State of Arizona COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-060 Complainant: No. 1350510712A Judge: No. 1350510712B

ORDER

The complainant alleged that a justice of the peace was rude, improperly interrupted her, and issued erroneous rulings. After considering the allegations and reviewing the video recording of the hearing, the commission found no evidence of ethical misconduct on the part of the judge. The issues generally involved legal and procedural rulings that are outside the jurisdiction of the commission. There was no evidence that the judge was rude or that she improperly interrupted the complainant. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: June 28, 2011.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on June 28, 2011.

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

2011 - 060

Artiona Commission on Judicial Contract

(CC #2011-

Outline of Offenses of Alleged Judicial Misconduct: January 14 – 25, 2011

HISTORICAL BACKGROUND--Constable Schmoll,

DESCRIPTION OF JUDICIAL MISCONDUCT

I. Prior to Court (January 14 - 24)

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D. January 20-21 2011 - Failure to investigate reported improper conduct by her Constable E. January 21 2011 - Allowing a court staffer to assist Constable Schmoll's attempts to deter my filing a CESTB complaint against the Constable for ethics violations (See I-B and I-C above).

F. January 21 2011 – JP sided with Plaintiff to deny Motion to Continue with no valid reason recorded

G. January 24 2011 – JP sided with Plaintiff to deny Motion to Dismiss, for the second time refusing to follow ARS 12-1809-R.

II. In the Courtroom (January 25 2011 8:49am – 9:27am)

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A. JP excuse for denying January 24 Motion to Dismiss at 8:49.27 am

- B. Repeatedly stopping my testimony
 - 1. "Politics may hurt your feelings" at 9:05.41am

2. Interrupting my testimony several times to call other cases & take phone calls. Preventing my reading pertinent and brief material into the record

3. reading Plaintiff petition statement: "a threatening e-mail"

4. reading applicable law ARS 12-1809-R 9:17.15am

C. Adopting role of advocate for Plaintiff

1. allowing Plaintiff to submit additional surprise evidence (with no notice to me) for a last-minute attempt to meet criteria of ARS 12-1809-R. Time 8:50 am

2. defending misrepresentations and false claims (US mail, talk to me) on Plaintiff Petition as "standard" checkoff items on form when no such list

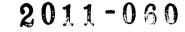
exists. Time 9:07:07 am

3. Verdict stated with "spin" toward Plaintiff

D. Tirade at me for non-existent offenses, again siding with Plaintiff

<u>Time 9:24 – 9:27am</u>

1. Evasion of accountability for her ranting accusations against me by hurriedly adjourning before identifying the "out-of-line" text.



Artona Commission on Judicial Contact (CC #2011-

ARIZONA JUDGES OATH OF OFFICE

"I, ______ do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the State of Arizona, that I will bear true faith and allegiance to the same and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of the office of Justice of the Peace according to the best of my ability, so help me God (or so I do affirm)."

Judges are charged with adjudicating the law, and courts have established procedures for enabling them to do their job. Litigants bring cases to court, citing the event(s) and the law(s) they believe have been violated, and the judge is to decide whether or not the law has been violated and if so, implement the legally-prescribed enforcement procedures and/or punishments.

That's what judges are SUPPOSED to do. But Kyrene District Justice of the Peace went awry. When she realized that she couldn't decide in favor of her Constable and his friends (because the Defendant () was too knowledgeable on the cited law and would probably appeal (which I would have), JP just couldn't let it go at that.

She couldn't issue the Injunction Against Harassment that Plaintiffwantedbecausecouldn't prove she was ever harassed (indeed, what Plaintiff

presented as "evidence" was pathetic and wasted the court's time). So JP made up 2 new "pseudo-laws" and publicly berated Defendant for "violating" her 2 new laws:

"use language that would <u>abuse</u> or otherwise <u>harm</u> another person " and

"<u>chilling</u> the other person's ability to participate in the political process."

JP couldn't include the Arizona Revised Statute numbers for these "laws" because they don't exist... except in the mind of JP

By "harm" or "abuse," she doesn't mean physical harm because there was ABSOLUTELY NO EVIDENCE of that in The context of JP pseudo-law is "language that would hurt the feelings of another person," and there is no such law—JP made it up on the spot and hoped no one would notice.

By "chilling," she doesn't mean interference—there was none. JP has decided that reminding a potential candidate for elected office of their past track record might make them hesitant to run for office, or "chill their ability to participate in the political process." That's what most voters call "being accountable for past performance."

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Anona Commission on Judicial Conduct (CC #20112011-060

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I believe the Arizona Commission on Judicial Conduct holds a different opinion; that's the reason for my complaint.

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On Friday, January 14, Injunction against Harassment based on what she vaguely told the court was "a threatening email."(L-1) She didn't include a copy of the "threatening e-mail" with the request, nor did the form she completed (A) provide specifics of just what made the e-mail "threatening."

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Rather than dismissal at that time, JPcould have allowed Plaintifftoamend her Petition for Protection to meet the requirements of ARS 12-1809-R(C) if indeedPlaintiffhad sufficient evidence and if JPcould have done it withoutoffgal advice or assistance to Plaintiffgal advice or assistance to Plaintiffgal advice or assistance to Plaintiffgal advice or assistance to Plaintiff

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Arteona Commission on Judicial Correct (CC #2011-

of Plaintiff who predictably objected, and by her denial of my Motion (I) JP insisted on holding the follow 's hearing on a non-case.

JP justification for the previous day's denial (I) when she opened court the next day was nothing more than legalese-sounding double-talk. (M)

Less than an hour later, JP dismissed the case for the same reason as my Motion for Dismissal (H) that she denied the day before and for the same reason the case should have been dismissed (or amended) on January 14: Plaintiff couldn't produce credible evidence of harassment.

The primary outrage is that before she issued a verdict in my favor (K) to dismiss the request that should never have seen a courtroom, JP spent several minutes publicly berating me based solely on her opinion that I "chilled someone's ability to participate in the political process" by using language "that was out-of-line." Nothing was insulting or profane or threatening; JP s "out-of-line." JP then made every attempt to evade several requests that she define just what made the language "out of line."

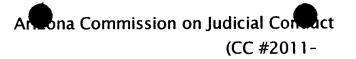
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- The ease should never have wasted the time of the court and myself, nor taxpayers' Plaintiff post-hearing comment to the news media acknowledged she knew she had n Translated: Plaintiff wanted news media attention that tollowed her announcement of her alleged need for an "order of protection." Thanks to the aid and enablement of JP Plaintiff got the media attention she wanted.
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Viewing the audio and video CD of the January 25 hearing leaves no doubt why I won the : JP observed my knowledge of the applicable law from research, as well is the concern by JP lif she tried to rule in favor of Plaintiff and charade.

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Perhaps JP thinks that rendering a verdict consistent with the law negates her bungling prior to court and her contemptible treatment of me in court.

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Submitted:

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Signature

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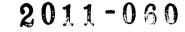
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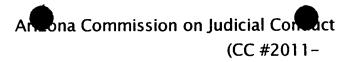
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Submitted:

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