

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 09-031

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Complainant: No. 1354710520A

Judge: No. 1354710520B

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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. In this instance, the issues raised involve legal questions and can only be resolved by a court with appropriate jurisdiction.

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

Dated: April 21, 2009.

FOR THE COMMISSION

\s\ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on April 21, 2009.

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

2/8/2009

Commission on Judicial Conduct

THE DEFENDANT, (ADC # \_\_\_\_\_), WAS SENTENCED TO 3 YEARS IN PRISON (#CR \_\_\_\_\_). HE WAS RELEASED EARLY ON 01/06/08, AFTER HE AND HIS SISTER LIED ABOUT HER RESIDENCE BEING A SUITABLE LOCATION FOR HIS EARLY RELEASE. IT IS A RETIREMENT COMMUNITY AND HE WAS NOT PERMITTED TO BE THERE MORE THAN 2 WEEKS. HE VIOLATED THEIR COMMUNITY RULES BY NOT REGISTERING BECAUSE HE INTENDED TO STAY AS LONG AS HE POSSIBLY COULD. THE PROPERTY MANAGEMENT DISCOVERED HE WAS LIVING THERE AND TOLD TO LEAVE IN MARCH 2008.

ON 01/08/08, I OBTAINED MY ORDER OF PROTECTION AGAINST THE DEFENDANT. MY FORMER ATTORNEY, \_\_\_\_\_, AND I BOTH BELIEVE THE DEFENDANT PURPOSELY WAITED TO REQUEST A HEARING ON THE ORDER OF PROTECTION UNTIL AFTER THE SETTLEMENT CONFERENCE IN MY ATTORNEY'S OFFICE ON 02/21/08, WHICH WAS UNSUCCESSFUL, BROKE DOWN SEVERAL TIMES, AND WAS CONCLUDED AT MY ATTORNEY'S REQUEST.

THE HEARING ON THE ORDER OF PROTECTION WAS HELD ON 03/04/08 IMMEDIATELY FOLLOWING THE UNSUCCESSFUL SETTLEMENT CONFERENCE, BUT ALMOST 2 MONTHS AFTER THE DEFENDANT'S RELEASE. ON 01/08/08, I WENT TO \_\_\_\_\_ COURT AND FILED A PETITION FOR AN ORDER OF PROTECTION AT THE RECOMMENDATION OF THE 3 INDIVIDUALS: MY FORMER ATTORNEY, \_\_\_\_\_, PAROLE OFFICER \_\_\_\_\_, DEPARTMENT OF CORRECTIONS - NORTHEAST PAROLE OFFICE, AND \_\_\_\_\_, MANAGER, DEPARTMENT OF CORRECTIONS, OFFICE OF VICTIM SERVICES.

WHEN I READ THE ELECTRONIC PETITION ON THE COMPUTER SCREEN, IT ASKED FOR ALLEGATIONS WHICH HAD OCCURRED WITHIN THE PRIOR 12 MONTHS. I SPOKE WITH THE CLERK IN THE OFFICE EXPLAINING I WAS TOLD TO OBTAIN AN ORDER OF PROTECTION; HOWEVER, THE DEFENDANT HAD BEEN IN THE PRISON DURING THE PRIOR 12 MONTHS AND HAD JUST BEEN RELEASED. SHE INSTRUCTED ME TO COMPLETE THE PETITION WITH INCIDENTS THAT OCCURRED WITHIN 12 MONTHS PRIOR TO THE DEFENDANT'S SENTENCING. AFTER I COMPLETED THE PETITION, I WAS INSTRUCTED TO GO TO THE COURTROOM AND WAIT TO BE HEARD. I WENT BEFORE JUSTICE OF THE PEACE \_\_\_\_\_ HE ASKED ME TO RECOUNT INCIDENTS WITHIN 12 MONTHS PRIOR TO THE DEFENDANT'S INCARCERATION. HE THEN IMMEDIATELY GRANTED THE ORDER OF PROTECTION, WHICH I ARRANGED TO HAVE SERVED IN THE OFFICE OF THE DEFENDANT'S PAROLE OFFICER, \_\_\_\_\_, ALONG WITH THE SUMMONS AND COMPLAINT FOR THE PARTITION LAWSUIT CONCERNING THE PROPERTY WE JOINTLY OWN.

**CJC 09-031**

2/8/2009

Commission on Judicial Conduct

02-08-09

ON 03/04/08, I ATTENDED A HEARING ON THE ORDER OF PROTECTION WHICH THE DEFENDENT REQUESTED. WE WERE BOTH REPRESENTED BY COUNSEL. THE DEFENDANT'S ATTORNEY MADE AN OPENING MOTION TO DISCOUNT EVERYTHING THAT WAS OLDER THAN 12 MONTHS. PURSUANT TO ARS 13-3602, "F. FOR PURPOSES OF DETERMINING THE PERIOD OF TIME UNDER SUBSECTION E, PARAGRAPH 2 OF THIS SECTION, ANY TIME THAT THE DEFENDANT HAS BEEN INCARCERATED OR OUT OF STATE SHALL NOT BE COUNTED." (SEE ATTACHED ARIZONA REVISED STATUTE ARS 13-3602.) I BELIEVE THE JUSTICE OF THE PEACE DID NOT KNOW AND/OR UPHOLD THE LAW WHEN HE DISMISSED THE ORDER OF PROTECTION.

THE DEFENDANT'S FORMER ATTORNEY MADE A MOTION TO DISREGARD ALLEGATIONS OLDER THAN 12 MONTHS. ALL THE ALLEGATIONS WERE OLDER THAN 12 MONTHS AS THE DEFENDANT HAD BEEN INCARCERATED THE PRIOR 2.5 YEARS. PURSUANT TO ARS 13-3602, THE ORDER OF PROTECTION SHOULD NOT HAVE BEEN DISMISSED AS THE DEFENDANT WAS INCARCERATED MAKING THE 12-MONTH STIPULATION IRRELEVANT.

I AM A VICTIM OF THE DEFENDANT'S FELONY AGGRAVATED HARASSMENT. BELIEVE A VICTIM OF DOMESTIC VIOLENCE SHOULD BE GRANTED CONSIDERATION WHEN PETITIONING THE COURT FOR AN ORDER OF PROTECTION REGARDLESS OF HOW OLD THE ALLEGATIONS ARE AGAINST THE DEFENDANT. IF THE PLAINTIFF HAS PREVIOUSLY BEEN VICTIMIZED BY THE DEFENDANT AND THE DEFENDANT HAS BEEN CONVICTED OF FELONY AGGRAVATED HARASSMENT AGAINST THE PLAINTIFF, IT IS LOGICAL TO ASSUME THE DEFENDANT MAY COMMIT FURTHER ACTS OF DOMESTIC VIOLENCE AGAINST THAT PLAINTIFF. I BELIEVE THERE SHOULD BE NO TIME CONSTRAINTS IMPOSED ON A PLAINTIFF IF SHE/HE PETITIONS THE COURT FOR AN ORDER OF PROTECTION AGAINST A DEFENDANT WHO HAS PREVIOUSLY BEEN CONVICTED OF FELONY AGGRAVATED HARASSMENT AGAINST THE PLAINTIFF. THE COURT SHOULD HAVE JURISDICTION TO GRANT AN ORDER OF PROTECTION SO THE PLAINTIFF CAN PROTECT HER/HIMSELF

WHEN MY ORDER OF PROTECTION WAS DISMISSED BY JUSTICE OF THE PEACE ON 03/04/08, IT DIRECTED LEAD TO THE INCIDENT ON 04/02/08 WHEREIN THE DEFENDANT FORCED ENTRY ON THE RESIDENCE AND WAS SUBSEQUENTLY ARRESTED. CRIMINAL DAMAGE CHARGES WERE FILED AND ARE CURRENTLY PENDING WITH THE CITY PROSECUTOR.

THIS OFFICER OF THE COURT DID NOT PERFORM HIS DUTIES AS HE DID NOT KNOW THE LAW AND DID NOT UPHOLD THE LAW. THIS DISMISSAL PLACED MY LIFE IN DANGER. THIS COULD HAVE BEEN A PLOT WHEREIN I COULD HAVE BEEN SET UP TO ARRIVE AT THE PROPERTY WHEREIN I COULD HAVE BEEN SHOT TO DEATH.