

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-023

Complainant: No. 1276710520A

Judge: No. 1276710520B

ORDER

The Commission on Judicial Conduct reviewed the complaint and determined that there was no clear and convincing evidence of judicial misconduct. Although the documents filed by the landlord may have been inconsistent or incorrect, this is a legal question that should be addressed by an appellate court. The commission is not a court and cannot change a judge's ruling.

The complaint is dismissed pursuant to Rule 16(a).

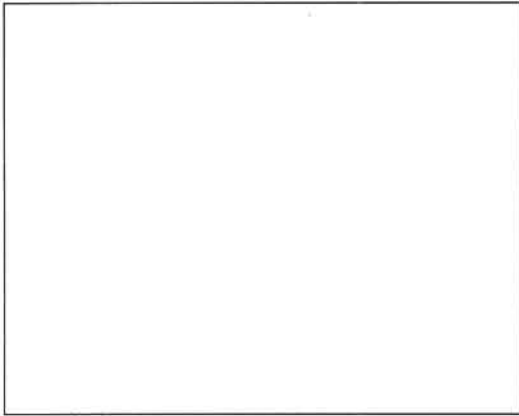
Dated: March 29, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on March 29, 2006.

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



CJC-06-023

January 24, 2006

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

Dear Sir or Madam:

On [redacted] Judge [redacted] signed a Complaint of Forcible/Special Detainer for [redacted] [redacted] property owner of [redacted]. This was an apartment that I rented for six months on a month-to-month basis; no lease was offered or signed. The complaint has many inaccurate lines. On line 3, the complaint on its face is missing a date on which a 5-day notice was allegedly served. On line 4, the complaint shows rent per month as [redacted] and alleges that rent is unpaid since one and a half months for a total of [redacted] plus late fees, per written rental agreement. On [redacted] the only rent that is due is [redacted] for the remaining [redacted] rent, and [redacted] rent [redacted] which is a total of [redacted]. Not [redacted]. On line 5, the commercial property box is checked. Probably because written notice is not required on a commercial lease. Line 6 alleges that rental agreement is violated [when there was no rental agreement ever offered or signed] and goes on to allege the late fee of \$30 for the first day then \$10 a day thereafter. This violated A.R.S. 33-1371 subsection A, 33-1414 subsection C. This complaint was wrongfully issued. An incorrect document and premature action presented to, and signed by Judge [redacted] now has cascaded into unrepairable proportion. The attached documents are provided as evidence. On trial date [redacted] at [redacted] in courtroom I, the following events occurred; On my way I couldn't find address, but called and spoke to the bailiff. Upon arrival, I went into the courtroom of Judge [redacted]. The Judge told me that [redacted] had appeared and with no records at all, and he was allowing [redacted] to go and retrieve the alleged 5-day notice and fax it that same day and to bring in the original one the next day, then asked me why we were here. I indicated that it was unexplained to me, that I had not been served a 5-day notice and had intended on paying the remaining [redacted] rent and [redacted] rent at or around the time I was served with the trial summons. I refrained, due to the document that had been served to me. Looking at the complaint, Judge [redacted] asked why we were even there if complaint was filed on the [redacted]. I had brought all my receipts to court with me, and showed the two receipts for [redacted] rent. Judge had the bailiff make copies of my receipts and told me to go home, and that there was no need for me to be there. This led me to believe that the complaint was dismissed. Later that same day after a fax 5-day notice that [redacted] alleges to have personally served me was received and accepted by Judge [redacted]. Then without my presence or knowledge [redacted] signed a Judgment against me. I did not get a fair trial. The property owner did not follow the provisions outlined by A.R.S. Is it not the Judge who identifies any untruths and violations of the Landlord/Tenant Act? If I had been given a hearing, I would have pleaded "NOT GUILTY". How could this Judge take copies of my receipts and tell me to go home, leading me to believe there was no matter left for me to worry about. Then go ahead and sign a judgment against me and not even inform me. This is not justice or due process. I believed the Judge so it was a complete surprise to me when a

Constable came to remove me from my apartment on [redacted] The next day I went down to [redacted] around 9:30 or 10:00AM. I requested to see case [redacted] and asked how this could have happened. I was told that the office was moving and that the files were already moved along with case file On the following Monday at the [redacted] Justice Court office would be the soonest I could get a copy of my file. In the meantime, I had been locked out of my apartment and separated from my belongings. Now [redacted] and his son having sole access to apartment and my personal property, I still to this date have never seen all of my belongings again. Following Landlord/Tenant Act and the help from [redacted] Police, I have retrieved about two thirds of my personal property from my old apartment. Some of my property had been removed prior to my first entrance of my old apartment and on removing my belongings off the premises, the return of second trip to storage, I discovered the majority of my remaining personal property in the apartment to have been removed and was no where on the entire property. At that time, I called [redacted] Police to make a report. Just this last week learned that my department store cards (JCPenny's&Dillards), which I had, zeroed, balance now have been maxed out. These consequences are what I have suffered and had to deal with. The Judge made a Judgment on a premature, incorrect complaint. Signed the Judgment with out my presence or knowledge based on a newly concocted faxed 5-day, where clearly the Landlord was making up amounts, none of which abide by the Landlord/Tenant Act. The 5-day and the Summons Complaint show the Landlord has not complied with the A.R.S. The judge at that time, knowing I had brought all my previous months receipts, and copying [redacted] receipts, signed a Judgment against me. On [redacted] the soonest I could get a copy of my file, studying it along with the Landlord/Tenant Act, learned that it was pass the time that is allowed to appeal. Justice Courts call this due process? I have respect for the Judicial System, and trust that all Judges make fair and unbiased decisions. However, this court seems to favor Landlord's in Landlord-Tenant disputes. My [redacted] who was an Arizona Supreme Court Justice for thirteen years and one of Arizona's' Founding Fathers, would be appalled at the travesty of Justice I received from this Court and this Judge. I am filing this complaint against the Judge [redacted]

Sincerely,

[redacted]