

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-359

Judge:	No.0360014588A
Complainant:	No.0360014588B

ORDER

The complainant alleged a justice of the peace denied him the opportunity to be heard, may have engaged in improper ex parte communications, is prejudiced against men, exhibited an improper demeanor in his cases and other cases he observed, and has an improper relationship with a behavioral health agency.

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 review, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission approved sending the judge a private advisory regarding the rules of evidence. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: August 21, 2013.

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on August 21, 2013.

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

Judicial Complaint

Date 12-22-12

The below factual statements are made as a judicial complaint against _____ Each bullet is an allegation of judicial misconduct and is subject to review by your board at your authority. The rules follow the Arizona Code of Judicial Conduct (Internet Edition), effective September 1st, 2009.

- On July 13th, 2012, at the start of the trial in both cases _____ informed the Defendant (Pro Per) that evidence provided to the court and the County Attorney (see attached) would not be admitted under any circumstance. Only evidence related to statements provided by the victim under examination by the _____ Attorney will be discussed. Disallowing this vast amount of evidence did not allow or give the Pro Per council the ability to effectively provide a defense. In both cases, _____ failed to admit ten separate Exhibits totaling 23 articles of evidence (including many police reports, a settled civil lawsuit, and e-mail communication) within the first two minutes of the hearing without any litigation or testimony taking place. _____ on her own authority dismissed all the evidence on her own authority and not on legal grounds. _____ may have put this arbitrary restriction on evidence based on her need for a “one hour” time frame that was not sufficient for the complexity of the case. **Rule 1.2-3 Rule 2.2-A1, Rule 2.2-A2, Rule 2.2-A3, Rule 2.2-A4, Rule 2.5-C2, Rule 2.6-A**
- _____ and Deputy County Attorney _____ may have openly discussed both cases in the Judge’s chambers and violated judicial rules of conducted based on the courts above actions. **Rule 1.1, Rule 1.2-A1, Rule 1.2-A3**
- _____ violated the Defendant’s right to be heard by becoming frustrated with his lack of judicial vocabulary in presenting evidence to the court. However, _____ has a responsibility to ensure all parties have a right to be heard including the Defendant / Pro Per. **Rule 2.6-A**
- _____ and her court staff gave _____ Attorney _____ a confidential recording between _____ and his attorney _____ (at the time) when attempting to drop his order of protection on October 19th, 2011. _____ clearly warned his client if he dropped his protection order against his girlfriend he could “open you up to more false charges because of _____ history of entrapment”. This conversation is attorney-client privileged information and was picked up by the court’s microphone and recorded. Later, _____ and her staff gave this confidential recording to the County Attorney and she later allowed this conversation to be allowed as evidence in this case. **Rule 1.2-A1, Rule 1.2-A5,**

- Before trial on July 13th, 2012, [redacted] had created an atmosphere of fear, anxiety and resentment within her court during status hearings and reviews. On many occasions, [redacted] would belittle and humiliate men waiting to have their cases heard if she thought they were conversing with one another. However, on the opposite side of the courtroom, the victims rights advocate, County Attorney, City Attorney and other individuals were allowed to converse information without censure. [redacted] actions created a hostile atmosphere against men facing domestic violence cases and forced many to plea out of court fearing taking their case to trial and the consequences for losing such a case. **Rule 2.3B**
- During the trial in cases [redacted] was belittling, humiliating and hampering the Pro Per Council in very demeaning and derogatory ways. [redacted] placed unreasonable restrictions on Defense council and when he objected, [redacted] began questioning his intelligence. The Defendant has four college degrees, a Masters degree and nearly a Doctorate in Higher Education. [redacted] was intentionally provoking the Pro Per council which made an adequate defense all but impossible. After attempting to cite several key pieces of evidence, as listed in court disclosure, [redacted] warned the Pro Per council if he brought up this topic again during cross examination the case would be thrown out and the Defendant would be found guilty of all charges regardless of evidence. **Rule 1.2-A1, Rule 1.2-A3, Rule 2.10-A**
- During an investigation, it was learned [redacted] is the Governing Board President for [redacted] a behavioral health agency [redacted] may have a considerable financial stake in domestic violence cases held in her court. According to a report written by [redacted] and found on the Institute for Justice website, (see attached) the [redacted] receives thousands of dollars in grant money for domestic violence prevention. These grants are contingent upon a certain number of domestic violence convictions in [redacted] and this money goes directly to the behavioral health agency [redacted] governs. This is a clear and very concerning conflict of interest. [redacted] was told by his court appointed attorney [redacted] that "regardless of evidence in your favor, 98% of all domestic violence cases are convictions in this court unless the county attorney mess up procedurally. I never won a domestic violence case in court unless the county attorney majorly screwed up. Sorry, that is just the way things goes in Eloy." Based on this information, [redacted] chose to fight his case Pro Per disbelieving a court could be this corrupt. However, as time passed and evidence accumulated, it is very clear [redacted] may not hear cases based on merit but on the financial reward for each conviction. The [redacted] may also provide employment to [redacted] relatives and provide her with campaign support during election cycles based, in part, due to the number of domestic violence offenders she sends her agency. Funding streams are outlined in the attached document.

Rule 1.2-A1, Rule 1.2-A3, Rule 2.1.1, Rule 2.2.A1 Rule 2.3-B, Rule 2.4-B and C, Rule 2.6-A, Rule 2.11-A3, Rule 2.11-B