

State of Arizona Supreme Court  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 13-033

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Judge:	No. 1461810059A
Complainant:	No. 1461810059B

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**ORDER**

The complainant alleged that a justice of the peace improperly issued an order of protection, failed to hold hearings within the required time, and failed to vacate the order.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing the information provided by the complainant, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of court rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: April 4, 2013.

FOR THE COMMISSION

/s/ George Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on April 4, 2013.

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

CONFIDENTIAL

State of Arizona  
Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2013-033

COMPLAINT AGAINST A JUDGE

Your Name: \_\_\_\_\_ Judge's Name: \_\_\_\_\_ Date: 2-17-13

**Instructions:** Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times, and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

This complaint is against Judge Justice Court, and how he handled order of protection CC2011- children was temporarily taken from her during September of 2011, and was awarded to her exhusband in March 2012. Plaintiff suffers from mental illness including Duplexia, co-dependence, Schizophrenia, paranoid delusions, psychotic episodes, multiple personality disorder, etc. She refused 'psych' medication, and chose to end counseling near the end of March 2012.

'NOTE: Custody of plaintiff

1. Plaintiff admitted in open court, once on August 18, 2011, and again at a hearing on about September 1, 2011, that Child Protective Services had threatened, intimidated, or coerced her to submit a petition for an order of protection, or risk losing her children, which discredits her testimony. Judge should have recognized the coercion and refused the petition.
2. The contents of the petition did not allege domestic violence. Furthermore, no specific threat or act(s), including time, date, and how the plaintiff was, or might be, harmed were cited in the allegation during the previous year for the determination of reasonable cause. [ARS Rules of Protective Orders Rule 6(C)(3)(a).
3. No pictures, video, 'dirty' urinalysis or hair follicle reports were brought to support the allegation. Therefore, the 'evidence' was inadmissible because it lacked reliability. [ARS Rules of Protective Orders Rule 5(A)(1)(e). In fact, a number of 'clean' urinalysis and hair follicle reports were taken just prior to the petition being filed.
4. On, or about, September 1, 2011 plaintiff informed the judicial officer in open court, when the order was contested, and modified, by both the plaintiff and the defendant, that the defendant had NOT

(Attach additional sheets as needed.)

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committed any acts of domestic violence.

5. The order involved exclusive use of the home, Two modification hearings were requested, neither were held within 5 days of request. [ARS Rules of Protective Orders Rule 8(A)(1)(a)]. Furthermore, the plaintiff was not the owner of the home, and the judicial officer did not define a limited period of time for exclusive use. [ARS Rules of Protective Orders Rule 6(c)(5)(b)].

6. Judge [redacted] completely ignored the 'other' section of the petition where petitioner [redacted] stated that [redacted] is allowed to be at the residence when children are not present. With this information, Judge [redacted] had reasonable cause to reject the petition.

Defendant [redacted] has submitted several motions to modify or dismiss, the most recent, a motion to annul Order of Protection CC2011- [redacted] submitted February 19, 2013.

Please encourage Judge [redacted] to annul Order of Protection CC2011- [redacted], admonish the Judge for not adhering to Rules of Protective Orders, and review the [redacted] Justice court procedures to encourage hearings to be scheduled within the lawful number of days.