

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-161

Complainant: No. 1444310776A

Judge: No. 1444310776B

ORDER

The complainant alleged that a municipal court judge had the ethical duty to report his ex-wife to the county attorney's office as a result of her alleged perjury in filing and pursuing an order of protection against him.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing the information provided by the complainant, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: August 6, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on August 6, 2012.

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

June 5, 2012

JUN 11 2012

Commission on Judicial Conduct
1501 W Washington, Suite 229
Phoenix, Arizona 85007

To whom it may concern,

This is a formal complaint against the Presiding Judge of the Municipal Court, Judge [redacted] for his refusal to forward a case file from his Court to the County Attorneys Office for criminal prosecution.

On April 18, 2012, my ex-wife [redacted] obtained an Order of Protection against me from the above-mentioned court. I was served and promptly filed a Motion to Dismiss/Request for Hearing. My motion clearly articulated that the Petition filed by Ms. [redacted] was a forgery and contained perjured statements. The motion included independent evidence to support my contentions such as police reports.

A hearing was conducted and the Order of Protection was revoked. After receiving the ruling, I sent Judge [redacted] a letter requesting that he forward a copy of the file, including evidence I submitted, to the Mohave County Attorneys Office for criminal prosecution. In a "motion" from Judge [redacted], he refused to forward it to the MCAO stating "If the county attorney is interested he will make a request".

The refusal to forward the file to the MCAO is a

breach of the judges' duties, and violates the Canon Rules. When a judge is presented with evidence that tends to show that a crime has been committed or was committed, he is required to forward it to the appropriate prosecutorial agency in order to preserve the credibility of the Court. A judge is required to maintain and enforce a high standard of conduct so that the integrity and independence of the judiciary are preserved.

Judge _____ knew that Ms. _____ had committed forgery and perjury of her Petition based on independent evidence presented in my motion and refused to take appropriate action. Ms. _____ has been allowed to commit these crimes in a court of law with no action by the Court. This is not the message the Courts should be sending to the public. It sends the message that the judge and the Court doesn't care what you do in court. Ms. _____ has routinely lied and manipulated many courts and no action taken by judges and it must stop. How can the system work if people file forged documents and the Court take no action. The integrity of this Court in this case has been completely compromised without any recourse calling into question the judges' and courts responsibilities. In this case, the credibility and professionalism has been seriously compromised requiring action from this Commission.

The Courts statement that the county attorney can review it if he wants is ludicrous. The county attorney

doesn't review these cases and it simply attempts to shift the requirement from Judge [redacted] to the County attorney erroneously. The county attorney knows NOTHING about these allegations so how are they to intervene? It is clearly the job of the municipal court to advise the mCAO of possible criminal offenses. Additionally, Judge [redacted] is the "presiding judge" who should know better and be responsible.

There is No question that forgery and perjury occurred in Ms. [redacted] Petition. There is No question that Judge [redacted] had a duty to advise the mCAO and let them decide what to do.

Therefore, this complainant asks this Commission to: obtain a complete copy of the file; determine that there is enough evidence to suspect that a crime was committed in the Petition; take appropriate action against Judge [redacted]; and, require Judge [redacted] to forward the matter to the mCAO and advise me when that is done.

I thank you for your time and help and I hope to hear from you in the near future.