

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-213

Complainant: No. 1448710984A

Judge: No. 1448710984B

ORDER

The complainant alleged a municipal court judge favored an adverse party and was biased against them and their attorney.

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 and the available electronic records in the two cases, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: August 31, 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 31, 2012.

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

CV- / / August 30, 2011

When was served her papers for the 'Injunction Against Harassment', she went to the Municipal Court and requested a hearing. At the same time, requested an 'Injunction Against Harassment' against During Judge reading and questioning of regarding her request for an 'Injunction Against Harassment', Judge stated that reasons for the 'Injunction Against Harassment' against were not substantial enough and the order was denied.

Anne hired an attorney, John to represent her in did not file a notice that he was to represent prior to the date of the hearing, but instead opted to notify the court at the beginning of the hearing as is he is allowed to do under Arizona law. Judge scolded for not notifying the court prior to the date of the hearing.

Throughout the hearing, Judge repeatedly interrupted and scolded during his defense of as if he were the common man on the street; as opposed to a licensed attorney. Conversely, and his wife were given free rein to speak of their plight and talk in circles for extended periods of time. The were unprepared with their evidence submissions and Judge offered to have the clerk of the court make the necessary photocopies for them. This will come in to play later as you read on.

During examination of he noted that was responding in a very aggressive tone and asked him why his demeanor was such. Judge stated that she did not feel that was being aggressive and she told that he was being argumentative.

When called to the stand, Judge permitted wife to interject a fair amount of hearsay into her testimony about what her children allegedly told her about children were not present at the hearing. When objected to the overzealous storytelling, Judge scolded him again and was overruled.

allegations on the initial request for the 'Injunction Against Harassment' were as follows:

1. alleges that calling the police on him about his barking dogs is harassment.
2. alleges that has been rude to his children.
3. alleges that is hostile to service personnel that come into the neighborhood.

As the hearing progressed and it seemed as if did not have a valid argument for harassment, Judge permitted and almost seemed to lead into raising more arguments for his plight. One argument was that did not feel the property line was in the right place despite having had purchased the new built house only six months prior. Apparently, this was fault.

Judge Maria upholds the Injunction Against Harassment based on: 1) marking the property pins in the street for benefit even though he did not request it, 2) cat

was missing and [redacted] was accused of foul play, 3) the fact that dogs bark and [redacted] is being overly sensitive, 4) that Andrea [redacted] (wife/mother) says her children told her that [redacted] was being rude, and 5) [redacted] has security cameras which were installed prior to [redacted] house being built, but made [redacted] feel uncomfortable.

After the conclusion of Judge [redacted] reading her decision, [redacted] requested an 'Injunction Against Harassment' for [redacted] to prevent [redacted] from violating his own order; to which Judge [redacted] stated that she was "not going to restrict Mr. [redacted] from doing anything." The request was denied.

I feel that Judge [redacted] violated Rules 2.2 and 2.3 of the Rules of Judicial Conduct regarding-'Impartiality & Fairness' and 'Bias, Prejudice, and Harassment.' What Judge [redacted] bias was is unknown to me, but her behavior and partiality in this case certainly suggested that there was some sort of back story to this hearing. Perhaps Judge [redacted] was charmed with [redacted] perhaps it was because he is Hispanic and [redacted] is Caucasian, perhaps they're friends. I do not know, but her behavior was certainly nothing I have ever seen in a Judge before. Judge [redacted] denied [redacted] equal protection under the law by denying her on two occasions with a means to protect herself.

C- [redacted] / Appeal of [redacted] / July 19, 2012

After repeated delays by the [redacted] Municipal Court, the Superior Court quashes the Injunction Against harassment.

CV- [redacted] / [redacted] / October 12, 2011

allegations on the initial request for the 'Injunction Against Harassment' were as follows:

1. [redacted] alleges that [redacted] calling the police on him about his barking dogs is harassment. (The dates of the calls to police that form the basis of the alleged harassment are the exact same dates [redacted] swore under oath were committed by [redacted] in CV- [redacted])
2. [redacted] watches the [redacted] with his home security cameras.

Again, [redacted] fails to come prepared with the necessary documentation to submit into evidence and Judge [redacted] offers the services of her clerk once again to [redacted] was also allowed to interject a multitude of other allegations. [redacted] focused his questions and answers to the original allegations made. Judge [redacted] repeatedly stated that she would allow [redacted] to bring up whatever new allegations he needs to and that the hearing is not confined to the original allegations made on the request for the 'Injunction Against Harassment'.

Judge [redacted] dismisses the 'Injunction Against Harassment' based on: 1) That she could not enjoin [redacted] from calling the police as that is [redacted] right and 2) it is not against the law to have home security cameras.

In conclusion, Judge [redacted] rulings are inconsistent with the law and between individual cases when presented with similar facts.

After having been presented with the fact that [redacted] used the same allegations in both cases, Judge [redacted] failed to go back and amend her decision on CV- [redacted]. Whether this is permitted or not, I do not know. At the least, she could have held [redacted] for perjury as he openly admitted in his testimony that he didn't know who was doing what to him despite swearing to these allegations. I realize that charging a person with perjury in civil cases is almost unheard of in America, but it is an option nonetheless.

Judge [redacted] lacks knowledge of the law. This is evidenced by her unprofessional comments in CV- [redacted] that dogs bark and to get over it. Both [redacted] and [redacted] have codes and ordinances that prevent people from creating a public nuisance with their pets' animal noises. Her blatant disregard for the fact that only one person need be offended by the noise for the ordinance/code to be applicable shows that she either doesn't know the law or she chose to disregard it.

Judge [redacted] blatant partiality and abuse of her discretionary authority is also a sign of her unprofessionalism. I am aware that Judge [redacted] served the minimum of six years as an attorney prior to receiving her judgeship in this out-of-the way municipality, but she must have been exposed to judge's who actually knew what they were doing somewhere along the way.