

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 08-320

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Complainant: No. 1351110388A

Judge: No. 1351110388B

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**ORDER**

The commission reviewed the complaint filed in this matter and determined that the judge did not knowingly violate the ethical canons. Accordingly, the commission voted to dismiss the case with a private comment relating to patience and dignity in the courtroom.

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

Dated: April 7, 2009.

FOR THE COMMISSION

\s\ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on April 7, 2009.

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

On October 14<sup>th</sup> 2008 I received an Injunction against Harassment from the Arizona court of Justice of the Peace. I immediately appealed to the court for a Hearing in the matter as I felt the person who brought this case against me listed false allegations and false dates of any occurrences. The case was entitled vs.

The first Hearing date was set for October 24<sup>th</sup>, 2008. (The second Hearing date was October 29<sup>th</sup>, 2008.) I brought pictures, documents, receipts, a County Sheriff's report and motorcycle head gear. (See attached document, *Designated items for the Appeal*).

The first charge against me was;

On 8-22-08: *"Stopped in my yard on his motorcycle and just glared at me. Went up the road and kicked over the cone."*

I fully explained to the court the Easement Agreement ( Lane) allows me access to the roadway. It is not Ms. 's "yard", as she wrote. I also showed in pictures how the 's (plaintiffs) have blocked the south section she said I drive through, with parked vehicles. A police report and a picture shows orange traffic cones in the Lane easement blocking the flow of traffic on the north side of the road. I also explained I never stop on the roadway or glare. To prove this point, I showed a picture of my Travel Trailer which received a pellet/BB dent the last time it went down Lane in June 2008. I asserted I would not stop on the road if someone was going to shoot a pellet at myself.

I also submitted a letter from the Prison Complex which showed I was at work from 6am until 2pm on 8-22-08.

While handing copies to be made of photos and credit card receipts, to the court clerk, I inquired into checking to making sure the entire credit card numbers were not listed. Justice of the Peace became irate and yelled at me, **"You hand those to him and he will make copies of them, and then you will hand them to Ms and me!"** He added, **"I'm running this court, you're trying to twist me around!"**

When I tried to explain I was reviewing the credit card numbers on the receipts I was turning in, Justice of the Peace said, "I let you take care of that before you got to court." I explained I did not know copies were

going to be made and passed out to people. Justice of the Peace sarcastically remarked, **“Now you told me you were a police officer?”**

The Second charge against me was (listed as 3<sup>rd</sup> on Injunction but was the second charge discussed in court that day);

6-15-08: *“We put in a speed dip and him, & backed up to it & filled it in & poured water in it.”*

I showed with pictures and the credit card receipts, I was in Arizona on 6-15-08. The receipts show the progression of movement away from . We camped along the way and stayed in and for many days. All proven with the receipts I submitted. The Plaintiff had no comments or questions about the pictures or receipts.

The court was then adjourned for that day, 10-24-08, and was set to continue on October 29<sup>th</sup>, 2008. This was for the convenience of my witness Ms. who is an attorney. Ms. was in a trial on October 24, 2008 and could not remove herself to appear in the Court.

When Ms. appeared on October 29<sup>th</sup>, 2008, she was immediately seated and sworn in. I asked if I could proceed. Justice of the Peace yelled back, **“I want you to proceed with her and I don’t want you rushing me, I’ll tell you how were running this court, you are not running this court, I am running this court. And I’ll tell you when we’re ready to proceed... So if you want to, go ahead and ask Ms. some questions?”**

The third and last charge made against myself by the Plaintiff was; 10-7-08: *Harassed me in court.*

Ms. was present in court on October 7<sup>th</sup>, 2008 and was speaking to the Plaintiff’s grandson at the next table. Only the four of us were in the court room. Ms. testified to this also.

Ms. was asked about the act of harassment which was alleged to have taken place near her in court on October 7<sup>th</sup>, 2008. Ms. said, “I believe Mr. asked Ms. where her husband was. I don’t recall any additional conversation between the two of them.”

When Ms. \_\_\_\_\_ was asked how Ms. \_\_\_\_\_ responded to my inquiry, she said, "What I recall is she spoke directly to me and not to you. I believe she gave an explanation as to why her husband was not present and I don't recall at that time."

When Ms. \_\_\_\_\_ was asked if there was anything in my voice or demeanor that would startle or frighten anyone (such as the Plaintiff), she responded, "No, I don't recall anything that would have frightened her in your demeanor."

Ms. \_\_\_\_\_ was then excused from the court room as I had no more questions for her. The Plaintiff had no questions.

I then began to introduce four pieces of evidence which were crucial to establishing Ms. \_\_\_\_\_ was not telling the truth about the dates she gave for harassment violations. The first piece of evidence introduced was a letter from my employer which states I was at work from 6am until 2pm on 8-22-08 at the \_\_\_\_\_ Prison Complex. I politely asked Justice of the Peace \_\_\_\_\_ if the court could ask the Plaintiff for a time of the violation. No time is listed on the Injunction. Justice of the Peace \_\_\_\_\_ became enraged and yelled in the court room, "**You going to submit this into evidence, she has the right to look at it! How many times do I have to correct you?**"

I explained to the Justice of the Peace I just wanted clarification on the incident time. The Justice of the Peace constantly argued the point with me saying I had *objected to submitting the evidence* so it would not be submitted. He added, the document from my work could not be submitted without her (Plaintiff) seeing it. I explained to the court, I was going to submit it and let the plaintiff see the document but I asked the court to simply have the plaintiff give a time for the alleged incident. No times are listed for all three incidents. The Justice of the Peace finalized the debate by yelling, "**You're twisting things around, you definitely objected to her seeing it!** When I tried to explain I was not objecting to the Plaintiff seeing the document, I was shouted over by the Justice of the Peace, "**You did!**" I then gave the document to all parties in the court room. No time was ever asked for or produced.

The second piece of evidence submitted was the *Road Maintenance Agreement (. \_\_\_\_\_ Lane)* which states the road will be kept in such a condition that it will not restrict the accessibility of residence of the properties of parties.

The third piece of evidence submitted was a report from the County Sheriffs Office dated April 30<sup>th</sup>, 2008. This report shows there were traffic cones placed in the roadway in front of the \_\_\_\_\_'s home blocking vehicle traffic. (Plaintiff).

The fourth piece of evidence submitted was my full-face motorcycle helmet which I placed on my head. This was worn on 8-22-08. Next I put on my sunglasses and pulled the visor down. The only visible part of my body, above my neck, was my nose. There is no possible way, someone could have seen me "glare" at them.

In closing arguments, the Plaintiff admitted to getting dates wrong. She said, *"I might have gotten mixed up on a few of the dates, this doesn't change the situation. I can't go running in and writing down the dates, times of every single thing. I'm being harassed. All those papers he showed me, they don't mean anything."*

I made my summation by pointing out all the inconsistencies in the Plaintiff's allegations. I had Ms. \_\_\_\_\_, an attorney, clearly nullify the allegation I harassed Ms. \_\_\_\_\_ in court on October 7<sup>th</sup>, 2008. I asked a simple question in which I did not get an answer.

I clearly showed I was no where near \_\_\_\_\_, Arizona on June 15<sup>th</sup>, 2008. My family and I were in \_\_\_\_\_ and \_\_\_\_\_, Arizona.

On August 22<sup>nd</sup>, 2008 I was at my place of work and did not get home until 2:30P.M. Justice of the Peace \_\_\_\_\_ never asked for any times from the Plaintiff. I testified I never stop in the roadway because of dog attacks and having damage done to my travel-trailer by a pellet or BB gun. I have great anxiety about stopping for any reason on the easement. I never glared at this person wearing a full face helmet and sunglasses. In her (Plaintiff's) closing arguments she only mentions how she saw me stopped.

What the Plaintiff has alleged does not meet the minimum requirement for an Injunction against Harassment.

Justice of the Peace \_\_\_\_\_'s behavior in the court room over the two day period of 10-24-08 and 10-29-08 was extremely unprofessional and mean spirited. His actions stifled the ability of others to put on a sufficient defense. His actions are far worse than being unprofessional; Justice of the Peace \_\_\_\_\_ is guilty of unethical conduct. (On page 3) I showed how a

simple request for *a time* turned into Justice of the Peace yelling at me. He was goading me into an argument so he could have me arrested or cited for contempt of court. I have heard the Justice of the Peace do this before. Several days after my case was finished, the Justice of the Peace got into a heated debate with a man who shouted back at the Justice he was innocent. Justice of the Peace shouted back at him he was under arrest. A Police Officer is always kept in the back of the court room. The Court Clerk told me, "It happens all the time."

After someone is arrested in court for disruption, or whatever the charge may be, there is really no defense or appeal anyone can offer.

When Justice of the Peace takes into consideration an Injunction against harassment, his mind is already set. He will order whatever he feels necessary, like a speed limit, and carry it out despite the legality. Then he will ensure you lose in court by goading someone (myself) into some type of legal argument they can not possibly win, yell at them repeatedly, shout over them or possibly have them arrested. When all else fails, and the evidence for the Defendant is clear, simply ignore it.

The worse part about all of this is the lack of Civil Rights this brings about. This Injunction was built upon lies, slander and perjury. All that is needed now is for just one more lie. If the Plaintiff says I made a threat or gesture, I will be cited or arrested. I work in Law Enforcement and could lose my job and career.