

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-213

Judge:	No. 1105213188A
Complainant:	No. 1105213188B

ORDER

The complainant alleged a municipal court judge and a justice of the peace made various erroneous rulings.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judges 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 complaint, the commission found no evidence of ethical misconduct and concluded that the judges did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of court rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: September 25, 2013.

FOR THE COMMISSION

George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and judges on September 25, 2013.

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

COMPLAINT AGAINST A JUDGE

THIS IS A VERY COMPLEX SET OF CASES, AS THESE CASES ARE FROM THE MOST CURRENT CASE #'S. THE 2 PENDING CRIMINAL CASES LISTED, ARE THE RESULT OF THE 4 INJUNCTIONS AGAINST HARASSMENT, SIGNED BY JUDGE [REDACTED] ON 2/6/2013, AND SERVED ON 2/7/2013; FROM [REDACTED]

THESE INJUNCTIONS WERE ALL ALLOWED TO BE FILED, IN THE [REDACTED] JUSTICE COURT, KNOWINGLY, NOT USING THE CORRECT LEGAL NAME, AND IT ISN'T LIKE THEY DIDN'T KNOW IT, SINCE THIS HAS BEEN ALLOWED TO GO ON BY THIS COURT SYSTEM FOR THE LAST 5+ YEARS.

THE SERVICE OF THE ORDERS ONLY BECAME A PROBLEM AFTER I HAD SIGNED FOR THEM, AND READ THE NAME ON THEM, PUSHED THEM BACK AT THE DEPUTIES AND TOLD THEM IF THEY WANTED TO SERVE ME PAPERS THEN BRING THEM BACK IN THE CORRECT NAME OR DON'T BOTHER, BECAUSE I REFUSE TO ACCEPT WHAT DOESN'T LEGALLY BELONG TO ME. THEY DIDN'T TAKE THEM, BUT INSTEAD JUST LET THEM FALL ON THE GROUND AND LEFT THE AREA.

I YELLED TO [REDACTED] AND THE CUSTOMERS THAT WERE STILL INSIDE THE YARD TO, "GET WHATEVER THEY NEEDED AND GET OUT OF THE GATE, BECAUSE I WAS CLOSING UP, AND HAD HAD ALL THE S--T I CAN HANDLE. BUT THAT WAS ALL I SAID. [REDACTED] I PROCEEDED TO CLOSE AND WERE MOVING THE STUFF FROM OUTSIDE THE GATE BACK IN, WHEN WE ALL 4, OVERHEARD [REDACTED], WHO WAS STANDING OUT AT THE FRONT CORNER OF OUR ADJOINING PROPERTIES, CALL INTO THE SHERIFF'S DISPATCH, ALLEDGING THAT HE NEEDED THE DEPUTIES TO RETURN, THAT I HAD JUST THREATENED HIM AND THAT AN INJUNCTION AGAINST HARASSMENT HAD JUST BEEN SERVED.

WE FINISHED CLOSING UP, AND SINCE THE DEPUTIES HAD SAID THAT THE GUNS FOR SALE, ON CONSIGNMENT, HAD TO BE PICKED UP BY THE OWNERS OR TURNED INTO THE SHERIFF'S DEPARTMENT WITHIN 24 HOURS; I FINISHED UP AND LEFT TO GO AND TRACK DOWN THE OWNERS, TO FOLLOW THEIR ORDERS.

[REDACTED] WAS STILL THERE WHEN THE DEPUTIES RETURNED, AND SHE TOLD THEM I WASN'T THERE. SHE SAID, THEY ACTED AS IF THEY DIDN'T BELIEVE HER AND SHE TOLD THEM WHAT HAD HAPPENED, AND THEY SAID IT DIDN'T MATTER WHAT ANYONE ELSE HEARD OR SAID; THAT SAID IT HAPPENED, AND THE INJUNCTION DIDN'T REQUIRE THEM TO SEE ANYTHING PERSONALLY, OR TALK TO ANYONE ELSE ABOUT WHAT HAD HAPPENED. THEY WERE THERE TO ARREST ME.

I CALLED [REDACTED] TO LET HER KNOW ABOUT WHO WAS COMING BY TO PICK UP WHAT, IN CASE I WASN'T BACK WHEN YET THEY GOT THERE.

SHE TOLD ME WHAT WAS UP, AND SINCE JAIL WASN'T AN OPTION; SINCE A PRIOR EXPERIENCE OF ABUSE BY THE GUARDS. I ASKED [REDACTED] TO MAKE SOME CALLS AND SEE WHAT WE COULD DO. IT WAS THE FOLLOWING MONDAY BEFORE SHE COULD GET AHOLD OF ANYONE, AND END RESULT I HAD TO TURN MYSELF IN THE NEXT DAY AT 4 PM FOR OVERNIGHT, AND SEE THE JUDGE AT 9 AM. [REDACTED] WENT IN TO THE COURT TO CHECK AND SEE IF A DATE AND TIME FOR THE HEARINGS ON ALL 4 INJUNCTIONS HAD BEEN SET YET, WHEN SHE BROUGHT ME IN TO THE JAIL.

THEY TOLD HER THE HEARINGS HADN'T BEEN SET YET. THE REQUEST FORMS HAD TO BE SIGNED BY ME, NOT [REDACTED], EVEN THOUGH WE ARE LEGALLY MARRIED. SO ANY WAY, [REDACTED] SAID I WAS IN CUSTODY, AND THAT DIDN'T MATTER. THE NEXT MORNING, WHEN I HAD TO GO IN FRONT OF JUDGE [REDACTED], I FOUND OUT THAT SHE WASN'T GOING TO "OR" ME, LIKE I WAS LEAD TO BELIEVE, BUT INSTEAD SHE SET A BOND AT 1500.00.

[REDACTED] AND MOM MANAGED TO TAKE CARE OF GETTING A BONDSMAN, AND PAYING MY BAIL. ONCE I FINALLY GOT RELEASED, [REDACTED] TOLD ME, THAT I HAD TO GO INTO THE COURT AND SIGN THE REQUEST FOR HEARING FORMS SO THEY WOULD FILE THEM. I ASKED THEM IF THEY COULD GIVE ME THE DATE AND TIME FOR HEARINGS SO THE APPLICATIONS FOR SUBPOENAS AND THE REQUESTS FOR DEFERRAL OR WAIVER OF FEES FOR SERVICE OF SUBPOENAS.

JUST ABOUT THAT TIME, JUDGE [REDACTED] WALKED INTO THE ROOM, AND THEY ASKED HER ABOUT IT, AND SHE SAID FLAT OUT, THERE WOULD BE NO WAIVERS THIS TIME AT ALL. SUBPOENAS ONLY IF I PAID TO HAVE THEM SERVED, AS WELL AS THE GOING RATE FOR WAGES FOR EACH WITNESS. THEY DID GIVE ME THE HEARING DATE AND TIME.

WE WENT HOME, AND PREPARED A REQUEST FOR CHANGE OF JUDGE, THAT WAS FILED THE NEXT DAY ON 2/14/2013. THIS IS WHEN JUDGE [REDACTED] CAME INTO THE PICTURE.

JUDGE [REDACTED] RECUSED HERSELF ON 2/15/2013, AND REASSIGNED ALL 4 CASE TO JUDGE [REDACTED]. THE HEARINGS HAD ALREADY BEEN SET FOR 2/25/2013, AND WERE TO STAY THE SAME.

ON 2/19/2013 TO SUBPOENA AND WAIVERS WERE REFILED. THE CLERK SAID THAT JUDGE [REDACTED] SAID NO WAIVERS. SHE WAS TOLD THAT THE JUDGE AT LEAST HAS TO LOOK AT THEM AND ISSUE SOME SORT OF RESPONSE.

ON 2/20/2013, JUDGE [REDACTED] SIGNED THE SUBPONAS & THE WAIVERS. THE CLERK CALLED AND SAID THE SUBPOENAS WERE READY TO BE PICKED UP FOR SERVICE. I DROVE 30 MILES IN AND PICKED THEM UP AND THE WAIVERS WERE NOT THERE. I WALKED THEM OVER TO THE SHERIFF'S DEPT FOR SERVICE, THINKING THAT THE WAIVERS WERE ALREADY OVER THERE. BUT I WAS WRONG, AND WAS INFORMED IT WAS A 60.00 DEPOSIT FOR EACH SUBPOENA, BUT IT COULD POSSIBLY BE MORE.