

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 10-345

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Complainant:

Judge:

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**AMENDED ORDER**

The complainant alleged that a justice of the peace abused his authority by obtaining a protective order against him and thereby improperly barring him from coming to the courthouse to attend a public function. He further alleged that the judge committed misconduct by using his court letterhead to submit witness statements. The commission found no evidence of ethical misconduct on the part of the judge regarding these issues.

The basis for the animosity between the judge and the complainant stems from his official position, not his personal life. The judge's use of his title or letterhead for a witness statement was not inappropriate, given that the origins of the dispute fell within his official acts. The fact that another person co-signed the witness statement was not considered a violation of ethical standards. The case is dismissed pursuant to Rules 16(a) and 23.

Dated: March 11, 2011.

FOR THE COMMISSION

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Executive Director

Copies of this order were mailed to the complainant and the judge on March 11, 2011.

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

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was issued an Injunction Against Harassment against me. During an appeal regarding the IAH held in Pima County Superior Court on November 22, 2010 before the Honorable Gordon, Mr. was asked to resolve this issue with me. After discussion, Mr. declined to resolve the issue. During this hearing as well as the initial hearing, Mr. was informed that he could not keep me from the courthouse. Even Mr. lawyer, Mr. Michael Storie stated in the hearing in March 2010 that this IAH would not bar me from going to the courthouse.

On December 10, 2010, I was attending a community event at the courthouse. Mr. reported me for Violation of the Order of Protection. This is documented in Santa Cruz County Sheriff's Report . In the report, the Sheriff writes that "Judge added Mr. Coates is prohibited to enter the Justice of the Peace #2 without having official business." It is clear that Mr. has construed that I do not have any right to enter the courtroom unless he deems it appropriate. His call to the Sheriff is harassing and is striping me of my constitutional rights to have access to the judicial system in this country. The Deputy's goes on to state that County Attorney Lupe Gutierrez said: "Mr. Coates could not be discriminated against attending a public/community event.

Canon 1 states that: A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY, AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.

☞ The comment section states that: "Actual improprieties include violations of law, court rules or provisions of this code." Again, Mr. Storie, Judge Millan, and Judge Gordon all told Mr. that I have the right to go to the courthouse.

☞ Avoiding Abuse of the Prestige of Judicial Office: A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so. The comment section states: It is improper for a judge to use or attempt to use his or her position to gain personal advantage or deferential treatment of any kind. For example, it would be improper for a judge to allude to his or her judicial status to gain favorable treatment in encounters with traffic officials. Similarly, a judge must not use judicial letterhead to gain an advantage in conducting his or her personal business. Mr. has always written his "witness reports" on Santa Cruz County JP #2 letterhead. The events Mr. documented occurred outside the typical workday and are therefore demonstrate the appearance of abuse of power/position. Additionally, he has permitted his now-wife, Beth Scheid access to use of court letterhead. See attached documentation showing this.

Canon 2 states that: A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY, COMPETENTLY, AND DILIGENTLY.

☞ RULE 2.6. Ensuring the Right to Be Heard (A) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. (B) A judge may encourage parties to a proceeding and their lawyers to settle matters in dispute, but shall not coerce

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any party into settlement. The comment section states: The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed. It is clear that Mr. [redacted] is attempting to bar me from the courthouse and deny me access – a fundamental right.