

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaint 10-221

---

Complainant: Timothy Blaser

Judge: Steven McMurry

---

**ORDER**

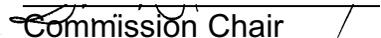
After reviewing the complaint, the recording of the hearing, and the judge's response, the commission finds that the judge's conduct in this case violated the Code of Judicial Conduct.

Rule 2.8(b) requires that a judge be patient, dignified, and courteous to litigants. In this case, the complainant, who represented himself, alleged that during his sentencing hearing, the judge made verbally abusive comments and threatened physical violence against him. The recording of the hearing substantiated that the judge made statements that were improper and unacceptable.

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: December 20, 2010

FOR THE COMMISSION

  
Commission Chair

Copies of this order were mailed to the complainant and the judge on December 20, 2010.

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

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2010-221**

**COMPLAINT AGAINST A JUDGE**

Your name: Timothy Blaser Judge's name: McMurry Date: 8/31/2010

**Instructions:** Use this form or plain paper of the same size to file a complaint. Attach additional pages, as needed. Please describe in your own words what the judge said or did that you believe constitutes judicial misconduct. To help us understand your concern, be specific and list all of the names, dates, times and places where the conduct occurred. Include only copies of original documents or court recordings that are relevant to your allegations. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

At re-sentencing on Aug. 18, 2010, approximately 10:35am at  
Encanto Justice Court, Judge McMurry was verbally abusive  
and threatened me with physical bodily harm. Repeatedly Judge  
McMurry said over and over that I was an "abuser of women". This  
case had nothing to do with the "abuse" of anyone. What is Judge  
McMurry basing those serious accusations on? Also, McMurry said  
"he would like to come over there [where I was sitting] and smack me."  
Is this appropriate conduct for a Judge? I was in shock.

Please get a copy of the court recording as I cannot afford  
to pay for one. (Also, Judge McMurry failed to "Reverse the  
Imposition the Sentence Imposed" as the Superior Commission  
Ordered. Why does he think he has more authority?)

(Attach additional sheets as needed)

**OCT 19 2010**

**C. Steven McMurry  
Encanto Justice Court  
620 West Jackson Street  
Phoenix, Arizona 85003**

October 19, 2010

Jennifer Perkins  
Staff Attorney  
Commission On Judicial Conduct  
1501 West Washington Street, Suite 229  
Phoenix, Arizona 85007

Re: Case No 10-221

Dear Ms. Perkins:

Let me acknowledge two rather significant things at the outset: First, during the second week of August, 2010, I spent four solid days in an experimental workshop in Bethesda sponsored by the National Judicial Institute on Domestic Violence. The participants were all judges and the workshop was intended to enhance judicial skills in spotting domestic violence problems. The first DV file that came across my desk since my return from the workshop was that of Timothy Blaser. It's quite possible that I overreacted.

Secondly, I can tell from one sentence in Mr. Blaser's complaint to this Commission that I utterly failed in my intention with respect to Mr. Blaser. I refer specifically to his statement that "[t]his case had nothing to do with the 'abuse' of anyone." Since he still thinks this way, I know I have failed and must totally review and revise my strategy.

Once there was a serious romantic relationship between Timothy Blaser and . That relationship came to an unhappy ending. On June 9, 2009, Ms. obtained an Injunction Against Harassment from the Maricopa County Superior Court requiring Mr. Blaser to have no contact with her and to stay

away from the Phoenix Tennis Center on 21<sup>st</sup> Avenue.<sup>1</sup> The Injunction was modified by a different Superior Court Judicial Officer on June 30, 2009, at the request of Mr. Blaser, to delete the prohibition about going to the Phoenix Tennis Center and instead simply to order Mr. Blaser “not to approach [Ms. ] in any public place at any time.”

Mr. Blaser was then charged in my Court of violating the Injunction. At the trial held before me on October 21, 2009, the evidence was that at the Phoenix Tennis Center on August 4, 2009, Mr. Blaser walked up to a man who was talking to Ms. and showed the man a photograph Mr. Blaser had retained of Ms. naked breasts. Mr. Blaser testified that he was intending to approach the man, not to approach Ms. I found Mr. Blaser guilty. I told him that when he saw Ms. he should have walked in the opposite direction. I was convinced Mr. Blaser’s intent in walking toward the man near Ms. was always to threaten Ms. or at least to embarrass or annoy her.

After I announced my guilty verdict the sentencing was postponed for a week. I don't remember the reason for the postponement, but I suspect the trial had gone past 5:00 p.m. and I had no staff available to prepare sentencing documents. I was teaching a class the next week and the sentencing was handled by a pro tem judge, who may have made a mistake. I knew nothing about the sentencing or anything else affecting this case until it came across my desk again nearly a year later, on August 18, 2010. When I was given the file staff told me that my verdict had been affirmed on appeal but I needed to re-address the sentencing issue. I opened the file and began reading the “Sentencing Considerations (8/11/2010)” document authored by Mr. Blaser.

Mr. Blaser’s Memorandum starts off by referring to “the court order I am allegedly being charged with breaking.” It then focused upon “the mistake [the Judge] made when he wrote the original order that prohibited me from going to the Phoenix Tennis Center.” The Memorandum insists that “[t]his courts [sic] ruling is unjust” and that “[t]he Injunction should not even exist. In was based on . . . fabrications by Ms. .” Finally Mr. Blaser, disregarding the fact that he carried a retained photo of Ms. naked breasts to display to the man in Ms. presence, concluded as follows:

---

<sup>1</sup> Apparently the court chose to use an injunction rather than an order because the couple never cohabitated. Nevertheless, it is clear from his appellant’s memorandum (and it was clear at the trial before me) that Mr. Blaser once had a sexual relationship with Ms. Shortly after this injunction was issued the law was changed to permit an order under these circumstances. In other words, the Legislature has recognized a need for more protection in these situations.

“On August 4, 2009, I walked directly to Mr. Chuck Adams. I did not approach Ms. who was off to one side and there is no foot restriction. The events that day were strictly between Mr. Adams and myself, it had nothing to do with Ms. ”

I read this Memorandum and then went out to do the sentencing of Mr. Blaser. I enclose the video of the August 18, 2010 sentencing hearing. I know I overreacted. Mr. Blaser objects that I said I wish someone would go over and slap him. He's right; I shouldn't have said it. I also should not have said "Cut the crap". Both remarks are inconsistent with judicial dignity.

All of my alarm bells concerning the danger of future domestic violence behavior were going off, but I should have taken a more productive approach. The real tragedy of all this is that, because of my choice of a “gung ho” approach, Mr. Blaser is still in denial and can't recognize how horribly inappropriate his conduct has been. For this reason, I am actually glad he filed this Complaint.

If I had it to do over, I would have taken the bench, called the case, and said something like this as calmly as possible:

"Mr. Blaser, I have read your Sentencing Memorandum and it causes me grave concern. I don't think you recognize, yet, that your actions in the past have been inappropriate and need to change. Technically, you are correct that the County Attorney did not charge this matter as an act of domestic violence. He certainly could have done so, but he didn't. That omission might well be very important to any future sentencing for future acts. But I don't want there to be any future acts. And to avoid future acts it is critical that you now recognize that you have been bad to Ms. Your denial of this is the most troubling aspect of this case. Whatever happened in the past, Ms. has the right to live her life without even thinking about you, and you need to respect that. You need to respect that, now. I no longer trust you at the Phoenix Tennis Center, so as a condition of your probation I shall order you will avoid it at all times. Also, you will discard any photographs you still have of Ms. Never show another photograph of her to anyone. You will also attend a domestic violence class. When this is over I hope you have a full and happy life, probably in relationship with someone else, but

never thinking of Ms.  
though, to get there."

You are going to need to work,

This is what I wish I had said, and how I would handle a similar situation in the future. I shall, of course, be guided by the Commission on this and all other points.

Please let me know if you need anything else from me.

Very truly yours,

C. Steven McMurry

Enclosure