

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 09-262

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Complainant: No. 1374210549A

Judge: No. 1374210549B

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**ORDER**

The commission considered the complaint filed in this matter and after reviewing the transcript of the hearing decided to dismiss the case with a confidential comment reminding the judge of his obligation to comply with Rules 2.3 and 2.8(B) of the Code of Judicial Conduct, which requires a judge to avoid conduct that may appear biased and to be patient, dignified and courteous. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: March 16, 2010.

FOR THE COMMISSION

\s\ William Brammer

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J. William Brammer, Jr.  
Commission Chair

Copies of this order were mailed to the complainant and the judge on March 16, 2010.

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

## COMPLAINT AGAINST A JUDGE

September 24, 2009

April 27, 2009, I filed a civil suit in Graham County Justice Court. Judge [redacted] was assigned to the case. In the course of this case, the Defendant, my son, submitted police reports to the court, police reports that had absolutely nothing to do with the civil case. I was suing for money owed on a credit card and money owed for a rental lease, all of which I had documentation for. The amount sued for was \$7072.59, \$3943.22, for unpaid rent as well as \$3129.37 for a credit card debt.

In the course of the civil trial, the defendant kept referring to a criminal charge that was pending against me as well as other police reports he had made against me. All of these documents were given to the Judge. This Justice Court required all disclosure be turned into them as well as each party, contrary to the Rules of Civil Procedure. The criminal charge was for a family fight. Judge [redacted] did nothing to stop the discussion of the criminal case, the discussion of other reports nor did he let me counter on any of the allegations being made by the defendant.

The trial was completed on July 9, 2009. Judge [redacted] said he had to go read all of the documentation that was submitted and would then make the judgment. The documentation he had to read consisted of many documents that had nothing to do with this case but many of them had very much to do with the criminal case, such as the police report, protection orders, ect.

Meanwhile, the criminal case was proceeding against me. The State's key witness was the same person who was the Defendant in the civil case, my son. When asked for interviews with this witness, I was denied. I then attempted to subpoena the witness for an interview and Judge [redacted] quashed the subpoena and signed a Motion to Dismiss charges that were pending against this witness for his part in the same incident. Both of these orders were signed on the same day.

Judge [redacted] signed a Judgment on the civil case the day before my criminal trial. In his Judgment he awarded me \$3500. What the \$3500 was for was not specified. Did he disregard the evidence for the rental lease or did he disregard the credit card debt? What was the reasoning behind the judgment? It appears that I was penalized for taking my criminal case to trial.

In this same judgment I was order to return property to the Defendant. Property that was testified to that I did not have. Testimony was given at the trial that the keys the Defendant was asking for were not in my possession, had never been in my possession and had been told to police, the Defendant and the Judge, I did not have. How does a person comply with an order that they are unable to comply with in any way shape or form?

Judge was the same judge to hear the criminal case, the same man who was privy to the police report that pertained to this incident, along with many other defaming documents that were submitted as disclosure in the civil case, which would be contrary to the Rules of Criminal Procedure. How can any Judge be fair and unbiased with all of this tainted documentation being in his possession?

In Judge closing remarks in the criminal trial he spent 10-15 minutes making derogatory remarks about my husband's and my character, commented that it is no wonder my kids are screwed up, ect. My 14 year old daughter was sitting in that court room. He also made reference to the fact there is only one other family that has as many court cases in the courts and even referred to a case that my 14 year old daughter is the victim in, a sexual misconduct with a minor case.

My daughter is only 14 years old. She should not be hearing a man who is supposed to be an unbiased judge make those kinds of comments about her and her family. She should not have to hide her head in shame because he wants to talk about a case that she is a victim in, in public court.

My daughter has since run away (on September 11, 2009, a mere two weeks after this fiasco), robbed us when she left, is in detention, making accusations against us to the state. She is parroting the things she heard in that courtroom. He has destroyed the life of a 14 year old girl and the happy family she used to have.

He took what should have been a civil case brought to make a young 22 year old man learn the responsibilities of life and the obligations to pay your own debts, into a situation where now this child (my son) also believes that he is justified in anything he does to his family will be upheld by the courts because after all the judge said it himself that we are the cause of everything that is not right in our children's lives because they were raise in an immoral home. My son was very angry at me for trying to make him pay his debt to me and was going out of his way to discredit me and because he was charged criminally in the family dispute before I ever was. So my son had every reason in the world to decimate me, unfortunately for me, it worked perfectly for him because this Judge fell right into it.

I work in the legal field and this man's conduct and personal opinions have destroyed my reputation and credibility. By all rights this borders on a defamation of character case. If this is not a clear cut case of judicial vindictiveness, I don't know what is. He has caused untold harm to me and my family and my business. My business is in jeopardy, my job is in jeopardy and now my daughter's life is in jeopardy and our family is destroyed.

We are a family that has always upheld the law and participated in the law. I work for an attorney; I am a Certified Legal Documents Preparer, a process server. Two years ago I had four background checks done, both with DPS and the FBI for many of the activities in my life, all came back glowing. My husband is a process server. My daughter used to do Teen Court, not because she had to but because she loved the law. She volunteered with the City Victim/Witness program. Now my daughter has abandoned any aspect of

the law except breaking it. I, however, have no choice but to continue with my work in the law (for as long as I can considering this injustice), but let me tell you this whole experience has left me with no faith or respect for they law, I almost think flipping burgers would be better and it may come to that.

A Judge should not be allowed to act so contrary to the Canons he has vowed to uphold. His bias and impropriety, his familial values and personal perceptions, all were made public and announced to the world. I would like this man to be held to the standards that he vowed to uphold. He needs to understand that it is not his place to judge peoples lives but to judge the small faction of a persons life that have brought them before him be it civil or criminal, with the facts of the case at hand and not let his bias and impropriety, his familial values and personal perceptions cloud his judgment. The Rule of the Court and Judicial Canons are in place for a reason. He is a Judge, paid to judge only the facts of what brought me before him, he is not my Maker, my Maker will judge my whole life when I meet him.

Most all of my allegations are either part of the audio transcript of both the civil and criminal case, or have been filed in the Court and part of the official court record.