

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 14-221

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Judge:

Complainant:

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**ORDER**

The complainant alleged a municipal court hearing officer did not listen to his defense, was not impartial, and made an erroneous ruling.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the hearing officer 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.

The commission does not have jurisdiction to review the legal sufficiency of the hearing officer's ruling. In addition, the commission found no evidence of ethical misconduct and concluded the hearing officer did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: August 28, 2014

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the hearing officer on August 28, 2014.

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

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

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## Name: \_\_\_\_\_ Judge's Name: \_\_\_\_\_

SEE ATTACHED

RE: Complaint against Judicial Officer

To whom it may concern:

On I was a defendant in an Injunction Against Harassment (IAH) case which the plaintiffs and neighbors were and and in Court. Judicial Officer was the presiding Judge. I requested a hearing to contest the false allegations made against my character. When the hearing began the plaintiffs presented their side. They accused me of writing anonymous letters ago to the property owners of the parents of the plaintiff) where the plaintiffs are renters. The letters were supposedly sent to the property owners about the continuous bad behavior of the plaintiffs. The judge asked if she had any proof to the fact that I sent the letters and she replied "No". The judge responded by saying then the letters were irrelevant to the case. But the plaintiffs kept using the letters in their response to their case and the judge allowed them to continue. The plaintiffs alleged that I approached aggressively and threaten them about me throwing my newspaper into their yard. They said they had told me to stay away and not contact them. Then said I looked over their fence into their backyard on numerous occasions and have also scared their kids. All false allegations on their part and it was my wife and I that told them we did not want them over our house or to contact us.

When it came to my defense I told the judge the events of the following: On threw their newspaper in our yard and then over our fence into our backyard. The newspaper is a free paper and thrown in resident's driveway mornings. This has happened several times as to torment/harass us. I had already picked ours up early that morning. My wife likes to read the ads and the parade that's in it. When she's done I take it and put it in our recycle bin. The next day around I went to put our recycle bin out front when I noticed they had thrown their newspaper in our backyard. I pulled the recycle bin out and saw the plaintiff coming out to

get in his car. I asked him to not throw their newspaper into our yard and to grow up. I explained that I was on my property and did not approach him or threaten him in any matter ever. Before I could address any other allegations the judge said thank you and went back to the plaintiff for a response. After that it seems apparent that the judge was not interested in listening to anything that I had to say in the matter of my defense. I finally politely raised my hand and asked if I could say something. The judge responded and said she would get back to me in a minute. The plaintiffs continued to bring up allegations about the anonymous letters and said I threatened them when [redacted] approached my wife and I in our garage when we arrived home in [redacted]

I then got to continue my defense by stating it was [redacted] who came on our property and approached us about the letters. I told him I didn't think it was any of his business who wrote the letters and it wasn't us. There were several neighbors upset and alarmed about the constant police presents at their house. He replied he would bring [redacted] over to our house to talk when she got home from work. I replied that we didn't want either of them coming to our house and leave us alone. This was the last time we have had any contact with the plaintiff's in [redacted]. The judge cut in and said thank you. Then went back to the plaintiffs and continued to allow them to talk about the anonymous letters and the things that happened over [redacted]. They said that I have an extreme hatred toward them, don't work and sit around all day and think about things to do to them. I then raised my hand again and told the judge that I was retired and pointed to my wife who was sitting behind me in her wheelchair, that I work full time as my wife's caregiver. This is the kind of intimidation we have put up with since living here. The hatred is clearly from them toward us, because we stay completely away from them.

In the judge's ruling, she made a comment that because I have to take care of my wife that probably was the cause of my behavior toward the plaintiffs. I was shocked by that comment and thought how wrong she was. I take great pride in taking care of my wife and try to give her the best life possible. I stated earlier that the judge didn't seem interested in my defense and that just proved it. So now I have an Injunction Against Harassment against me for all the wrong reasons and false accusations against my character. I'm afraid to even go out in front of my own house now. If the plaintiffs can make such false accusations about me, then they can sure do the same and have me thrown in jail. This is just one example of how bad this law is and the injustice it's causing to people like me. The judges have taken an oath and obligation to properly hear all the evidence and be impartial before reaching a ruling. I feel very strongly in this case that was not the case.

We didn't and don't have the resources to hire an attorney to defend my good character or file an appeal. My wife has a [redacted] disease and the [redacted] clinic is one of the very few that

treat it. We moved here for that reason. So we spend whatever moneys we have on her care. My wife is disabled and dialysis dependent, we do dialysis at home which takes up a lot of our time every day. We don't have the time nor want to keep enduring the constant torment of these neighbors. Since this ruling we are considering selling our home and moving. Which I don't think is at all good for my wife's health or us financially.

If you look into the plaintiff's history they have had several police involved incidents at their home. Including domestic violence and gun related incidents. But I was not allowed the time to present any of this evidence.

In closing, this law is supposed to focus on the facts in recent history of harassment. In this case there was NO recent history NOT ever. Standing on your own property and asking a neighbor to stop throwing their newspaper in your yard is not harassment. Also ask yourself why I would say anything to the plaintiffs if I was throwing my newspaper in their yard like they said. I hope this judge would be a better listener to the facts and not be so quick to sign her name on a piece of paper that ruins innocent people's life.

If you have any questions please contact me.

Sincerely,