

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-099

Complainant: No. 1283100221A

Judge: No. 1283100221B

ORDER

The commission reviewed the complaint filed in this matter as well as the recording of the proceeding and found no ethical misconduct on the part of the judge.

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

Dated: September 18, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on September 18, 2006.

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

March 20, 2006

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

To Whom it may Concern;

This complaint is against Justice of The Peace [redacted]

I was served with 2 orders of Injunctions Against Harassment on [redacted]

These Injunctions were from [redacted]
[redacted] alleged that I had sexually harassed him for months, and [redacted] alleged that I tried to run her down in my vehicle, sent threatening and harassing text messages to her cell phone, sent a letter to her mother's place of business and had her fired, and that I was sitting outside her place of employment watching her all night, and was following her and making her run red lights at intersections.

On [redacted] a friend and I went to the [redacted] and once we realized [redacted] was working, we went to leave. I was in my vehicle and my friend was walking to my vehicle when [redacted] came out of the [redacted] and started screaming at her. She then noticed me, came over to my vehicle, and started kicking in the passenger side. I never got out of my vehicle. I rolled the window down, and yelled at my friend to get into the car. [redacted] caused over \$1,000.00 worth of damage to my car.

The following day I was getting ready to go to the [redacted] Court to file an Injunction Against Harassment on the advice of my Attorney. Before I left my place of business, I was served. I called my Attorney who advised me to go to the Court and file, and also file for a hearing regarding these charges. I went down to the Court on [redacted] I was there at 8:00 am. I filled out all the necessary paperwork for the Injunctions and the hearing. I was told that [redacted] was out of the office until 2:00 pm. and to come back at that time. I did according to what I was asked. I returned at the requested time, and was made to wait for over 2 hours to see [redacted] I finally asked the Clerk what was taking so long, and she finally went and got him.

When [redacted] came out, I explained everything in full detail, and also that [redacted] was a former employee and potential business partner, and that because we released her, is the reason behind these allegations. He couldn't have cared less and acted as if I were taking up his time. He advised me that I could not file an Injunction against her or her boyfriend because they had already filed against me. He then said he would think about the hearing and notify me. He then tried to turn and walk away. I told him that I did not understand this and that I needed more explanation. He rolled his eyes and said for me to stay away from [redacted] and her boyfriend. I told him they were the ones that were harassing me. He told me to call the Police if they truly were harassing me. I told him that I had called the Police, and that I could get the report to prove it. He kept inching away from the counter. I asked him to please explain to me how someone can come into a Court of Law, file false charges, and then have this person served. I asked him what proof she provided that any of this happened, and he could not answer. I was quite curious about his attitude and curious to know why he signed such an order without any sort of proof. I told him that I needed something for my Attorney showing that I have a scheduled hearing date, and he said he would not provide it at that time. He said he would schedule it and have the Clerk notify me. I said no, my Attorney wants something today, and I am not leaving here until it is scheduled. He finally agreed, and set the hearing for [redacted] While I was at the Court, [redacted] had two family members come into the [redacted] and

they tried to give my other partner money towards her partnership. He declined the money, and advised them that [redacted] had an Injunction against Harassment against me and advised them to leave. That day they were still calling and driving by.

I went to the Court the following morning and spoke to [redacted] again. I advised him that while I was there the previous day, [redacted] was still harassing us, now through family members. He said that [redacted] could do what she wanted, and that she could even come into my place of business if she wanted to. The Injunction was against me, not her. I told him that it wasn't fair that she is allowed to do this. He again advised me to, "call the Police if you feel she is harassing you". He then advised me that I would have a chance to talk on the date of the hearing.

I asked the Clerk if I was allowed to bring witnesses and statements from witnesses. She said that I was allowed to bring both, and also was allowed to provide any evidence that could back me up regarding the charges.

I had several witnesses who could testify to [redacted] violent and destructive behavior, and I also had several letters and statement from those who could not attend the hearing.

Once in the Courtroom, [redacted] had all the witnesses sworn in, then said he would not be needing their testimony, and asked them all to leave the Courtroom.

The Injunction from [redacted] was dismissed as he told [redacted] that he filed this order because he wanted to protect his girlfriend and her family. Quite different than what he had written on the form. The form stated sexual harassment, not protection for his girlfriend.

The Injunction from [redacted] was not dismissed. [redacted] both presented themselves in a most unprofessional manner, as they both showed up wearing ripped jeans, and [redacted] was wearing a halter top. [redacted] sat back in his chair slouched, and rocked back and forth the entire time.

[redacted] both filed false charges against me, lied under oath in a Court of Law, and got away with it. They got away with it because [redacted] knew them personally. He was also their [redacted] coach, and admitted that in Court. He said that although he knows this family, he felt that he could make a fair and impartial judgement. How can someone make a fair and impartial judgement, when the person who filed the charges could not provide proof of any of the allegations? When I was allowed to question [redacted] my questions were very detailed, and I had 3 pages of questions to ask her. Some of the questions were:

1. Do you have any witnesses that can testify on your behalf that they saw me try to run you down in my car? She answered no.
2. Did anyone witness you being thrown to the ground and you landing on your back? She answered no.
3. Were you hurt? She answered no.
4. Did you call the Police and file a report? She answered no.
5. Did anyone you work with or any customers witness this? She answered no.
6. Did you report this to your manager? She answered no.
7. Did you finish your shift at work? She answered yes.
8. What time of day did this happen?
9. Do you have copies of the alleged threatening text messages? She answered no.

I advised [redacted] that text messages can be sent to your email address and printed out. If I truly had sent these messages, then why couldn't she provide the proof? I then told him that I had a printed text message that [redacted] had sent to one of my clients. He wasn't interested and stated that he was not going to wait for these text messages to be printed.

I explained to [redacted] that I had witnesses that could testify to [redacted] destructive and dangerous actions. He would not allow the witnesses. He denied me my right to be heard, and to have my witnesses heard. With his decision, he has now empowered [redacted] to do and say whatever she likes, and yet, I am the one who could suffer an unjustly arrest or jail time, if she decided to file false charges against me again.

I contacted my Attorney and told him the outcome, and that [redacted] knew the [redacted] family personally. He was stunned that [redacted] did not step down from this case. He asked me if I were advised of my rights to file an appeal. I told him no. I was not advised of this. He then advised me to go back down to the Court and file. I went down 2 days later to file, and was advised by the Clerk that I could not do so. She advised me that I had to do that on the day of the hearing. I explained to her that I was not advised of my rights, and that I did not sign anything regarding the outcome. I explained to her that [redacted] knew the family, and that my Attorney

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advised me to file this appeal, and again, I was not leaving until the appeal was filed.

They allowed me to file the appeal, and said they would be in contact with me.

I waited for a week and called the court to ask them what was next. They advised me that

they would have to order the cd from the Court in [redacted] and that I would have to have it transcribed at my expense. I agreed. Another two weeks went by and still no word. I called and was told that the cd had not been retrieved, and as soon as they got it, I would be notified.

I again called the Court on [redacted] and spoke with the Clerk regarding my concerns. I explained to her that I was denied my rights in the Courtroom, and that [redacted] knew the family personally, and that I was afraid that he was stalling the process. She then told me that the computers have been down for several weeks, and that is why I have not been notified.

All I am asking is that this be investigated further, and that all evidence is collected and reviewed.

I feel that [redacted] never should have tried this hearing, as he knew the family, and should have told me before I even entered the Courtroom. I feel that this explains his decisions and his actions when I spoke with him the first time I met him.

[redacted] also placed her brother [redacted] on this Injunction. The Clerk advised me that only minor children can be placed on the Injunction. [redacted] is 23 years old. I do not understand why [redacted]

[redacted] allowed this as well. Her brother lives in [redacted] and I have no contact with him, I do not know his phone number or address. I have met him briefly.

When I spoke with the Clerk on [redacted] I addressed my concerns with her, and told her that I am an [redacted] employee, and when our ID badges expire, we are subject to a background check again. This could directly affect my security clearance. I would never do anything to jeopardize my employment or my security clearance.

By writing this complaint, I am not looking for anyone to be in trouble. I simply would like a fair and impartial decision after all evidence is reviewed.

I am enclosing copies of evidence that I took with me to the hearing, and also enclosing copies of the Injunctions that were filed. As I asked [redacted] please show me on this order anything that constitutes this judgement of harassment. What does a supposed letter to [redacted] mother's work have to do with me? There is also no evidence of anything that I am accused of.

Thank you for your time concerning this matter. I look forward to your response.

[redacted]