

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 13-120

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Judge:	No. 1101714682A
Complainant:	No. 1101714682B

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**ORDER**

The complainant alleged a justice of the peace misrepresented her place of residence.

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 complaint and the judge's response, the commission found no evidence of judicial misconduct and concluded the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Pursuant to Rule 9(d), the commission ordered that all personal information related to the judge contained in the commission's file be sealed.

Dated: August 21, 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 August 21, 2013.

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

8013-120

To the Commission on Judicial Conduct:

I want to bring to your attention the non-qualified status of \_\_\_\_\_ to be a \_\_\_\_\_ Justice Court, now called \_\_\_\_\_ Justice Court and point out the apparent falsification of a voter registration form, and of a candidate for elective office form and what appears to be perjury relative to \_\_\_\_\_ domicile. All of the issues about which I wish to complain flow from and are centered on the apparent deception about \_\_\_\_\_ residence and her status as a sitting JP and the efforts to protect \_\_\_\_\_ position. The background

On March 1, 2011 my husband \_\_\_\_\_ was issued a traffic citation \_\_\_\_\_ and ordered to appear in \_\_\_\_\_ Justice Court on March 30, 2011. My husband arrived that morning and Judge \_\_\_\_\_ called the first case which lasted for 20 minutes and included testimony, evidence and a finding. Next Judge \_\_\_\_\_ called my husbands case and said, "I understand that you are challenging jurisdiction, \_\_\_\_\_." He then set another hearing date. The entire appearance lasted 60 seconds or less and the next case was called.

When my husband appeared for the next hearing before \_\_\_\_\_, Judge \_\_\_\_\_ ignored the jurisdictional challenge and proceeded with trial and a finding of responsible. I personally requested from the court clerks a copy of each appearance and paid for the copies. They were said to be expected to go out in 3 to 5 days. Almost 60 days later a single copy of the second appearance arrived and a copy of the first appearance was missing. A note was attached saying, "No recording of the initial appearance on March 30, 2011. A copy of that note and CD is attached and identified as "A". Is it believable that the recording device was on for 20 minutes, turned off for 60 seconds and then turned on again? Not likely.

My husband filed a small claims action [\_\_\_\_\_ Justice Court] against \_\_\_\_\_, the head court clerk at that time, and a \_\_\_\_\_ force delivery of a copy the missing first appearance record. \_\_\_\_\_ made the extraordinary claim that \_\_\_\_\_ Justice Court does not record appearances of that type. Our suspicions about the oddity of the missing record were vindicated at trial in \_\_\_\_\_, \_\_\_\_\_ County when the entire days recordings and the calendar for that same day were produced. My husbands name is on the calendar and his appearance is entirely missing form that days audio and video recording. \_\_\_\_\_, who by then was the sitting judge in \_\_\_\_\_ Justice Court, admitted that this occurrence was a singularly unique event in her years as court clerk, head court clerk and JP. It is important to note that in that small claims action, then \_\_\_\_\_ filed with that court an AFFIDAVIT in which she avows that she is resident and domiciled in \_\_\_\_\_ jurisdiction. A copy of the pertinent parts of that affidavit is attached and identified as "B," and the importance of residence will be addressed below.

Given the disappearance of the crucial direct evidence of the due process violation and the apparent destruction of that evidence my husband pushed for redress. His methods

were chosen because of the failure of appeal to the standard court procedures and protections to protect his due process rights and the conduct of the court personnel. Those actions led to the filing of criminal charges against my husband wherein a claim/lien against \_\_\_\_\_ Justice Court was misrepresented by the \_\_\_\_\_ County prosecutor to be a lien against \_\_\_\_\_ in order to prosecute under employee limitations of ARS 13-2921B. My husband is not alleged to have committed any other crime.

13-2921B. A person commits harassment against a public officer or employee if the person, with intent to harass, files a nonconsensual lien against any public officer or employee that is not accompanied by an order or a judgment from a court of competent jurisdiction authorizing the filing of the lien or is not issued by a governmental entity or political subdivision or agency pursuant to its statutory authority, a validly licensed utility or water delivery company, a mechanics' lien claimant or an entity created under covenants, conditions, restrictions or declarations affecting real property.

There are a number of problems with the prosecutor bring these charges. You will find attached a discussion, identified as "C," of the statutes relevant to filing and indexing instruments in \_\_\_\_\_ County and the errors in fact and law are discussed there.

The issue of \_\_\_\_\_ domicile is relevant in this most critical way. \_\_\_\_\_ was appointed to fill the unfinished term of Judge \_\_\_\_\_ and her appointment was an item of business at a \_\_\_\_\_ County Board of Supervisors meeting.

You will note that \_\_\_\_\_ residence in \_\_\_\_\_ was known and acknowledged at that time. Just as a side note; ADOT and the judicial system in Arizona each separately require a person working in Arizona of for the judicial system \_\_\_\_\_ was at that time a clerk in the \_\_\_\_\_ Justice Court] to have an Arizona drivers license. Despite \_\_\_\_\_ promise to move to the area that did not and has not happened. Rather \_\_\_\_\_ obtained a "mail drop" address in \_\_\_\_\_ Arizona and remains to this day a resident and domiciled in \_\_\_\_\_, \_\_\_\_\_ A short discussion of her domicile, identified as "D," is attached.

In the criminal case when \_\_\_\_\_, the prosecutor, became aware that a witness might be called to testify to \_\_\_\_\_ perjury about her residency in an affidavit in which she avers that she is resident and domiciled in Arizona, and about the felony falsification of

documents to qualify as a JP in Arizona, filed a Motion in Limine to exclude any testimony or evidence about residence cited ARS 13-4434 as his most important reason for the motion. I think that 13-4434 was misapplied in this case considering that this was not a situation where a crime was committed against a person whose home address was unknown to the alleged perpetrators and the victim should be protected from further harm. She perjured herself at trial by again stating under oath that she lives in Arizona. Her address in Utah is known and her residence is common knowledge both in Utah and within the Arizona courts jurisdiction where she serves as JP. I would be surprised if anyone in the County administration does not know that she lives in Utah. The investigative report by that witness whose testimony was shortstopped by the Motion in Limine is on the CD included with this letter. That report is extensive and persuasive and is the last WORD document on the CD and is titled Summary of Investigation 1-27-13.

My opinion about her motion is that he sought to cover up the lack of truthfulness of her at the expense of his own responsibilities to report the perjury and fraud which placed her on the bench and keeps her there today. She has persisted in claiming residence in Arizona though the public record and witness accounts say she lives in Utah, and the Motion in Limine has got in the way of proving that at trial.

From the service of summons to the present this prosecution has been odd, I think. Malicious and vindictive comes to mind. The service of summons was made by mail. Rather, it was by FedEx and the statute covering summons by mail requires that service by USPS [no mention of FedEx] be done with a mandatory signature of receipt. I have the FedEx envelope which was dropped on the porch by the driver. No signature was asked for, no signature request is marked on the envelope and no signature was obtained. A copy of that envelope is attached and identified as "E." My husband asked the court clerk by mail for what was used as a return of service and was told my questions could not be answered. My husband called the clerk of the court for information about my case when he was without Arizona representation and was told that any questions about my case [never mind that he was a party] could only be answered by the Prosecutors office. He asked his attorney in Utah to call the prosecutor and obtain the information he needed and as soon as his attorney in Utah identified himself and mention my husband's name she hung up on him. Another person helping with research and typing called the clerk of the court about docket information and was rebuffed until he said that he was not my husband. He was then dealt with less brusquely and told that my husband's case was marked "special handling" and his questions would not be answered.

Lest you think that my husband's experience with the Justice Court was a one time event, consider contacting [no relation] who practices law in Utah now after leaving Utah "for my safety and for my family's safety." She can tell you about the long sordid history of the Justice Court [now Justice Court] and how she was intimidated by that court. She actually had to stop accepting cases before that court.

Thank you sincerely for reviewing my complaint. These are serious matters. They are most serious to me, to my husband and to those persons who find themselves within the jurisdiction of Justice Court.

Consider this from the Prophet Isaiah: 3:5; "And the people shall be oppressed, every one by another, and every one by his neighbour: the child shall behave himself proudly against the ancient, and the base against the honourable." And 5:7 . . . "and he looked for judgment, but behold oppression; for righteousness, but behold a cry." And 10:1 & 2; "WOE unto them that decree unrighteous decrees, and that write grievousness *which* they have prescribed; To turn aside the needy from judgment, and to take away the right from the poor of my people, that widows may be their prey, and *that* they may rob the fatherless!"

Please act justly and promptly to set right the many serious problems with this judge and this court. Those of us who deal with this corner of Arizona so far distant from feel much like we pass through a no man's land.

Thank you again and in advance for your attention as well as for your prompt and judicious action.