

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-263

Complainant: No. 1320410701A

Judge: No. 1320410701B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The issues raised involve legal and procedural matters outside the jurisdiction of the commission. The commission is not a court and cannot review evidence to determine whether or not a judge's decision is correct. Therefore, the complaint is dismissed pursuant to Rule 16(a).

Dated: October 26, 2007.

FOR THE COMMISSION

g\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on October 26, 2007.

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

October 2, 2007

ARIZONA COMMISSION ON JUDICIAL CONDUCT
1501 WEST WASHINGTON STREET, SUITE 229
PHOENIX, AZ 85007

RE: FAILURE OF NOTIFICATION FOR HEARING
CASE NO. CC2007-002139FD

I, Mellanese Pitman am writing this letter as a complaint against Justice of the Peace Gary Handley. I was falsely accused of threatening the manager at the apartment complex in which I lived. The name of the complex is Autumn Leaves, located at 6821 North 45th Ave. First of all I would like to say, "I never threatened anyone. Secondly these charges and the date of occurrence are false and there never was a problem with the manager and I until I questioned her about where my monies were going and called her supervisor, who refused to hear my side of the story.

On approximately January 4, 2007, a Summons Forcible/Detainer was issued against me. Please review the attached copy of this document. If you notice, the dates and times have been changed, and I don't know if this was done by the judge or a court official. It states that I was served on 1/4/07 but the judges signature line states 1/5/07, that seems kind of strange to me. Second of all I was never served anything pertaining to the injunction against threats and harassment, that you will also find attached. I have two witnesses to verify that I was not home when the process server came nor did I find anything on my door when I returned. I also have a witness to verify that, which is the person that I had gone to dinner with.

I did not attend the hearing because I had not been served. There had been several notices of Certified Mail left for me but because of a past domestic violence relationship I did not accept or respond to them (1) because I wasn't familiar with the sender, (2) I wasn't sure if it was my x-boyfriend using somebody else to try and find me and (3) because I knew I had done anything to anyone and wasn't really going to go out of my way to go and pick something up that I didn't know who sent it. The way I found out what this was all about was after talking to my neighbor who was outside at the time the process server came and he informed me that someone was looking for me and that he had some papers in his hand. I asked him "where they were and he stated " I didn't see him leave anything. So I called the court in my area and asked them if they had any thing filed against me and told them when someone was supposedly at my home, and the clerk stated there was a file but nothing had come back so she didn't tell me a court date but told me to call back in a couple days, which I did. By the time I called back, I believe it was on a Thursday the court hearing had already taken place. After explaining to her I wanted to file for a hearing she instructed me on what to do and I immediately began gathering my paperwork.

On January 12, 2007 I went to the Manistee Justice Court and Filed a Motion to Vacate Judgement. (attached) I submitted a letter of incident along with all the documentation you will find in this complaint. At that time I asked the clerk that was assisting me, "Will the same judge that will be issuing the Writ be the same one to approve or deny my motion, and he replied yes. I never received a response from the judge as to whether he would hear me or not, but he sure did sign the Writ and I was evicted immediately.

I feel like Judge Handley has some inside favors with this Property Management Company and their Attorney, Mark Tucker because there are (3) more former tenants who are willing to testify for me and are wanting to file a complaint against this company but are reluctant to file due to the fact that we must file in our jurisdiction. Two of the them were also victims of the managers theft of monies and were evicted for non payment of rent, but paid their rent and the manager was stealing money. She was fired two months after I was evicted for the very thing that I was the first tenant to bring to the Property Supervisor's attention, theft.

Enclosed in this complaint you will find all documents supporting the information that I have mentioned throughout this letter, (1) Statement of Facts (2) Motion to Vacate Judgemnt (3) Receipt of filing (4) A copy of the plaintiffs Response of Motion to Vacate that was filed by their attorney and submitted and granted by the judge. This will support my claim about judge Handley they received my motion but he never approved or denied it. Also I feel his excuse will be he couldn't locate me, but that is a crock of ****, how could he not find me but he signed the Writ and the constable found me at the same address, figure that. This will include all documents which I sent to their attorney. But I am enclosing copies of the Injunction of Harrasment which is a lie the acts of threats are lies, the

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people listed are lies and the dates are definitely lies and you will find accurate activities of the whole week in my Statement of facts that I submitted to the judge along with my motion. (5) Copies of receipts that had been altered, strangely the attorney copies don't show pertinent information, but my copies are much more legible. (6) A copy of a letter that I wrote to their attorney with the breakdown of the monies I paid and the receipts to support that. (6) A copy of a money order that I paid as a deposit that was never credited to my account. There are also copies of certified notices but you won't find my signature on any of them. The next problem is the judgement was granted for \$129. and some change and that was for court fees only, but there is a \$1500.00 charge of some kind on my sons credit report which I would like to find out how to get it removed, because (1) he was a full time student on my Section 8 voucher, he cannot be counted and it is screwing up his credit report and (2) how can there be a judgement for rent against me when there was never one filed ? I haven't checked my credit report yet but I want this removed and exonerated because I don't owe them, and these were false charges, if there is any money owed they owe me.

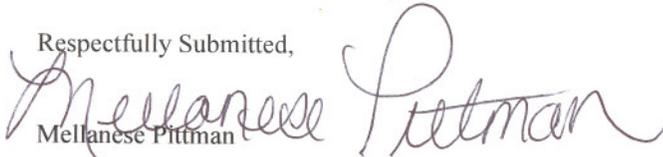
I also left some items in my storage room that were removed without notice and never contacted about. I would like to file a claim against this company, but I would like to know if there is a way that I can file in another court because I don't trust Judge Handley. I am former State of Az employee and I have had extensive experience in court proceedings and customer service. I along with the other tenants would like to know how and where we can file a small claim other than with Judge Handley and the Manistee Justice Court..

I can be reached by E-MAIL : mellanese_pittman@yahoo.com, HOME PH: 623-939-6846;
CELL PH: 602-488-4626 OR BY HOME FAX: 623-842-8541. My address is 6826 North 45th Avenue, Apt #4,
Glendale, AZ 85301

Thank you very much for your time, attention and actions in this matter. I look forward to hearing from your office soon.

Have a blessed and wonderful day.

Respectfully Submitted,


Mellanese Pittman

Enclosures