

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 09-211

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Complainant: No. 1275400383A

Judge: No. 1275400383B

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**ORDER**

The commission reviewed the complaint filed in this matter and found no misconduct on the part of the judge. The complainant disagrees with the court's decision and is frustrated that he cannot obtain visitation rights. The issue involves a legal dispute that only the judge can resolve and it does not rise to the level of an ethical violation. Therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: October 15, 2009.

FOR THE COMMISSION

\s\ Keith Stott

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Executive Director

Copies of this order were mailed to the complainant and the judge on October 15, 1009.

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

COMPLAINT AGAINST JUDGE

Judge

August 15, 2009

On 09/11/08, I attempted to file an I/H against she has been filing I/Hs against me to keep me from seeing my Grandson. Mrs  
 judge Pro Tem, has repeatedly filled out, or helped fill out these Injunctions. JP  
 Judge used to hear my appeals, but now has visiting judges or judges pro  
 Tem hear my appeals. Last year judge pro Tem kept the Injunction in effect  
 based on charges not even listed in the injunction. This year, Judge dismissed  
 that I/H, but repeatedly told me I didn't meet the criteria to have an injunction issued  
 against Miss He was incapable of telling me why I couldn't file the Injunction.  
7 times I told him how and why I met the criteria to have an injunction issued. Judge  
 has violated the first 3 Codes of Conduct.

Arizona Revised Statutes 12-1809 Injunction against Harassment Section R, states:

For the purposes of this section, "harassment" means a series of acts over any period  
 of time that is directed at a specific person and that would cause a reasonable person to be  
 seriously alarmed, annoyed or harassed and the conduct in fact seriously alarms, annoys or  
 harasses the person and serves no legitimate purpose.

Miss actions have seriously annoyed and harassed me for four years.

Judge should be reprimanded for violations of the Judicial Code of Conduct.

Judge = Judge

Rick =

PA =

Judge

Explain to me what's wrong

PA keeps filing I/H against me, for almost 4 years now, by committing perjury. Judge  
 ignores her perjury and ignores the evidence I bring, to keep these I/H against me.

I've seen my Grandson approximately 4 times in the last 4 years.

I'm annoyed about that and I feel harassed about that.

I'm tired of PA filing these injunctions.

So I'm filing an I/H against her

#1.

Judge

Well, first of all, you know, I don't know about all the other things that you mentioned, but for this particular thing you want, there has to be some criteria that has been done by this person, um um, PA for you to be able to get this Injunction, okay and, and, the things you have listed are, are, I'm sure very annoying to you, or harassing to you, or whatever, but they don't qualify under the rules and regulations for an order to be given against her. This sounds to me like, that, what you have said in here, is that you know, she won't allow you to see this child. Is that correct ?

Basically, that's the bottom line, isn't it ?

*I'm talking about an I/H, he's talking about visitation*

Judge

You got to stay in this box until it's clear evidence that, that, what that person is, is, saying is fraudulent and that's what you do. You stay within the box, you can't jump out of it and say, well, I don't think she's telling the truth. That, that's not the procedure that we have, and it's, it's by legislation this thing is like this, the way it is, it is sometimes very confusing, and sometimes it doesn't sound fair. I agree with all of that, but the thing about it is, the bottom line is, is that, is, um, is you're a Grandparent, is that correct ? Here's the only way and I, you've probably been told this before, the only way you're going to find relief here is to file this in Superior Court and get your Grandparental rights in place. You have rights as a Grandparent. But we can't do those here. You have to do that in Superior Court. And you need to file in Sup. Ct. It's not terribly expensive to do that. Especially when it's your Grandson you want to be seeing. You have certain rights.

*Now he's talking about Grandparental Rights*

#2. Right now, sorry for interrupting, right now I'm not here about visitation or Grandparents' rights. I feel harassed and annoyed by PA filing these things against me

Judge

She has a right to do that

I have a right to file against her

Judge

No, No.

She doesn't have to lie about me, and that's what she's been doing to get these Injunctions against me.

Judge

Who said she's lying ? You ?

Yes. And so does the polices dept., and CPS.

Judge

They haven't,.....they're not here....I can't

Well, this isn't the hearing for that, right ?

Judge

I don't know if they did that. Under this criteria, you don't have to have you go in and swear under oath that these things happened.

I don't know where her thing ( Inj ) is against you that she swore under oath that these things happened. They did apparently, it sounds like, by reading this, that you had a hearing, and at the hearing, the order will stay in effect, cause, cause, of whatever happened at the hearing, whatever happened at the hearing, I don't know. But I'm just saying that because you put down some things about that hearing, ah, so, so, so one of the things, the accusations that you're saying she said against you were false/ Well, ah, at the hearing, you should have brought those out.

I did

Judge

Okay

You dismissed the last Injunction

Judge

Okay, well, I don't know.

You did. It was only a couple of weeks ago.

Judge

I don't know. I don't, ah, you know, I don't recall cases, after I heard them, and, and ah, um, but I'm just looking at the one you have here, and um, um it is just the fact that if you want your Grandparental rights protected, you need to go to Sup. Court.

*Grandparental Rights again!*

I'll do that, but right now, I want to file this I/H against PA

Judge

You can't get one. Just because somebody put an I/H against you, you can't get one.

#3. I CAN get an Inj.. You talk about this narrow box, there is a list of rules, and there's a rule R on it for getting an Inj., and it says if a person is reasonably annoyed or harassed, they can file for an I/H. And I am annoyed that she's been doing this for 4 years. I do feel harassed by these. This is going on my record.

Judge

Yea, I understand that. Well it, it doesn't go on your record

*Oh yeah ?*

It is on my record. You go into Public Access and there it is.

Judge

Yea. but its a civil action. This is a civil action.

Are you saying you won't sign this then ?

If you just sign on there that you refused it, you refused for me to file this Injunction against her, I'll be happy.

Judge

That's what I'm trying to explain to you, though.

I'm trying to explain to you that there is certain. certain things, one of, one of them isn't just because somebody files against you, you can go file against them because they filed against you. That's not a reason.

#4

I feel harassed by these.

Judge

You know there was a hearing and apparently somebody, I don't know who, some judge left these orders in effect. Is that correct ?

Yes. An attorney, judge Pro Tem an attorney from Phoenix.  
You dismissed the order yourself, about 2 or 3 weeks ago because I had more evidence that she just outright committed perjury. Thats how she keeps these enforced.

Judge

You know, if she keeps doing these things, naturally, somehow, somewhere, someway, she will be caught up in perjury allegation.

I can prove it right now.

Judge  
Huh ?

#5, You know, its a shame judge didn't do that. But he decided to turn his back.  
At the moment I feel harassed by her doing this to me for the last 4 years, and thats  
why I want this Inj against her, for what she has done  
All these are within the last year.

Judge  
But um,  
What I'm not understanding is, you said something about I dismissed one.  
So she doesn't have one against you now ?

Right

Judge  
And that one was dismissed ?

It was dismissed by you

Judge  
Okay, and you don't have one against her right now

No

Judge  
Or else you wouldn't be wanting to get this one

Right

Judge  
So there's nothing pending ?

No

And, of course, she has a right to ask for a hearing if she doesn't like it.

*Why is he bringing  
all this up ?  
It has nothing to do  
with me, presently,  
wanting to file an I/H  
against PA.*

Judge

Well, first of all, before you get that far, you have to have some reasons for it. And the reasons are, you don't have them listed.

( Pointing to the Injunction ) This is what she did, those 3 things.

Judge

I understand that, but, that's not part of the, you know, part of the allegations that one gets a, one gets a harassment order for. I can't go get a harassment against you, ah, based on, on this right here. I can't do that.

You, not you, they, this court house does for PA  
She writes down on Sept 2nd, called the police Dept. and accused her of Child Abuse.

Judge

I know nothing. I, I, I can't answer that. I don't know, I don't know what she has got, what she couldn't get, or what she did get. I have never talked to her, so to the best of my knowledge I haven't. So, um, I'm just telling you, that, um, um, you know, just like this right here, First one, Miss A placed an I/H against me based on false allegations. Now, um, um, that thought, doesn't prove anything. She does, she doesn't have an Injunction against you.

On Sept 12th, 2007 she did.

Judge

Okay, but, but, those got dismissed, right ?

Right

Judge

Okay, but, but, what I'm saying is, you can't, you know, you just can't do that.

It says right here ( pointing to the Injunction form ) State briefly what happened, describe what happened. What happened was....On Sept 12th, 2007, she filed an I/H against me

Judge

She's allowed to do that. Like, you know, I mean she can file it, and, and, and it's dismissed.

And I'm NOT allowed to ? Is that what you're saying, your Honor ?

Judge

Not for the same reason, not for the same reason.

I'm describing the events that made me file this.

Well, do you just want to write down that you refuse to issue an Injunction and sign your name ?

Judge

Well, it is, it is refused, whatever it is.

I want your signature on it, okay.

Judge

Well. We don't sign things like that

Well, then there's no proof that anybody read this.

Judge

If you're going to do something, you're going to say Judge                      looked at this on such and such a date and refused it. And if somebody wants to take that action up, they can come to me and I'm going to tell them the truth. You think that I, the judge is going to lie about. You think one would lie about you coming to me and tell me these things, and I would say " No, I didn't give him the Injunction because of the reasons I just told you ? I'm going to back up whatever it is you say.

Rick

Well, I had Judge                      and judge                      refuse me

Judge

Well, you know, I don't know what you're saying. I don't know what you mean by that saying, but I um, um,

Is there a problem that you just can't say " I refused it " and sign your name ?

Judge

We don't, we don't do that. Why should I do that with you, what I've never done before, and I've been a judge for 20 years.

Well, in just a simple sentence, can you tell me why, well, first of all, are you going to accept this ?

Judge

No. I'm not going to accept this because

Because ?

Judge

Because for the reasons I told you.

And they are ?

Judge

That she has a right to file against you, and you have a right to, to, um, to take it to court to have a hearing and it got dismissed.

This is something other than that.

Judge

Like what ?

You know, if I did anything that she has said or accused me of, it would be different. I was completely innocent of all those other charges, and it still took 11 months to get it dismissed. I think right now, you are refusing my right to file an I/H against PA.

Judge

No. You have to, you have to pass the test.

#6, What is the test ? Because, as I said before, I feel reasonably annoyed and harassed by her actions. I have a right to file an I/H.

Judge

Just because she filed these allegations that she said, is not a reason for you to file against her, just because she filed an injunction

Well, it seems pretty simple to just say " Refused" and sign your name.

Judge

No. I don't think we sign those, do we? Do you guys sign these here?

No, no. They're just not accepted. So they don't go into, they're not posted to the um, to the um, website. We don't sign them. I mean, you can tell whoever it is that you want to tell, that, that, that, that I wouldn't file it, wouldn't file it for you, or sign it for you, or whatever. The only reason I would sign it would be if I gave it to you. Then I would have to sign it.

The relief, I don't know what it is um, that you really want.

Right now, I want someone to know, I want this against her because I am annoyed that she can get away with this stuff. She HAS gotten away with it.

Judge

But you can't use, you can't use this for punishment. I mean

I do want to see her punished for perjury, but that's a separate case. Right now, I want an I/H against her

Judge

I just, I, I, I can't see that I can give you this

I guess you can go to some other judge in the State of Arizona.

I don't think that you have um, uh, the circumstances here to get one.

And you're Judge right?

Judge

Right

And you can't sign " Refused "

Judge

No

Right here where ( He interrupts )

Judge

We don't do that. You can, you can put it on there and sign it, but I'm telling you who I am and whoever asks, I'm gonna tell them the same thing.

That I told you I wouldn't sign it.

I hope so.

Judge

Okay, is that it ? That's all ?

Okay, Thank you.

Judge continuously talked in circles,  
to stop me from filing an I/H against P.A.

It would not surprise if he was given  
instructions from J.P. Judge to "say  
anything, just don't allow him ( ) to file  
an I/H against P.A. Presently,  
has been removed as Justice of the Peace and  
is under investigation by the State Supreme Court.  
You can count on me continuing this endeavor.