

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 06-214

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Complainant: No. 1292910203A

Judge: No. 1292910203B

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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 complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: November 15, 2006.

FOR THE COMMISSION

/s/ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on November 15, 2006.

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

CJC-06-214

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

COMPLAINT AGAINST A JUDGE

Your Name: [ ] Judge's name [ ] Date: 05/03/06

I appeared before Judge [ ] as part of an ongoing review process for the Adult Probation Office. I was referred to Judge [ ] by APO [ ]  
[ ] This was my second appearance with prior appearance being continued.

I had chosen to appeal a punitive addition to my agreed to sentence, due to what appeared to be either sloppy wording or a pure error. My appeal, despite my best efforts (I represented myself), placed me before Judge [ ] to decide on my request for modification of sentence.

This clearly did not sit well with Judge [ ] who denied me on all counts and also denied me the opportunity to argue my case effectively saying "I am not going to argue with you so shut up".

This is her right however and I am not complaining about the disposition of my appeal.

Her behavior became truly offensive and frightening however when she asked me when I was to commence my additional ten classes at [ ] this being the focus of my appeal.

I replied truthfully that the agency had informed me that there was no room in any classes and that I had to wait several weeks but that [ ] (last name unknown)" (the man who confirmed Judge [ ] sentence at [ ] would call and inform me.

At this point any veneer of civility or lack of personal agenda by Judge [ ] ended and the reason for my complaint begins.

She immediately raised her voice threateningly and demanded of me "Are you lying to me? I will call [ ] tomorrow as will your probation officer (Referring to APO [ ] [ ] if I find you are lying to me I will put you in jail".

I was stunned to be spoken to in such a demeaning fashion in open court but also to be accused of lying merely for reporting information that displeased her, struck me as both rude and unprofessional.

It got worse as I attempted to answer in a manner that pointed out that I had neither reason nor record of lying.

At this point she become extremely agitated and grew red in the face. She screamed at me "It's a simple yes or no question, are you lying to me?"

At this point I became truly fearful as she was clearly out of control, she had not even vaguely spoken to anyone else in her court that way during the day.

I felt that anything I said other than what she wanted to hear was going to have me thrown in jail as she was raging at me over a matter beyond my control.

I answered no and shut up as I was fearful of being jailed by a judge on "tilt", I cannot afford an attorney and my court appointed attorney clearly wanted no part of this bizarre exchange so I felt and still feel unprotected from her and she has a great deal of power over me as she demonstrated that very night.

Still breathing very hard and red in the face, Judge [redacted] warned me to be in class at my next appearance "or else!"

Of course, if there is no room in the classes, what can I do?

I left the court deeply disturbed by what I considered the erratic behavior I have seen on both occasions I have appeared before Judge [redacted]

I have inquired as to her character to two different co-workers about her character. One was to APO [redacted] who initially refused to answer, but at a later meeting at my residence on [redacted] warned me when referring to Judge [redacted] by stating "you know the kind of person you are dealing with", I believe he meant to confirm my observation of extreme arrogance.

I asked another co-worker whom I decline to identify, if she was as arrogant as I thought, he replied promptly "No-comment" with a heavy emphasis.

Again I took it as a confirmation of this person's arrogant character.

The extraordinary events that occurred at my residence next are the true crux of my complaint however.

At approximately 9:00pm, I heard a heavy pounding on my door at my residence. It was APO [redacted] and his supervisor [redacted] I was amazed at the late hour but opened the door. [redacted] was extremely insistent on hearing details about my appearance before Judge [redacted]

I demurred initially sensing that this meeting was dangerous for me, but mentioned after some harassment my observations about Judge [ ] rudeness in particular her screaming in court as I put it to [ ] as a "harridan" and then as he continued to aggressively push me I compared her screaming to that of a "fish wife".

The meeting ended with [ ] standing over me in a threatening manner while I sat in a small office chair, he threatened that I was to never refer to his co-worker in such a fashion, to stop appealing and that I was to keep my mouth shut and do my additional ten classes, he also stated that he would be looking for the smallest transgression of the terms of my probation in order to jail me.

He let slip that he had spoken to Judge [ ] when I asked him to confirm that he was to call [ ] in the morning to confirm my statement in court. He had studiously avoided any mention of that evening's communication with Judge [ ] until that answer to my question in the affirmative.

He could only know that he was to call [ ] by having a conversation with [ ] prior to coming to my residence.

I believe that Judge [ ] when communicating that night after court, asked APO [ ] to go to my residence and harass me further in an attempt to provoke an illegal or at least an inappropriate reaction from me to warrant an immediate arrest, and he certainly complied with that request.

If not, then he took it upon himself to further attempt to humiliate me in addition to her own shameless behavior.

I have filed an official complaint against [ ] and his supervisor [ ] with appropriate superiors. Thus far my complaint has been ignored.

I am now in extreme fear that a reason will be fabricated between these people to violate my probation no matter what I do. I can only hope that you will look seriously at what appears to me to be an extreme violation of the statement read prior to Judge [ ] court that I was entitled to courtesy and dignity.

On this occasion I was not given either of those base rights either in Judge [ ] court or indeed in my own residence.

My questions are these.

Is it appropriate for a Judge to apparently request the harassment of a defendant for attempting to use the system to appeal a sentence that was arbitrary and seemed to be a misapplied law?

Does an appeal warrant such crass court room antics and what I sincerely hope is the inappropriate utilization of the APO?

How can I, without the financial ability to hire an attorney, protect myself from what appears to be a malicious officer of the court?

I requested of Judge [ ] as to whom I could properly appeal my case, she refused to answer (I had asked my appointed attorney for the same information, he confidently replied that the judge would provide that information and he gasped loudly when she refused). Is this normal?

Should I not be provided with basic legal guidance if I feel I have been wronged? Or does being unable to afford an attorney preclude me from access to basic legal protections?

Was it proper to accuse me of lying from the bench in such a bellicose and crude manner? Or indeed, in any way at all?

Is it proper for the Judge to apparently send an adult probation officer to my residence to harass me even though it was read into the record during the hearing on the same day that I was in compliance in monies, employment and residence?

If there is still no room in a class at [ ] by [ ] (my next appearance), does Judge [ ] have the right to carry out her threat to arrest me even though I have done all I can?

I am not familiar enough with the system to ask perhaps all the questions necessary, I hope that you will see any other issues that this frightening episode raises, but surely I should not be subject to crude attacks on my character merely for attempting to assert my rights in court.

Any advice or assistance would be welcome, I do hope you take me seriously; I am very scared that I will be put in jail for a fabricated "probation violation" no matter what I do.

My major concern now becomes appearing before a hostile jurist especially as I have further enraged her by filing this complaint? Can she take revenge?

Thank you for your prompt attention.

[ ]

Wednesday, August 09, 2006

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This is an addendum to a previously prepared complaint.

I was unable to mail my original complaint due to my incarceration on a probation violation.

I was detained for 69 days commencing [redacted] This occurred two weeks after I filed a formal complaint against APO [redacted] (Filed with Supervisor [redacted] on [redacted] see copy of fax cover sheet enclosed, I also provide a copy of this complaint though I do not know if this germane to this issue.)

Since I originally wrote this complaint, I have been accused of threatening Judge [redacted] (I enclose copies of what would appear to be pertinent information.)

I was incarcerated for an extended period of time due to this alleged threat although it is my understanding from my public defender [redacted] that what actually occurred would be covered by the first amendment, and that a threat would have to constitute such actions as an open statement of intent in court, expressed in a written form or via the telephone.

Since none of actions occurred I am confused as to why these actions were filed against me with Judge [redacted] full knowledge. I would assume that she would be aware of the requirements to constitute a threat at least as well as [redacted]

No charges would filed against me in connection with this very serious accusation, it would appear on the surface to be an empty accusation merely offered as a way of keeping me incarcerated for an extended period of time.

I was reinstated into probation on [redacted] in the court of Judge [redacted] I pleaded guilty to being [redacted] in arrears as of the date of my arrest. I enclose the copy of receipt I was given on [redacted] when I paid [redacted] toward probation costs.

I also enclose a copy of the court minutes of my appearance before Judge [redacted] in which it was read into record that I was in compliance in terms of money, employment and residence on [redacted]

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As I expressed in my initial complaint, (and would be appear to validated by the actions of Judge [ ] in house probation officer [ ], I am fearful of an out of control member of the judiciary.

As an example, I have been placed back under Judge [ ] who has ordered me to undergo a further mental health evaluation at a cost of [ ] this year. (See enclosure).

I have just been in jail for [ ] weeks; I am unemployed as of the date of my release and am currently seeking employment. My savings were consumed during my time in jail to commissary, personal hygiene purposes and an attempt to obtain the services of a private attorney.

I did request to be removed from Judge [ ] supervision in Judge [ ] court and it was my understanding that Judge [ ] would be my supervising judge, apparently I was mistaken.

As of this date and time (8/7/2006 3:45:57 PM 8/9/2006), I have not had an acknowledgement of my initial complaint against APO [ ] Judge [ ] did order [ ] to send an E-mail to [ ] to ascertain the status of my complaint. (I did send a copy of the complaint via fax to Judge [ ] [ ] I enclosed a cover letter expressing my concerns as to arrest for spurious reasons. I have not received a reply from Judge [ ] office either.)

(Please note that I do not include these matters or enclosures to you for resolution or investigation as I am aware of the limited purview of this body. I am enclosing all of this to provide complete disclosure as to the morass I find myself in due to what I perceive to be a flawed and a dangerous aspect of Judge [ ] judicial temperament).

(I would appreciate an acknowledgement of receipt of this complaint as soon as possible. I have waited 12 weeks thus far for such an acknowledgement from [ ] to no avail.)

Please inform me if you need me to provide the video record of this bizarre appearance before Judge [ ] I have ordered the record but it is not yet available. I am not waiting for the arrival of the record to arrive, as I have informed [ ] of my intent to file a further complaint, and based on recent history, I will be arrested in a retaliatory move as I was last time.

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I should also inform you that I am in process of filing a civil rights complaint with the FBI regarding these matters.

Please take this seriously, I am seriously terrified that I will be arrested and kept in jail for an extended period again for no good reason.

