

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-287

Complainant: Francis Stewart No.

Judge: Ray Addington No.

ORDER

After reviewing the complaint, the recording of the hearing, and the judge's response, the commission finds that the judge's conduct in this case violated the Code of Judicial Conduct.

Rule 2.8 of the code requires that a judge be patient, dignified, and courteous to litigants. In this case, the complainant alleged the judge was biased, rude, and failed to give him an opportunity to present evidence to support his petitions for protective orders. The recording of the hearing substantiated that the judge's conduct was unacceptable and inconsistent with the canons.

Accordingly, the judge is hereby reprimanded for his conduct pursuant to Rule 17(a), and the record in this case, consisting of the complaint, the judge's response and this order, shall be made public as required by Rule 9(a).

Dated: March 16, 2010.

FOR THE COMMISSION

J. William Brammer, Jr.
Commission Chair

Copies of this order were mailed to the complainant and the judge on March 16, 2010.

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COMPLAINT AGAINST A JUDGE

Your name: FRANCIS STEWART Judge's name: RAY ADDINGTON Date: 10-9-09

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

CONVICT
FELON
SON

ON 10-19-09 I CAME TO CHANDLER COURT ROOM #5
TO GET AN ORDER OF PROTECTION ON MY SISTER AND HER
A CONVICT FELON AND HER DAUGHTER WHO FILED
A FALSE POLICE REPORT AND HAD ME FALSELY
ARRESTED. I WAS SUPPOSED TO COME TO COURT
ON 10-13-09 BUT MY SISTER LIED TO THE
JUDGE SAYING HER DAUGHTER WAS AT THE
DOCTOR WHEN IN FACT SHE WAS NOT. JUDGE
ADDINGTON BELIEVED HER AND SET A NEW DATE
WITHOUT DOCUMENTATION OF THE APPOINTMENT.
THEN MY SISTER AND FAMILY CLAIMED
THEY WAS AFRAID TO APPEAR IN COURT
SAYING I CAN THEM OFF THE ROAD AND
TRIED TO ASSAULT THEM. EVEN THOUGH
NO PROOF OF THAT EVENT HAPPEND. THEN
AFTER I GAVE MY STATEMENT IN COURT I
WAS ASKED BY BOTH MY SISTER AND HER ^{NO PHONE}
SON WHERE I LIVED. WHEN I WAS EXPLAINING
WHY I WAS STAYING TO LOOK AFTER MY MOM
WHOS ILL AND NEEDS CARE. I WAS INTERRUPTED
BY JUDGE ADDINGTON, I WAS RUDELY TOLD
I WAS NOT GETTING THE ORDER. I WAS NOT
ALLOWED TO PRESENT PHYSICAL EVIDENCE
ON MY BEHALF. AND WHEN MY MOM WANTED
TO ASK WHY, SHE WAS RUDELY TOLD SHE
COULDN'T. AS I ASKED THE JUDGE WHY, HE
BLEW ME OFF AND TOLD ME TO WAIT TILL A
CRIME HAPPEND (Attach additional sheets as needed) AND TO REFILE

OTHER SIDE

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MY SISTER AND HER FAMILY
HAVE BEEN ALLOWED TO DO
AS THEY PLEASE, UP TO
AND INCLUDING PHOTOGRAPHS
IN COURT, FILE FALSE ARREST
REPORTS BASED ON BLOCKED ID
CALLS THEY MADE TO EACH
OTHER, AND RAY ADDINGTON
HAS LET ME TO FEEL ON MY
OWN BASED ON LETTERS SENT
WITH FALSE INFORMATION ^{FROM MY SISTER}
IF I CANNOT GET A REASON
AS TO WHY I WAS DENIED
AN ORDER OF PROTECTION
BASED ON WHERE I LIVE,
I WILL BE FORCED TO FILE
LAW SUITES BASED ON BIAS FROM
JUDGE RAY ADDINGTON. THE JUDGE
SHOULD HAVE GAVE ME A CHANCE TO PROVE
I'M IN DANGER. MY NEPHEW GEORGE
FRANKS STEWART BORN 6-12-85
IS A FELON ON PROBATION, AND
JUDGE RAY ADDINGTON HAS ALLOWED
HIM TO BATTER AND STALK ME
THIS ALONE THE FACT THAT MY
NEPHEW IS ON PROBATION FOR
CRIME SHOULD BE SUFFICIENT FOR A COP.

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JUDGE RAY ADDINGTON WOULD NOT ALLOW ME TO FIND OUT WHY I WAS TURNED DOWN. THE OPPOSING PARTY WAS ALLOWED TO PRESENT FALSE EVIDENCE VIA LETTERS AND FAX TO THE JUDGE. JUDGE ADDINGTON DID NOT ALLOW ME TO SHOW ONE PIECE OF EVIDENCE ON MY BEHALF. AND SHOWED EXTREM PREJUDICE. AND WAS UNFAIR IN HIS RULING, ALLOWING A CONVICTED FELON FREE RIGHTS TO STALK ME. MY LAWYER PATRICK GANN WILL TESTIFY I WAS BULLYED ON 7-28-09 AT A COURT HEARING WITH THE OTHER PARTY GEORGE FRANK'S STEWART WAS NOT PART OF THE HEARING AT ALL. I CANNOT TELL JUDGE ADDINGTON ALL OF THIS BECAUSE HE MADE HIS RULING IN LESS THEN 5 MINUTES. MY PHONE NUMBER IS
PLEASE REMOVE OR DISAPLINE THIS BIASED JUDGE THANK YOU

COMMISSION ON JUDICIAL CONDUCT
1501 W. West Washington, Suite 229
Phoenix, Arizona, 85007

Re: Case No. 09-287

Attention: Jennifer Perkins

FEB 03 2010

Dear Commission:

Mr. Stewart was first seen by another Judge who reviewed his three petitions but was not persuaded. Rather than granting the petitions that Judge set the matters for hearing. The petitions accused the 3 Respondents (Mr. Stewart's Sister, her Daughter, and the Daughters husband) of being members of a local group who refer to themselves as the Irish Traveler's. The petitions further accused the defendants of trying to get him in trouble by filing false reports about him.

In his testimony Mr Stewart testified as stated above, adding that his sister and the others had abandoned their mother; that he Mr. Stewart was no longer a member of the Travelers; that since his withdrawal from that group he had led an exemplary life; and that recently he had to plead guilty to a crime in this court because of the defendants false reports. When Mr. Stewart referred to having to plead guilty to a crime in this court I recognized Mr. Stewart. Just three weeks before the present hearing I had substituted for another Judge in the case Mr. Stewart referred to. Mr. Stewart was represented by counsel and pled guilty to Disorderly Conduct as a Domestic Violence offense to A.R.S. 9-500.22. Pursuant to the plea agreement he was placed on probation for one year and a second charge for Property Damage was dismissed. The victim was Mr. Stewart's sister, a Respondent in the present matter. He filed the present petitions for Protective Orders on the same date he pled guilty.

Mr. Stewart concluded his testimony and the case moved to cross- examination. However, I was not persuaded by Mr. Stewart. I believed there were no further petitioner's witnesses and saw no benefit from cross-examination. I stopped the hearing pursuant to Rule 52 (b) of the Arizona Rules of Civil Procedure (Judgment on partial findings). Afterwards Mr. Stewart complained I had not read a police report he wanted to me look at. I explained that a police report is hearsay and I would not have admitted it. I consider a hearsay report in contested matters unfair to the party thus deprived of cross-examination. I also expressed my reluctance to enter orders that may prevent anybody from filing a complaint with the police.

Looking back, I was inartful in my explanation to Mr. Stewart and the manner I concluded the case. I should have clarified that there were no other witnesses. I was short with Mr. Stewart. Neither of those are a habit or practice of mine. For this I am sorry and express my regret and my apology to Mr. Stewart.

Respectfully Submitted