

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-029

Complainant: No. 1302210685A

Judge: No. 1302210685B

ORDER

The commission reviewed the complaint filed in this matter and found no evidence of misconduct on the part of the judge.

The complainant, who was a witness in the matter, had no standing to request a continuance in the case. The judge dismissed the injunction because the named litigant failed to appear.

The complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: March 23, 2007.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on March 23, 2007.

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

[redacted]
I believe that the [redacted] City Court and in particular, Judge [redacted] has impeded my rights to due process, shown discrimination towards the plaintiff and favoritism towards the defendant, and potentially obstructed future justice.

On [redacted], I received a notice to appear in court on [redacted]. On the morning of the [redacted] I received a voice mail from a [redacted] stating that the defendant had requested a date change. I contacted an attorney to determine why this was allowed at the last minute. As it was, I wasn't given much notice for the original hearing. I was advised that the new date was probably the [redacted] but I would get a new, confirmed time in writing in the mail.

My job required that I be out of town the week of the [redacted] this trip was planned before [redacted]. I still had received nothing from the court by the next week, so I called and spoke with [redacted] on [redacted]. She did not want to talk to me because the judge had just come in. Why then did she answer the phone? Or, why didn't she transfer me to someone else? It was important to me that I obtain the proper information, as I indeed wanted to appear for the hearing. I did explain that I could not be present on the [redacted]—after she confirmed the [redacted] at 3:30pm. She said I had to put my request in writing and either drop it off or mail it in.

I took a copy of the [redacted] hearing document and wrote my reason on it. I mailed it that afternoon, [redacted]. I did so because I could not make it down to the court before it closed and I was leaving for Chicago early the next day. I did check my mail on the way to the airport and there still was no letter from the court regarding the [redacted] hearing.

I arrived home on [redacted] to find both the [redacted] hearing letter as well as a letter that said I had failed to appear and the case was dismissed.

I feel that my rights to due process have been infringed on several counts.

1. The defendant was allowed to change the original hearing date, yet the court gave me only two days written notice originally and then, a verbal cancellation within hours of the 3:30 hearing. **I was not extended the same courtesy as the defendant.**
2. The letter regarding the [redacted] hearing—which I was repeatedly told to wait for before responding with my inability to be present—was **not** postmarked until [redacted] the day before I finally called the court. I was **not** given sufficient notice to counter; verbal communication was not allowed unlike the verbal cancellation the defendant was allowed. **I was not extended the same courtesy as the defendant.**
3. The defendant has three counts of sexual misconduct currently pending against him in connection with my daughter. The dismissal document states that I had

notice of the hearing (see item #2) and that I failed to appear. This is a gross mischaracterization of what transpired and also of my commitment to appear in court. I feel that a document marked "failed to appear" suggests that I do not care (wrong!), and such wording can taint or obstruct fair justice in the larger potential case. **If my rights to due process had NOT been infringed, I would indeed have been present and the potential for obstruction would not be an issue.**