

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 07-085

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Complainant: No. 1306510651A

Judge: No. 1306510651B

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**ORDER**

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

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

Dated: July 11, 2007.

FOR THE COMMISSION

/s/ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on July 11, 2007.

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

(951)

January 15, 2007

To: Arizona Commission on Judicial Conduct  
1501 W Washington St Ste #229  
Phoenix, AZ 85007

MAR 27 2007

From:

CJC-07-085

Re: Misconduct Complaint, concern and a  
re-review on an "off the record" hearing  
and Justice of the peace hearing officer  
Judge [redacted]

Present at the [redacted] hearing were:

A trial had been scheduled for [redacted]  
[redacted] and a continuance was requested  
since the defendant was assigned  
counsel and to conduct preliminary  
discovery. On [redacted] we appeared  
in court before Judge [redacted] introduction  
was that I would be representing myself  
and [redacted] as counsel for the  
defendant. Mediation was then:

suggested by Judge [ ] and defendants attorney gave a name of a mediator, but Judge [ ] stated "NO" she would mediate the hearing. It was stated that this would be "off the record", very informal, don't get dressed up, just us, very relaxed and that if I didn't like the outcome I could go forth with my Civil Suit. It was agreed. So a date was set for [ ]

- ① On [ ] we entered Judge [ ] Court and sat down. Judge [ ] was looking at some paperwork or something, so I started to say something, just then she stopped me and stated "This is my Court and I'll ask the questions." Then Judge [ ] stated "OK, what are your damages?" Did you see anyone do it?" I stated "NO" Again I was asked "So what are your damages?" I explained the rock throwing incident and the damage to the hood of my son's vehicle. Then I was told "You never said anything about being your son's vehicle," looked at something and brought her hands down hard on her desk and then made a big X across something and stated "That's out." I explained that 3 consecutive days of rock throwing had made deep gouges and scuff marks about 6 of them on the side of my house. I was again asked what my damages were. I stated "Well besides

being inconvenienced on having to "Re-Paint" the whole side of my house, just than the defendants attorney looked at his paper-work and stated "It says here they were sanding." I was asked how high the fence was? I stated about 6'7 ft high. Judge [ ] looked at the attorney and stated "Sanding can cause rock throwing, right?" The attorney nodded his head in a "yes" motion and it was concluded sanding caused the rocks to be thrown. I just sat there in total disbelief and shocked in the conclusion.

- ② Judge [ ] than sat back in her chair and stated "Let me tell you what damages are." Damages would be like a broken window, sliding glass door, etc., that would be damages. The attorney than looked at me and said "It's true I was mowing my lawn and a rock shattered my sliding glass window." I found that a strange example to use since I did mention to the defendants attorney that I was lucky they didn't bust one of my windows. At that point I felt this was going to be very one sided on behalf of the defendant. Than again Judge [ ] asked me what my damages were I stated according to you I have none.

- ③ Than I was given a lecture, I felt

on how I can't just go around and falsely accuse people without "proof." Actually, that was stated to me on several occasions through out the off the record mediation hearing. I felt I had sufficient proof, but never allowed to present it. Then I was asked if I wanted to go forth with my suit. After I was told I did not have damages and that I can't go around and falsely accuse people.

- ④ I stated to Judge [ ] that I had been intentionally harassed for 20 months and that [ ] a day would not be too much to ask, this caused me a lot of mental anguish and stress I was asked if I had dates, I stated I did. Judge [ ] got out his calculator stated "I'll give you 365 days x's [ ] that only comes out to [ ] not [ ] I stated that was to get [ ] attention. Judge [ ] stated "Well you did get his attention." But never went any further, it was ignored. Never allowed to discuss further or present my reason. Never asked why or how I came to that conclusion. The harassment was so intense it bordered "stalking," which would have said someone was very upset and upset about something, but never allowed again to present. I just got another lecture on how I can't go around and falsely accuse people.

- ⑤ When I tried to explain how they were



all out in the front yard one day and something was obviously being discussed about me, because all of a sudden a man that didn't even live there comes darting across their property up onto my drive and stopped about one half to one foot behind my son's car, stood there for about two minutes or so and then went back over. They all started laughing. What I got from Judge [redacted] was a shrug of her shoulders stating to the defendant's attorney, "I'm not sure what that was all about," shrugged her shoulders again and went on to say "maybe he went over to pick up trash, right?" and that right was not directed to me. Do you know how demeaned it became just on that alone?, that was an intentional provocation of another individual. I stated the man stood there, not bent over to pick up trash. I could not believe that came from a Judge. So, again, I was shut down by them and concluded the man came over to pick up trash. There were several other incidents by individuals who did not live there, but was never allowed to explain.

- ⑥ When the trash was brought up, the attorney stated to Judge [redacted] "Where they live it could have been anyone, a vagrant could have done it." The defendant's attorney commented that I had a surveillance

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system. I wasn't asked if I had observed anyone come in the area to exclusively throw trash and cigarette butts onto my property. What I got from Judge [ ] was "why I had no cameras on the side of my house, where all the trash, butts, nails, rocks and trespassing was occurring. I explained it was to respect their privacy. I was thinking, "That's peculiar, that was the same question the defendants attorney asked me. It actually took a few to sink in, then I asked myself, how did Judge [ ] know how my cameras were set up to ask me that question. The only one who knew that was the defendants attorney. That was never explained to Judge [ ]. Now I was convinced there was some sort of communication made to Judge [ ] by the defendants attorney.

- (7) The defendants attorney stated that I had called the police seven times on [ ]. Never once was I asked for police reports, pictures, why or given the opportunity to explain. What I got was something expressed to me in a manner that I had done something wrong and that I had no right to call the police to report rock throwing, nails being thrown in my drive or even to pursue an harassment suit, which the police were only sent over then two out of the

seven times and this had been expressed to the defendant's attorney, but it was made to sound like the police had been sent over on all seven calls, not true. Never given the opportunity to explain or asked if it was true.

⑧ I had found an inexpensive way to serve [redacted] with a restraining order and to ensure he was served and that was at the court house, which was brought to the attention of Judge [redacted]. Judge [redacted] held up the order and stated "You've got this now, but the police will ask you if you've seen anyone. I stated 'I am what good is the order?'" Judge [redacted] stated "If you have a problem you can call and let them know you're having a neighbor problem. I found that comment a little confusing. I could call the police indicating a neighbor problem after serving of the order but I was told I was falsely accusing people by calling the police on a neighbor problem prior to the order. That was very contradictory to me.

⑨ Judge [redacted] for some reason asked the defendant's attorney if the trash throwing had stopped and again the attorney nodded "Yes." Now I'm thinking this



is a lot to peculiar, the defendants attorney asked me that question on several occasions prior to the hearing. Again, there is that strong feeling that there was some sort of communication between Judge [ ] and the defendants attorney. I'm not sure what that had to do with last 20 months of enduring intentional harassment by [ ] and his intentionally provoked/incited individuals who participated. If you have to ask that question it wasn't Ugrants.

⑩ I tried to explain the nails thrown in my drive and the three flat tires what I got was Judge [ ], again, looking at the attorney stating "the flat tires and nails could have come from anywhere, right?" Again, the attorney nodded "yes" and it was concluded they came from anywhere. If I would have been allowed to continue I could have explained several of the nails and flat tire incidents. Never given the opportunity.

⑪ When I tried to explain to Judge [ ] that I supposedly had one dirty diaper placed by my front door, that's as far as I got. Judge [ ] looked at the attorney and stated "that could

of came from anywhere, right? Again, the attorney nodded "yes" and again never allowed to finish or allowed to participate, it was Judge [redacted] Court Room and she'd ask the questions.

- (12) The defendants attorney stated that the suit was filed against [redacted] [redacted]. I stated [redacted] was the home owner. I was never asked why I filed against [redacted] [redacted] which would, again, have explained the internal harassment. The attorney stated to Judge [redacted] that [redacted] can't control everyone that comes to his residence. I was never asked to explain the attorney's comment and yes you can control what you say to people to incite them to participate and that was explained to the attorney prior to Court. I only got to explain one incident by one individual who did not live there, but never got to explain the incidents by the individuals who did live there and others who participated who did not live there.

- (13) When I tried to explain how [redacted] had the police called to his residence one night pertaining to a very large party and how the next morning [redacted] came out to go

somewhere and just gave me evil stares like I had done it. But, of course the defendants attorney objected and Judge [ ] agreed and I was never allowed to finish. I wanted to start my show Cause, but of course I was never allowed.

(14) Judge [ ] asked me again if I wanted to go forth with my suit. That's when the defendants attorney actually stood up and stated "Your Honor, my client has been patient, came to every hearing and falsely accused of wrong doing and if this goes forth, we will be asking for all attorney fees." Judge [ ] actually nodded her head in agreement this time.

(15) After all was said and done, when I was finally intimidated and forced to drop my suit. Judge [ ] states to me, "Since both parties agree, I'm going to dismiss this suit without prejudice and you can file later if you'd like," and I'm going to acknowledge your "frustration."

So now that brings me to this letter with my complaint and concern.

① I felt that I was treated in a discriminatory manner, since I was not represented by

legal counsel. No Judge or attorney should be allowed to take advantage of that fact. It should not have mattered if it was on the record or off the record, I should have been treated in the same manner as having legal counsel. I was not.

- ② Even if communication in any form is allowed to or with a Judge for a mediation hearing. That form of communication should not have taken precedence over the plaintiff's right to be heard or twisted in a manner that would benefit the other party. The plaintiff should still have the right to refute whatever had been presented to that Judge. I was not allowed.
- ③ Since this was an "off the record mediation hearing," there is no formal record, and has posed a problem and has prevented me from re-filing another suit based on:  
A) Another Judge questioning my suit based on "both parties agree to dismiss."  
B) Re-filing and taking the chance of getting Judge [redacted] again.  
C) If I did, I would have to request another Judge and explain why.
- ④ No one should feel forced to hire an attorney, if one can adequately be able to represent themselves.
- ⑤ I felt favoritism was displayed on



beliefs of the attorney and the defendant, which resulted in a dismissal. Since I was told it was Judge [redacted] Court and she'd ask the questions.

⑥ I feel Judge [redacted] received information from somewhere in order not to ask me the appropriate questions for her to come to her conclusions.

⑦ What I feel is basically I walked away being called a liar, having no rights as an individual or as a home owner. No right to call the police on harassing neighbors. That I can't ask someone to pick up the trash that may be thrown on my property. Given no option to re-file my suit. Added frustration on the contradictory comments by Judge [redacted]. Being treated in a different manner than one who would have had legal counsel. The Court should have just been straight forward and state I had no case and dismissed it. If I had decided to go forth, I feel Judge [redacted] should have stepped aside or re-assigned it to another Judge, just based on the behavior and comments directed towards me.

⑧ What I perceived [redacted] walking away with and very concerned about is that [redacted] can

intentionally excite / provoke any individual living or not living in <sup>their</sup> residence to do the harassment on <sup>their</sup> behalf. Damage as much as little property as <sup>they'd</sup> like, no matter how minor the cost, have anyone <sup>they'd</sup> like trespass on <sup>their</sup> neighbors property and don't get caught. Just cost your neighbor as much money as <sup>they'd</sup> like, just don't get caught. If anyone wants to excite / provoke others to do it, just play dumb, that will get you out of anything.

[redacted] had commented to their attorney that "I just didn't like them and I wanted them to move." Per [redacted] response to my Civil Suit, I don't know him, never talked to him, so how could a comment like that be made? Sounds like they don't like me for some reason and have been trying to get "me" to move.

It has been very hard for me to have to sit down and write this letter, so I apologize for the delay in the writing of this letter and I appreciate the time taken to review this letter.

Thank-you in advance

