

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-070

Complainant: No. 1358200412A

Judge: No. 1358200412B

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: July 23, 2009.

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on July 23, 2009.

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

Page 1 of 2

March 16, 2009

State of Arizona
 Commission on Judicial Conduct
 1501 W. Washington St. Suite 229
 Phoenix, Arizona 85007

I hereby would like to officially file a complaint against Judge _____ . I feel that he did not conduct himself in a manner that is proper for a judge in the _____ Municipal Court system. I will attempt to explain everything chronologically. I hope that you will read everything that I have provided and take this complaint seriously.

On Friday, January 30, 2009, there was a complaint filed against my son, _____ a 14 year old freshman, at _____ High School for inappropriate conduct. _____ (Principal) and _____ (Dean of Students) addressed the matter promptly. A complete school investigation revealed nothing concrete and the administrators even doubted the "story", but were required to investigate. _____ and _____ held individual meetings with both sets of parents and offered a plan that everyone agreed to. At that point, we thought the issue was resolved.

On Friday, February 6, 2009, _____ (my son) and _____ (my wife) were served with an "injunction against harassment" (Document #1) by two _____ Police Officers. Full review of the injunction stated that _____ and was not to allowed to be near the plaintiff, _____ her daughter _____ her son _____ their residence, workplace or within one mile of _____ High School. This meant that _____ could no longer attend _____ School. Please note, except for _____ being in one of _____ classes, we do not know these people, let alone what they may look like, to prevent from being within range of them.

Completely shocked by the false statements made in the injunction, we prepared a written statement (Document #2) to outline the series of events and present our minor son's side of the story. On Monday, February 9, we requested a hearing (Document #3) for the injunction to be dismissed and attempted to provide our written statement to Judge _____. The judge would not allow us to submit our statement with our request for a hearing. The original hearing date was set for February 17, 2009. This date was not acceptable, _____ a 14 year old student was being prevented from attending school. After pressing the court, a revised date was granted and a hearing was held on February 12, 2009.

We then contacted the administrators at _____ High School, to inform them of the turn of events and explain why _____ would not be attending school. _____ (Principal) and _____ (Dean of Students) were stunned by the false remarks made in the injunction and offered to attend the hearing on behalf of _____

On February 12, 2009, _____ (my wife) and I appeared for the hearing. Also in attendance to support _____ were _____ (Principal), _____ (Dean of Students) and Officer _____ (High Resource Officer). Enclosed is an audio CD (Document #4) of this hearing. Please listen to it. This audio document will confirm my reasons for filing this complaint. Judge _____ conduct was unjust and unprofessional.

As the hearing began, _____ and I were prepared to offer the court the written statement that we attempted to provide previously, but the Judge refused to take the document or read it. I was not allowed to represent my son or ask questions. Judge _____ forced _____, a minor at age 14 to represent himself in court. Clearly something _____ or any 14 year old is not prepared to do. _____ was unsure of what to do and did his best to follow the directions of the Judge. The scene was a minor representing himself against a "plaintiff" a mature adult representing her minor daughter. I would have never believed this is how a hearing could be conducted in our courts. Please note, it was brought out in the hearing by both _____ (Principal) and _____ (Dean of Students) while under oath, that _____ did not admitted to making the alleged remark and _____ did not have any disciplinary issues at school. Their testimony rebuffed the false statements that were made by the plaintiff in the injunction. Regardless of this, the Judge chose to enforce the injunction with the modification that _____ could attend _____ High School as long as _____ (Dean of Students) agreed they would not be in any classes together. The judge also requested that _____ would need to petition the court,

specifically Judge [redacted] through [redacted] for permission to attend any school activities or events outside of classes. All responsibility would be placed on [redacted] to stay 50 feet away from the plaintiff, [redacted] I believe the judge felt [redacted] was guilty even without evidence or knowledge of who his accusers were. The judge was not interested in the identities of the kids making the false accusations about [redacted] because he as he said, he is concerned about young people in school and their reputation. Well, he certainly was not concerned about [redacted] reputation or well being. If you listen to the wrap up lecture by Judge [redacted] he makes a statement, I believe you did say this to someone and therefore I will keep the injunction with a modification.

To say we were in disbelief would be an understatement. Without any recourse, [redacted] and I signed the modified injunction and we left the court. Once home and reviewing the document I noticed the Locations area of the document still had "school" checked off. So I returned to the court to ask for a revised copy to eliminate this. Judge [redacted] appeared irritated with my request and was not going to provide a revised copy, he but reluctantly agreed, (Document #5).

After the hearing we spoke with [redacted] who shared with us, as a principal he has attended hearings like this before, but he had never seen a judge force a kid to represent himself. [redacted] also shared with us that he, [redacted] and [redacted] felt that Judge [redacted] conduct was unjust and unprofessional. [redacted] encouraged us to keep [redacted] at [redacted] High School and wanted us to know he would support [redacted] Initially, we thought [redacted] would be able to return to [redacted] High School and we began working on a plan with [redacted] and [redacted] to prevent [redacted] from coming into contact with the plaintiff,

We had concerns though, as it states in the injunction, "Even if the Plaintiff initiates contact, you could be arrested and prosecuted for violating this protective order. If you do not want the Plaintiff to contact you, you have the right to request a protective order against the Plaintiff. Therefore, to protect [redacted] from being intentionally contacted by any the plaintiff's and being falsely accused of violating the injunction, we petitioned the court on February 17, 2009, for an injunction of harassment against [redacted] and [redacted] Judge [redacted] denied the request (Document #6). He said there was nothing in our request that showed the individuals harassed [redacted] I specifically recall the judge making a statement regarding [redacted] Something to the effect, what has [redacted] done to [redacted] ? Looking at the total picture, what has [redacted] done to [redacted] ? [redacted] does not know this kid or even what he looks like, but yet Judge [redacted] found it necessary to enforce an injunction against [redacted] to protect [redacted]

Because of the false accusations and the unjust conduct of Judge [redacted] the only thing I could do to protect my son from further lies and harm was to remove him from [redacted] High School. [redacted] is a good kid who does well in school and has never been in any trouble. For him to be exposed to the law and court proceedings in this manner is despicable.

I am a retired veteran and I must say that it is really hard for me to believe that [redacted] allowed these court proceedings to happen the way they did or that the State of Arizona would allow [redacted] to conduct the proceedings the way he did. I feel this person is not qualified to be a judge in any capacity. I was a proud resident of [redacted] Arizona, but this experience has me wondering is this a city or state that I want to live and raise my family in.

Thank you in advance for your time and review this matter. I hope to receive a response to this complaint in the near future.