

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 09-021

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Complainant: No. 1354000606A

Judge: No. 1354000606B

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**ORDER**

The commission reviewed the complaint filed in this matter and found no evidence of ethical misconduct on the part of the judge.

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

Dated: June 8, 2009.

FOR THE COMMISSION

            
/s/ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on June 8, 2009.

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

**State of Arizona  
 Commission on Judicial Conduct  
 Complaint Against a Judge**

My name:

Judge:

Case No.

I am writing to contest the dismissal of my restraining order against \_\_\_\_\_, and file a complaint against Judge \_\_\_\_\_ for her ruling in the case. From the very start of the trial, I was inappropriately stereotyped as Mr. \_\_\_\_\_'s "mistress" by Judge \_\_\_\_\_. The implication was stunning to me, biased, and set a negative tone to my position.

In reviewing the transcript of the case, I heard the argument from Mr. \_\_\_\_\_'s attorney insisting that he had not contacted me over the last year, even when the restraining order was expired (for a few days). In cross examining Mr. \_\_\_\_\_, Judge \_\_\_\_\_ had asked about the incident documented in my police report dated October 28th, the day before Mr. \_\_\_\_\_ had been served papers about the extension of the restraining order, but one day after an attempt was made to serve him. Mr. \_\_\_\_\_ had pulled up in his car after I was parked in my driveway, stopped at the end of the driveway, and stared at me menacingly for approximately 30 seconds while I was getting my daughter out of the car. There are witnesses who saw his car, and under examination, his reason for being in the neighborhood was going to a auto repair business located on 6th Street, and I live on 14th Street (these two streets in no way intersect with ease and his construction argument was bogus). Judge \_\_\_\_\_ noted during questioning that this detour past my house was over a half mile out of his way, and that there was no reason to turn onto my street, and that he certainly would not have any reason to stop and stare at me. In issuing her decision, Judge \_\_\_\_\_ felt it was necessary to tell Mr. \_\_\_\_\_ that he was not allowed to contact me, harass me, go to my house, and these instructions indicate the continuation of the restraining order is warranted. Had Mr. \_\_\_\_\_ abided by the restraining order without any further incident from October 2007, perhaps Judge \_\_\_\_\_ would have had grounds for dismissal, however there were numerous violations over the year in the form of phone calls, emails, driving past my home and as reported and witnessed, stopping outside my home and staring at me.

As noted by Judge \_\_\_\_\_, Mr. \_\_\_\_\_ has not made any legal claim of paternity for my child, and he does not have any right to contact me or her until he has legally established his rights (which he has chosen not to do). Dismissing a restraining order when it has been violated on several occasions over the last year seems a miscarriage of justice, especially considering the Judge's narrow definition of "domestic harm" covers only actual physically attacking me or my property. He made threats against me and my family which caused the restraining order to be imposed in the first place. His arguments that the restraining order was showing up on Google searches and thus was inhibiting his business was not true, as our restraining order did not appear on Google because of privacy laws. The restraining order pertaining to my sister, \_\_\_\_\_, is what shows up on Google, and Mr. \_\_\_\_\_ did not contest this restraining order and it remains in place.

I believe Judge \_\_\_\_\_ spent far too much time asking irrelevant questions about my occupation, if I were Mr. \_\_\_\_\_'s "mistress", whether his wife knew about our relationship or about my daughter's existence, and whether Mr. \_\_\_\_\_ was from "Kurdistan"? When Mr. \_\_\_\_\_ told her that he had never driven by my home in his green mini-van in early 2008, she asked him "are you sure your memory is just not bad?" as if she was leading him to say "I do not recall" and not answer honestly that he had in fact driven by my house in early 2008. The nature of the relationship that we had,

and whether or not we have a child together was not the subject of this hearing. The most important question in extending a restraining order is whether the party that is being restrained has shown that he will not threaten or harm the other. Mr. [redacted] has not abided by the restraining order, has continued to contact me and other members of my family, and the moment that the order expired, he took the opportunity to drive by my house and stare at me in an intimidating manner. Judge [redacted] should not have dismissed all the evidence that was presented, the witnesses, and the documentation showing that the restraining order had been violated. This does not show that the person has learned to restrain themselves, but that they will continue to push the boundaries, and that protection is necessary in this case.

Sadly, I feel that there was more attention paid to his immigration status, paternity, and his business rather than me and my family's safety. He lies in court and gets away with repeatedly violating my restraining order and I fear him. To this date I am still receiving inappropriate phone calls and e-mails.

Sincerely,

27 Jan 2009

Please Note: Yesterday, I called Jan Kearney's office and was told that there was a time period that may have expired on overturning the restraining order – When I went to court to get the paperwork and information on how to file a complaint, I was told that I would have to pay \$ and file with the Court of Appeals for a retrial but orders of protection are not routinely retried and rarely are overturned. I have now learned, I was given improper information and when I was told that contesting the Order of Protection dismissal and filing a complaint against the judge was all that was available to me.