

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-141

Complainant: No. 1394600221A

Judge: No. 1394600221B

ORDER

The complainant alleged two justices of the peace improperly issued orders of protection against her without any evidence and that one of the judges failed to rule timely on a request for a change of judge. After analyzing the allegations, the recordings of the hearings, and a response from one judge regarding the delay in ruling, the commission found no evidence of ethical misconduct on the part of either judge. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: October 15, 2010.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on October 15, 2010.

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

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Date: Wed, May 19, 2010 12:06:24 PM

Cc:

Subject: Commission On Judicial Conduct

Please see letter sent to Judicial Officer [redacted] It pretty well states what went on in his court room and [redacted] court room.,. Please listen to tapes for verification of my letter to [redacted] and the court proceedings in [redacted] courtroom.

Please Note petitions which do not state dates of allege acts of domestic violence. (dates should be on petition per your state guidelines. It is quite OBVIOUS that there was NEVER any REASONABLE cause to believe that I could commit an act of domestic violence.

Please explain why Kyrene Court did not inquire as to if I had been served with a protective order at beginning of court case. I do remember getting a form in regards to this, but I believe it was after the case had been heard.. Please explain why [redacted] had no proof I was served with Protective Order and continue on with the case.

Please explain why neither Judicial Officer relay to I , the defendant . your appeal rights.

Please note that Rule 5, Rules of Evidence and Disclosure for Protective Hearings was not taken into either Judicial Officer's rulings. Mrs. Buckley's lack of mentioning or putting forth documentation regarding an incident that she alleges happen 3 yrs ago has not ever been mentioned prior to this hearing. I would therefore conclude her evidence lack reliability.

Please note Mrs. Buckley had indicated in the tapes ([redacted] court) she had never been threatened by me, or struck by me in her adult life. She than changed her stories approximately 20 minutes later . Hence, her statements therefore obviously lack RELIABILITY. Mr. Buckley agreed as well in his first court hearing ([redacted] case) he had never seen me be violent. Obviously his confirmation that he saw me pushed my daughter had to lack reliability, considering his prior statement.

Mr. [redacted] in my opinion, should have asked me if the push occurred. He did not. He also referred to the incident as hit push, when in fact Mrs. Buckley went from hit, punch to finally pushed. He also mentioned E-mail which there were NONE of when granting this new protection order.

Please know I never filled out a CV8150- [redacted] form requesting a new judge with the Kyrene court.. I did write a letter requesting a new judge ,but never filled out a form. Shouldn't there be some uni formally within your court system?

I want this charged removed. I want to see people who are misusing the court system and ignoring the severity of this charge be fined and reprimanded. This was obviously a misuse of the court's time and Mrs. Buckley should have been called on it the first time. Additional evidence is at the court house if you care to delve into this much deeper. I recognize you have time constraints.

Thank you,

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Sent: Tue, May 11, 2010 6:48:20 AM
Subject: Re: CC2010

Subject: CC2010

Judicial Officer

Susan Buckley's petition of 3/18/2010 did not allege specific act of DOMESTIC VIOLENCE or have dates sited to acts of violence.

Her allegations of 3 years ago had never been sited in either petition or had that story ever been told in court before. NEVER heard that story of her being pushed 3 years ago. Furthermore, Susan Buckley acknowledge (in your courtroom) that she had never been struck by me in her adult life or physically threatened by me, prior to her telling this hit/punch/pushed story.. Susan Buckley was NEVER pushed, punch or hit in my home. Her husband acknowledge in courtroom he HAD NEVER SEEN ME BE VIOLENT. Please note when listening to the court video Susan went from HIT, PUNCH to PUSHED in her story. She only went from hit to punch when my lawyer asked her where she was hit. It was an obvious LIE from the beginning, which she could not even validate or stay consistent with. There is quite a difference between hitting, punching, and pushing.

Susan Buckley could NOT produced an e-mail within the last year that was sent to her illegally. The one e-mail she sited was sent in error. That one e-mail (sent March 30, 2010 was accidentally sent at a time period when she had NO ORDER OF PROTECTION IN EFFECT. It was an OLD e-mail. All the other e-mails presented were OLD and sent before the first protection order was in effect.

There were NO PHONE CALLS made to Susan Buckley during or after her protection notice was in effect. I believe she admitted to this on the video.

Susan had never been physically threatened. She admitted to this on the video. She admitted I had never struck her in her adult life . I recall her stating that I told her I was cutting her out of my trust. That is not a violent threat, as you know.

Susan's statement that she believed I suffered from early on set Alzheimer's disease was also put to rest by a letter from one of my Doctor's. It has also been IGNORED by the court that Susan gave me Power of Appointment in 2007. Would you give a mentally unstable person Power of Appointment over your finances and legal decisions? (The court has copy of 2007 P.O.A.)

I did not FAKE my own death. I was horribly ill and have tests to confirmed. I may still need surgery on my neck. I was misdiagnosed, and Susan did call me ,but I could not speak to her because of the protection order.

There was no reasonable cause in 2009 or 2010 to have had a protective order issue. made the statement that she thought my daughter needed a break from me and that when she told me not to call her I shouldn't have. ignored the fact that Susan's actions were NOT CONSISTENT with her statements. The court should have a copy of an e-mail where Susan stated she did not want me calling her in August 11,2008 at 1:10 PM. She than proceeded (and phone bills will validate) to have many phone conversations with me after the August 11, 2008 e-mail.

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Susan never sited the allege incidence where she said I PUSHED her in any petition , or in court room. You think if you were trying to issue a protective order this would have been SITED ON A PETITION AND MENTION PREVIOUSLY. It was not. Why, because it NEVER HAPPEN..

Susan received NO PRESENTS sent by me or cards signed by me. She never objected to Mark (my mate) sending presents until her protection order had ALMOST EXPIRED. Months had gone by and there was never any mention of NOT sending presents. She also e-mail ME (well her order was in effect) to relay the NO PRESENT letter. I was not suppose to E-Mail her but she felt she could e-mail me???? Additionally, she stated Mark had never sent presents before. There has never been a present sent where Mark's name was not on it.

If Susan is so fearful of me she would not have sent my lawyer a e-mail stating she was fearful of what my reaction would be towards my family and TOWARDS MY LAWYER if I did not win this probate case. You should have the e-mail in your file. It is dated march 13, 2009, time sent 3:41 PM. She was trying to scarce the lawyer off. That is significant evidence that confirms my statements that this is all about the probate case and not domestic violence.

Susan was never called at midnight, and my phone records which were given to my lawyer can verified that.

Before any protected order was granted I did call early in the morning (about 5:30 A.M.) because I had not heard from them and was concerned. My son-in-law and I than spoke approximately 30 minutes.

Bottom line there was no reasonable cause to issue this new order.

Again, this is all about the probate case and me not dropping it when Susan wanted me to. My sisters have sent e-mails gloating over the fact that I cannot send presents or spend the weekend with my Grandsons.

Will be glad to send them to you.

Additionally, please note first video where Susan tells I beat up my sister. Please read Police Report where there was a scratch on Mrs. McCarthy hand (self inflicted I might add) and that she was never beaten up. My sisters have lied to my daughter non-stop.

I wish you would reversed your decision based on the above factors. If you cannot locate the e-mails I have reference, or if you need additional evidence I will get it to you.

This is a vicious little game initiated by my sisters. So far I have had 2 false police reports file against me (I was cleared because they were false-you have copies in court files, a protection order serve in Calif. where the judge cleared me, and stated that this case belong in probate court, (I have court transcript, and you are welcome to read it) and proof that (from a billing statement) that my sisters were trying to issue another protection order against me in April of 2009 so that I could not see my Mother. Their lawyer discouraged my sisters from proceeding on with this order. I can only assumed their lawyer did not think it a good idea when elder abuse had been called in by me.

I would also like to add clarity to the story I FORGED papers. I had power of attorney for my Mother's Health Care. My Mother's Lawyer NEVER SENT NEW POWER OF ATTORNEY for Health Care as requested by my lawyer to me. My sisters lawyers would not let me see my Mother unless I paid my Attorney her hourly fee to accompany me. I refused to be BLACKMAILED. My Mother was taken to my Sister's home after I found her with blood in her urine, laying in bed in her own urine, no groceries to speak of in house, 72 lbs, verified by Doctor, and she had not seen a Doctor for 11 months, a UTI

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that took two months to get rid of etc. My sisters were mad I had called Elder abuse in regards to them packing up my Mother's s clothes, removing her safe , not taking her to the Doctor's in 11 months, etc. . Make a long story short I used my Power of Attorney to see my Mother AFTER her death and say good-bye. They refused to let me see her even after she DIED. They would not tell me where the funeral was as well. I changed the 2003 date to 2008 date to go hold her, and tell her Goodbye after she passed. Furthermore, they had not told me she had 2 brain tumors .. I used my power of attorney to access her health records. When I use my power of attorney for Health care (which I had for both my parents) NO ONE HAD GIVEN ME A NEW HEALTH CARE DIRECTIVE.

By the way I was never served with papers. My lawyer waiver service and picked the papers up on April 22, 2010. I was confused as to the status of this case and after a phone call have validated that Susan's was a NEW ORDER that was presented to your court.

In summary the courts have found that overall only law abiding citizen abide by these's protection orders. People like I ,who follow and respects the law.. Susan and my sister's have misused the court system and wasted the police's time for their own secret separate agenda's.

When rereading Susan's petition for her first protection order she states threatening phone calls(she stated in your courtroom I never threaten her physically) , She was afraid I would come to her home and hurt her or take her children. She had NO PROOF to base these's statements on . Physically it would be impossible for me to take either of my Grandsons anywhere. One is 6 ft tall, and I do not believe most 62 yrs old women could subdue a healthy, strong 13 yr. old or 6 foot 16 yr.old. Again in the first petition she is siting me as being unstable. Again no proof what so ever. Where is her proof that I left a message telling her children they could come live with me or that I will see them or talk to her. When did a Grandmother saying she would talked to her Grandchildren and see them equate to domestic violence?

I plan on writing A.A.R.P., filing a complaint with commission on Judicial Conduct, Contact the Arizona Chapter of AFCC,. contact Arizona's senators and congressmen, legislators of Arizona , the D.A.'s office, and contact the attorney general office etc.. If there is a trouble shooter on a news channel in Arizona ,I will present this information to them as well. I have been retired since 1996 and have the time to pursue this.

I have been told my decision requesting a new judge will be made by you on May 19, 2010. I err on my form CV 8150- I met to say her husband had changed his testimony as recorded on 4/7/09 and that he had confirmed he had NEVER seen ME commit a violent act.

This is a family argument and should have never escalated to the court system. I had a SPOTLESS record for 61 yrs prior to this and very much RESENT the implications that I am even remotely or could be remotely involved in any sort of domestic violence. Within a years time I have had police reports file against me and protection orders. Does that not strike you as ODD? It is ABSURD.

I look forward to hearing from you.