

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-265

Complainant: No. 1374610762A

Judge: No. 1374610762 B

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: December 17, 2009.

FOR THE COMMISSION

 /s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on December 17, 2009.

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

I was the defendant in an eviction hearing that took place in the Justice courtroom of on August 5th, 2009. My complaint is that the Judge was biased and precluded (which I will explain below) and he was NOT impartial in any way and was KNOWN to rule in the landlords favor no matter what the circumstances of the case were. I believe he broke the law when he REFUSED to look at the evidence I had brought with me to submit to the court. If the Judge had looked at the evidence that I brought with me (and that I had tried on two or three different occasions to hand to him to look at) he would have known that the plaintiff had no legal grounds to evict me at all. All rent (payments) were up to date and current at the time of the hearing, and there was still 5 years left until the end of this fixed term lease.

When I originally was served with the papers, I went to Community Legal Services for legal help concerning this case. During one of the meetings with an Attorney there he asked to look at the court papers that I had been served with. After handing the papers to him he abruptly told me I would lose the case and went on to tell me it was because of what Judge was going to be hearing the case. He said that this particular Judge ALWAYS rules in favor of the landlord and never the tenant, and that I better push and hope for the case to be decided by a JURY instead of being decided by a Judge. It made me nervous about the outcome but I believed that with the evidence I was bringing with me that even a BIASED or PREDUCED Judge would have to rule in my favor because the evidence was so clear and precise.

The case proceeded EXACTLY as this Attorney had predicted it would. I was sadly disappointed in the judicial system and shocked and in disbelief that the Judge sided in every way with the Plaintiff (landlord) while refusing to even look at my evidence. Although this Judge sat behind his bench with a letter in his hands that had been written by the Plaintiff (who is currently in Federal Prison). The Judge said that in this letter from the Plaintiff that it stated since I physically was NOT the person making the last tax payment (had lost my job got behind on a tax payment so was forced to ask a third party to pay/borrow the rest of the taxes which they themselves then paid for me) I had then broken the lease since as per the agreement I was the one who physically was to make the payment. The Judge then proceeded to tell me that it did not matter what the actual agreement was between the Plaintiff and myself because this letter he had in his hands written by the Plaintiff made all prior agreements null and void !! The law clearly states that a fixed term lease MUST be honored by the Landlord until the ending date (not withstanding any other provision/rule being broken) that is written in the agreement.

The evidence I had brought with me, that the Judge refused to look at or consider, WAS the written agreement that I had with the Plaintiff! And no where in this agreement, does it state that I physically have to be the one that makes any payment, only that it is my responsibility to insure that the payment IS made, which I had done. It also states how much I approximately pay a month (\$400), and for how long (the year 2014 when the Plaintiff is released from prison) that this will be in effect for.

I also brought to court other documents with me to back up my position such as the Plaintiff's own will showing me as the sole beneficiary of the house/residence that this case concerns but these documents were also refused as evidence by the Judge.