

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-335

Judge:

Complainant:

ORDER

The complainant alleged a pro tem superior court judge was not competent in the performance of his duties and made improper rulings in two protective order proceedings.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that 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.

Commission members Gus Aragón and Louis Frank Dominguez did not participate in the consideration of this matter.

Dated: March 25, 2016

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed
to the complainant and the judge
on March 25, 2016.

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

2015-335

TO: ARIZONA COMMISSION ON JUDICIAL CONDUCT
1501 W. Washington Street, Suite #229
Phoenix, Arizona 85007

FROM:

COMPLAINT AGAINST JUDGE

Case No.

, Plaintiff v.

, Defendant

Case No.

, Plaintiff v.

Defendant

The Arizona Judicial Code of Conduct states; The United States legal system is based upon the principles of justice and the rule of law. Judges should maintain the dignity of the judicial office at all times, Judges should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, & competence....the black letter of the rules and law is binding (even upon Judges). I pray this will be the case here.

Judge granted an Injunction against Harassment charges in favor of , Plaintiff against Defendant in a manner that was not in compliance with the laws A.R.S. 12-1809 (S) & (E).

Petition to the Court of the harassment committed against her by
are as follows:

1. falsified documents to terminate another renter in the house
2. filed court papers against her with false information on
3. contacted her in email & text after harassment charges were filed.

4. was served a non-renewal notice she became out of control.

Court Petition did not specify how her claims constituted harassment.

Harassment is defined as: Targeting someone with behavior meant to alarm, annoy, torment or terrorize, creating reasonable fear in the victim for their own safety as the objective of the sender. Repetitive, intentional behavior found threatening.

A.R.S. 12-1809 (S) defines harassment: means a series of acts over a period of time, that is directed at a specific person that would cause a reasonable person to be seriously alarmed, annoyed or harassed and the conduct in fact seriously alarms or harasses the person & serves no legitimate purpose.

A.R.S. 12-1809 (E) states: The court shall review the petition and any other pleadings on file and any evidence offered by the plaintiff, including any evidence of harassment by electronic contact or communication, to determine whether the injunction requested should issue without a further hearing. If the court finds reasonable evidence of harassment of the plaintiff by the defendant during the year preceding the filing of the petition or that good cause exists to believe that great irreparable harm would result to the plaintiff if the injunction is not granted before the Defendant can be heard in opposition and the court finds specific facts attesting to the plaintiff's efforts to give notice to the defendant or reasons supporting the plaintiff's claim that notice shall not be given, the court shall issue an injunction as provided for in subsection F of this section.

As to **4 allegations against** **:**

1. falsified documents to terminate another renter in the house:

was asserting her legal right & per her understanding with

 undisclosed change in plans interfered with legal rights.

 unlawfully usurped preventing from her legal rights to

serve the month to month temporary tenant upstairs with a 30 day notice to vacate the premises (due to his alarming behavior that made feel unsafe).

usurped Ms. [redacted] lawful rights to vacate the upstairs tenant prior to filing harassment charges against Ms. [redacted].

***Ms. [redacted] asserting her legal right to deliver a notice to a tenant does not constitute harassment against [redacted]**

*Ms. [redacted] actions were not directed at [redacted] Ms. [redacted] actions had a legitimate purpose asserting her legal rights to vacate a tenant who made her feel unsafe. Which [redacted] usurped, prior to filing her unlawful harassment charges against Ms. [redacted]. ***There is no lawful merit or evidence this is harassment.** (See [redacted] letter).

2. [redacted] filed court papers against [redacted] with false information

This does not constitute harassment in and of itself.

Because Ms. [redacted] filed for an Injunction against Harassment charges against [redacted] does not constitute harassment. And just because [redacted] is not in agreement with Ms. [redacted] claims, does not constitute Ms. [redacted] is harassing her. Additionally, Ms. [redacted] claims against [redacted] have not been disproved.

There is no lawful merit or evidence this constitutes harassment.

(See detail in the attached Amended Motion to Dismiss Unlawful Harassment Charges).

3. [redacted] contacted [redacted] in email & text after [redacted] Injunction was filed. [redacted] shut off Ms. [redacted] internet & power. [redacted] asked [redacted] to turn it back on and [redacted] needed information from [redacted] to pay her portion of the utilities. [redacted] was interfering with [redacted] rights to occupy the house and requested that [redacted] quit interfering with [redacted] rights.

[redacted] shut off [redacted] internet & power and was interfering in [redacted] rights to occupy the house. It is not harassment that [redacted] was requesting to have her essential services turned back on & requesting [redacted] quit interfering with her rights.

***There is no lawful merit or evidence this constitutes harassment.**

4. ; was served a non-renewal notice for the house, she became out of control.
 ; trespassed into ; house with the landlord's agent ;.
The agent aggressively pounded on ; bedroom door demanding she open
It. ; did not open her bedroom door to this violent stranger on the other
side. After ; ushered the landlord's agent into ; home she remained
downstairs. ; was in her bathtub minding her own business, although afraid
for her safety & alarmed at the incident, she did not know ; was involved.

There was no action directed at ; by ***There is no lawful merit or**
evidence this constitutes harassment against ;.

None of **4 allegations against** **constitutes harassment against**
under A.R.S. 12-1809 (S).

1. ; falsified documents to terminate another renter in the house.
- ; was asserting her legal right to serve renter a valid document.
- ; actions were not directed at ; & had a legitimate purpose.
2. ; filed court papers against ; with false information ;.
- Because ; filed harassment against ; does not constitute harassment.
- Because ; is not in agreement does not constitute harassment. Not disproved.
3. ; contacted ; in email & text after ; Injunction was filed.
- ; requested ; turn her essential services on after ; disconnected.
- ; requested ; discontinue interfering in her right to occupy the house.
- ; required information from ; to pay her utilities.
4. ; was served a non-renewal notice for the house & became out of control.
- ; was in the bathtub minding her own business. ; was downstairs.
- ; had no involvement in this and directed no action against

Under A.R.S. 12-1809(S):

There was no reasonable evidence harassed .

No cause existed to believe that great irreparable harm would result to plaintiff if the injunction was not granted before the Defendant could be heard in opposition. *charges did not meet the requirements for harassment).*

Plaintiff made no effort to give notice to the Defendant and there was no reason notice should not have been given to the Defendant.

Defendant () lived at the same house as the Plaintiff had an obligation to give notice to but deliberately chose not to. trespassed into home the night before to deliver a Notice to for the landlord, but made no attempt to provide Notice to of her unlawful harassment charges.

1. No reasonable evidence existed harassed .
2. No cause existed to believe great irreparable harm would result to
3. made no effort to give notice to even though trespassed
 into house the night before.
4. There was no reason Notice should not have been given to the Defendant.

Judge . had a lawful duty to Deny Injunction
against Harassment against or at the very least schedule a
further hearing within 10 days with reasonable notice to the defendant,
under A.R.S. 12-1809(E). *Judge *failed to meet these 4 Requirements.**

Instead, Judge granted an unlawful Injunction Against Harassment
(charges) against the Defendant Ms. , favoring in
violation of the statute 12-1809 (E) and in violation of A.R.S. 12-1809 (S).

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**