

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-035

Complainant: No. 1302610514A

Judge: No. 1302610514B

ORDER

The commission reviewed the complaint and found no ethical misconduct on the part of the judge. The issues raised are legal in nature, and the appropriate remedy would have been to appeal the judge's decision to a court with proper jurisdiction.

The commission is not an appellate court and cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: February 20, 2007.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on February 20, 2007.

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

I was told by plaintiff [redacted] of a hearing for an eviction notice for special/forcible detainer on [redacted] but did not receive a certified copy of said notice until [redacted] after trial date.

The hearing was changed to a trial when I refused to voluntarily sign a form that I would never enter the [redacted] again after the eviction proceedings. The paper I received from the court stated that the trial would be conducted on [redacted] but was told on that date that the actual trial date was mis-stated on the eviction notice and that the trial would be held on [redacted]

I had previously requested discovery of the charges stated against me, but was denied access to that discovery by the plaintiff and their attorney before trial date.

When at the trial, I requested discovery and a continuance to allow me time to obtain an attorney and be able to review the charges and build a defense, I was denied such a motion by Judge [redacted] I told him I was unable to obtain legal counsel at a short notice but was denied just the same.

During the trial, a witness for the plaintiff, [redacted] told of a conversation I had with her on [redacted] whereas I stated that "if my ex significant other [redacted] thought no more of me than to move out of my home, if and when she was to leave that I should just strike a match to my home with me in it".

This statement was strictly symbolic speech made out of frustration by my ex significant other leaving me and in no way was a threat. No such action ever occurred!

The plaintiff's stated to the judge that as my statement was made on [redacted] and that as my ex did not move out of my home until [redacted] that this was a threat to burn her from her home.

As the comment was mis-quoted in court and the most important part of the statement "if and when she moved out" was left out of the witness's testimony, I brought this to Judge [redacted] attention, but he completely disregarded my comment as stated and granted the eviction based on false testimony.

The comment must be taken in the complete context it was stated in and if so done, there was no threat made to ever burn my ex out of our home.

This statement as made was strictly symbolic speech and this is protected by the 1st and 14th amendments of the constitution. No threat had been made and none ever would be made or carried out as that is the nature of symbolic speech, a comment made simply out of frustration over the current happenings between my ex and myself.

Also, Judge [redacted] allowed the plaintiff to enter handwritten evidence against me supposedly written by my ex, but refused to allow evidence written on my behalf by my ex, stating that she was not in the courtroom at the time. This is truly a discriminatory action.

[redacted]

1-28-07