

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 06-171

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Complainant: No. 1289510481A

Judge: No. 1289510481B

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**ORDER**

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The judge was not a personal friend of the plaintiff in the case.

The commission is not an appellate court and cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: November 2, 2006.

FOR THE COMMISSION

/s/ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on November 2, 2006.

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

From: [redacted]  
Sent: Monday, June 19, 2006 12:13 PM  
To: Commission on Judicial Conduct  
Subject: To Whom It May Concern Commissionjudicialconduct

JUN 27 2006

Commission on Judicial Conduct  
Courts of Arizona  
Administration

CJC-06-171

June 19, 2006

To Whom It May Concern:

The circumstances are quite involved, and have a long history regarding a defendant named, [redacted] and an associate of his by the name of [redacted]

On [redacted] and injunction was granted against me regarding [redacted] and it is no less than a kangaroo Court situation.

On [redacted] was arrested and incarcerated in the [redacted] County Sheriff's Jail for; Assault on my person, obstructing my right of way on a common roadway resisting arrest and a DUI.

This is what the courts refer to a bowl of spaghetti, a multitude of circumstances are involved.

First I will address the injunction issued by Judge [redacted] of [redacted] a justice of the peace.

Not one of the statements made by any of the so called witnesses is supported by a complaint to the local Sheriff's Office of [redacted] County and that since [redacted] when [redacted] purchased his cattle grazing lease to the [redacted] [redacted] Arizona until the present time is there any complaint on record on the contrary, several are on record at the [redacted] County Sheriff's office, regarding [redacted] and his friends and employees which I am the chief complainant.

[redacted] produced several witnesses at the injunction hearing that testified to erroneous and non-supportive events that lead to me being discredited.

In the month of [redacted] [redacted] purchased the [redacted] Ranch and shortly after that time he began to conduct himself in a most unusual way. He made threats against me intimidated me and my dog while out walking for my open heart surgery recovery on the roads near by my property. He would force his cattle into the corner of my property fence and cause it to collapse and I would have to repair it and I did several times, to no avail, in the end I finally decided to take a portion of a tie-in corner between my property and my neighbors. Anyway, none the less Judge [redacted] addressed the issue in that hearing and ruled in my favor.

Let me go a little further, I am also disabled and have been since [redacted] with a severe back disability.

Not to belabor this circumstance I will cut to the chase, [redacted] worked side by side with [redacted] when he was a [redacted] approximately [redacted] years or so ago and [redacted] is a relative to the [redacted] Family, a first cousin and when he was young he [redacted] father of [redacted]

[redacted] introduced pictures of the point where he was arrested on [redacted] as evidence against me in his injunction and the Judge should not have considered it because it is a matter now set before the [redacted] County and

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it is my understanding that he will be charged and is plea bargaining with the Assistant District Attorney [redacted] which he is to plead guilty to.

[redacted] also showed pictures of his person that showed massive bruising about his extremities that the Judge thought I had caused, [redacted] was ran over by a cow and that is how he got the bruising, not by me. I sustained injuries from [redacted] on [redacted] when he grab my lapel and I tripped and struck my left forearm on the cab of his truck. At the time [redacted] had caused my wife and I so much distress for an hour and a half, that when I was speaking to the dispatcher I stated that if he was not going to be arrested that I wanted to make a citizens arrest. One of the persons that [redacted] and Judge [redacted] used as an interpreter, names [redacted] for a witness named [redacted] and [redacted] was later a witness against me for another erroneous accusation, regarding me being on his property with a side arm and alleging that I was acting as though I was angry over something that I have no idea what they where accusing me of.

One witness names [redacted] was introduced as a witness and is a very good friend of [redacted] and [redacted] works the cattle for the [redacted] family and [redacted] is an employee of the [redacted] Office. His testimony was discrediting and the Judge dismissed it. I have no idea if it was considered or not as consideration for the injunction.

In the situation regarding the removed fence, [redacted] tried to have another witness named [redacted] testify against me when I approached them at my corner when he was shouting at me for removing the fence and [redacted] stated that I was marching up on them with my gun slung over my shoulder and he described me as thought I was a member of the armed forces. Here again [redacted] Made the demands and threats against me and no complaint has ever been produced against me with the local law enforcement departments. The statements by both [redacted] are lies and [redacted] is the one who made threats to me. I had no witnesses in my behalf except my own solemn word and the almighty, I did not feel that I would need a witness and I did not have one.

When I appeared at the Court House [redacted] I went to Judge [redacted] office because that is where I was told that the injunction would take place by his clerk when I called in early that morning. The next thing I am told is that it would be in a Court room, and it was [redacted] and he had a half a dozen witnesses and the proceedings where very much one sided.

At some point in the hearing I requested a recess so that I could retain council, later I spoke with my attorney and he told me I did not need counsel for this injunction, so I returned to the Court and the hearing was resumed and again witnesses stated false testimony, I objected and asked for a dismissal of the matter based on a strong reason that [redacted] on [redacted] the night before the hearing on [redacted] had violated a restraining order I had against him that was issued by Judge [redacted] regarding a harassment order he issued Just after the [redacted] arrest of [redacted] Judge [redacted] stated to me that I had to go to the Sheriff's of [redacted] and have them handle it, even though [redacted] admitted that he deliberately put himself at a gate that he new my wife and I had installed and had the road cindered at a cost of approx, \$1,000.00. I had advised the Manager of State Trust Land [redacted] that we would not be using the questioned original entrance that had been used by us and all the other property owners for [redacted] years. I also advised the [redacted] Sheriff's Office of the same notification and described in detail the new route of travel that we would be using. A report to Deputy [redacted] was sent by fax/e-mail of the incident.

From my position I find it hard to believe that Judge [redacted] allowed some of the testimony regarding the injunction that is at the [redacted] District Attorney's Office assigned to Assistant District Attorney [redacted]

I spoke to several people and can not find out why Judge [redacted] did not state a conflict situation existed and at this time I am requesting that he be RECUSED, from this injunction and that the injunction be withdrawn.

Judge [redacted] has recently issued a court order to lock and close the gate that [redacted] has stated is continuously being used by unauthorized property owners and stated that some of his cows have been killed at that location which is a lie as is just about everything else that [redacted] states and testifies to.

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Since the incident of [redacted] with [redacted] and after extensive research and surveys of the questioned entrance to the [redacted] and three others at [redacted] [redacted] The present entrance is illegal it crosses Private Property of [redacted] and all the notifications to both the State Trust Land Dept. and to Judge [redacted] have been disregarded, the Arizona Game and Fish Dept. has ruled that the gate can not be locked. [redacted] has over ruled that the Game and Fish Dept, answers to his dept. In an advisory statement to him from myself that [redacted] has caused a great many of the property owners difficulties in obtaining access to their property, I have had to arrange for as many of the property owners to redirect the access in to all the properties through two separate private property parcels which has taken eight months to accomplish and is now in it's final stages of completion. It will be finished this week.

It is my contention that [redacted] intended to create so many problems for the property owners that they all would sell out and move away, the current Road development has united the property owners and put the road on Private Property and is being regulated for only those who have contributed to it's development. All others will have to find the road that [redacted] calls the "subdivision road" and use it or contribute to the new road; it has a cost figure of approx, \$ 7,000.00. Now [redacted] will also have to find away in and needs to use the correct entrance at [redacted] and make a road on the State Trust Land that [redacted] said he can use, as long as [redacted] pays for it. [redacted] does not have permission to use any of the Private Property Roads according to the Property owners he will not be allowed any kind of passage.

My wife and I decided to remove ourselves from the problems that [redacted] has caused us and we sold our Ranch at a loss and moved away, when the District attorney [redacted] finishes with the Criminal case against [redacted] I will then take civil action in Court against him for our financial losses.

Please contact me regarding this investigation on the ethics concerns I have advised you of and please acknowledge receipt of this document and if you do not mind keep me abreast of your progress with this matter.

In the future as things may develop I will be forwarding you more material.

Sincerely,

[redacted signature box]

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