  refused.

is getting straight A's in school.

By  2005, report cards hadn't been given out yet. If  is talking about last year, Kindergarten,  was left back. He had to go to Summer school to get into the 1<sup>st</sup> grade.

There are many more allegations that are completely false. This complaint isn't being made to convince you of  delusions.

This complaint is about Judge  behavior of repeatedly disregarding evidence in favor of perjury. This is not incompetence. This is not the fine line between he said/she said. This is reprehensible behavior. This is a blatant disregard of truth and evidence in favor of perjury.  has appeared before Judge  at least 6 times from  to  That's approximately once every 3 ½ months. Judge  is well aware of  record.

I know you can't change Judge  decision, but I hope you can reprimand her for her behavior.

I have been following the  case and I'm seeking legal advice about filing a discrimination suit.

I'm including copies of the police report, a letter by the 1<sup>st</sup> grade teacher, a list of  court appearances, and one other instance of Judge  disregarding perjury/false reporting by  that doesn't involve me.

Thank you for your attention to this matter.

Sincerely,