

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-005

Judge:	No. 1459610668A
Complainant:	No. 1459610668B

ORDER

The complainant alleged a justice of the peace denied him the opportunity to present his defense and improperly threatened him with contempt of court.

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 all of the information provided by the complainant and the judge's response, 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: March 28, 2013.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on March 28, 2013.

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

2013-005

COMPLAINT AGAINST A JUDGE

Your name: _____ Judge's name: _____ Date: 08-Jan-2013

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

- 1) Judge _____ opening remarks directed to me on 20-Nov-2012 included instructions on how the decision he was "about" to make in the hearing could be appealed - this comment leads me to believe the Judge had made his decision prior to hearing testimony - the ruling was predetermined.
- 2) This is the second hearing of this sort in Judge _____ expired on 15-Sep-2012. I had appealed that Order of Protection, as well. Seems quite coincidental that the recordings of both of these two hearings 11-Oct-2011 and a year later 20-Nov-2012 were not successful and unavailable for purchase and review. I am requesting an investigation into the "malfunction" of equipment in both these hearings. I was informed that a repairman was contracted to fix the recorder after the malfunction on 20-Nov-2012; I would like to receive a copy of the repair order describing what caused the malfunction and what was done to repair the machine.
- 3) I was not given the opportunity to deliver opening and closing statements, present all my evidence nor have all my witnesses testify. Judge _____ denied my requests, stated he had heard enough, stated his ruling and ended the proceedings.
- 4) Ms. _____ nor her witnesses were able to attest to specifics with regard to the accusations in the current order of protection, i.e. tormenting, harassment, vandalism, slander, weapons...not one person could state a date or time when any of these alleged incidents occurred. Nor could Ms. _____ name the horses she stated had been set free nor models or even makes of any of the "strange" vehicles driving slowly by the property.
- 5) I had requested the "rule" be invoked preventing any discussion of the case by any of the parties involved. At least two of Ms. _____ witnesses discussed the proceedings openly in the waiting area and one approached my witnesses discussing and questioning them intently. The court clerk and Judge _____ were made aware of the situation and did nothing to stop or prevent additional conversations.

Continued on page 2

(Attach additional sheets as needed)

2013-005

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6) While I was protesting the accusation of "slander" at the hearing on 20-Nov-2012, Judge _____ would not allow my evidence, dismissing it as having no relevance or merit. Ms. _____ had accused me of contacting her business associates to slander her name. I was explaining that upon the expiration of the first Order of Protection I did contact Mr. _____ to verify that indeed Ms. _____ still had an open balance on her large personal loan. This verification was necessary to present as evidence in Ms. _____ bankruptcy case as she had not disclosed the loan.

7) Judge _____ threatened me with "contempt of court" charges during my questioning of Mr. _____ I needed to be persistent and strong in my questioning as Mr. _____ was avoiding answering questions pertinent to the case. Ms. _____ had been in violation of my Order of Protection against her during an incident on 26-Nov-2011 where Mr. _____ was the responding officer. Mr. _____ did admit that Ms. _____ had been in violation of the order yet was not arrested. I was questioning the reasoning behind that action.

8) Ms. _____ statement in the Order of Protection regarding my having no reason to be around her or in the area...is immediately contradicted in the following sentence in that same Order of Protection where she refers to a request I made of Judge _____ to allow me to obtain my vehicles and other lawful possessions from the property at _____. By the way, Judge _____ presiding over Ms. _____ bankruptcy, has since ruled in my favor on that same request and I am in possession of my vehicles that are titled in my name only, removed from the property at _____. Ms. _____ expense, I might add.

There were many questionable statements/actions/decisions in the hearing on 20-Nov-2012; leaving reasonable doubt as to the validity of the current Order of Protection. For these reasons, I ask that a full investigation be initiated as to Judge _____ capability to act in the interest of the people of Arizona without prejudice.

(Attach additional sheets as needed)