

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-222

Judge:	No. 1053914752A
Complainant:	No. 1053914752B

ORDER

The complainant alleged a municipal court judge made up his mind before hearing the evidence on competing protective orders, was biased against him, and was not impartial.

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 complaint, 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 court rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: October 2, 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 October 2, 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

2013-222

COMPLAINT AGAINST A JUDGE

Your name: _____

Judge's name: _____

Date: 8/10/13

Instructions: Use this form or plain paper of the same size to file a complaint. Attach additional pages, as needed. Please describe in your own words what the judge said or did that you believe constitutes judicial misconduct. To help us understand your concern, be specific and list all of the names, dates, times and places where the conduct occurred. Include only copies of original documents or court recordings that are relevant to your allegations. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

AS THE RESTRAINING ORDER HEARING BEGAN ON FRI,
AUG. 9, 2013 AT THE MUNICIPAL COURT
AT 10:00 AM. THE JUDGE LISTED
ABOVE WAS CONVERTING
INJUNCTION AGAINST HARASSMENT TO AN ORDER OF
PROTECTION BEFORE ANY TESTIMONY OR EVIDENCE
WAS PRESENTED REGARDING THE ALLEGATIONS. CLEARLY,
~~THE~~ APPEARING BIASED AND NOT IMPARTIAL, WHICH IS
A VIOLATION OF CANON 2 OF THE ARIZONA CODE OF
CONDUCT FOR JUDICIAL EMPLOYEES. THE JUDGE ASKED
IF I HAD CONTACTED _____ WORK ABOUT HER
ILLEGAL DRUG USE ON A DAILY BASIS. YET, THE JUDGE NEVER
ASKED _____ IF SHE DID ILLEGAL DRUGS AND ALLOWED
HER TO DRIVE AWAY FROM COURT EVEN THOUGH DRIVING
UNDER THE INFLUENCE OF DRUGS. ~~UNDER THE INFLUENCE OF DRUGS.~~

I REMINDED THE COURT THAT I NEVER ~~DRUGS~~
~~DRUGS~~ EVEN TRIED MARIJUANA, AND THAT
IN FACT ADMITTED UNDER OATH IN COURT
TO A CLASS 4 FELONY CRIME OF PERJURY. THIS
JUDGE COULDN'T HAVE DONE ANYMORE ACTIONS TO SHOW
HE MADE UP HIS MIND BEFORE THE HEARING BEGAN.
FURTHER, THIS JUDGE GRANTED THE ORDER EX
PARTE ORIGINALLY WITHOUT ANY ~~ORDER~~ SPECIFIC FACTS
TO SUGGEST IRREPARABLE HARM. PLUS, NO EVIDENCE SHOWS ANY
ACT WAS ~~IRREPARABLE HARM~~ DONE WITH "NO LEGITIMATE PURPOSE."
I CAME TO HER APT ONCE ONLY TO SEE IF SHE WAS OK AS I
STATED IN REAL TIME BY TEXT ON 7/14/13. SEEING IF SOMEONE
(Attach additional sheets as needed)
IS OK IS A LAWFUL PURPOSE & ACT. SHE ALWAYS TEXTED ME ONCE
A WEEK FOR 4 MONTHS PRIORS AND IT HAD BEEN 10 DAYS.

I emailed [redacted] EMPLOYER REGARDING HER DAILY DRUG USE WHICH WAS TRUTHFUL. SO, IT DOES SERVE A LEGITIMATE PURPOSE AS WELL. I TOLD THE JUDGE THAT I NEVER EVEN CALLED A NAME. I NEVER THREATENED HER.

[redacted] COMMITTED PERJURY BY STATING ON HER PETITION FOR AN INJUNCTION AGAINST HARASSMENT THAT OUR RELATIONSHIP WASN'T SEXUAL. THEN, IN COURT UNDER OATH AFTER RAISING HER RIGHT HAND STATED IT WAS A SEXUAL RELATIONSHIP.

I TESTIFIED UNDER OATH THAT [redacted] DOES ILLEGAL DRUGS. [redacted] NEVER

DISPUTED THIS ALLEGATION AGAINST HER. ANY REASONABLE LAW ABIDING PERSON WOULD DISPUTE SUCH ALLEGATIONS. JUST AS BY LAW DECLARATIONS AGAINST A PERSON'S PENAL INTEREST ARE A VALID EXCEPTION TO THE HEARSAY RULE. SINCE, NO REASONABLE PERSON WOULD MAKE DECLARATIONS AGAINST THEIR PENAL INTERESTS UNLESS TRUE OR UNDER DURESS.

THE JUDGE TOLD [redacted] THAT SHE NEEDED TO SHOW ME HER EXHIBITS OF EVIDENCE. [redacted] NEVER DID SHOW ME HER EVIDENCE. THE JUDGE NEVER REVIEWED MY EXHIBITS OF EVIDENCE & TOOK ABOUT 2-3 MIN. TO REVIEW ONLY [redacted] EXHIBITS. THE JUDGE JUST IGNORED MY EVIDENCE.

I TOLD THE COURT THAT [redacted] MOTIVE WAS ONLY TO PUT A RESTRAINING ORDER ON MY RECORD. SINCE, I TOLD HER ABOUT 2 MONTHS AGO I WANTED TO RUN FOR CONSTABLE. SHE NEVER DENIED THIS, EITHER.

THEN, AT THE END OF THE HEARING HE CHANGES ONLY BACK TO AN INJUNCTION AGAINST HARASSMENT. THIS SHOWS JUDGE IS ~~NOT~~ NOT IMPARTIAL.

I WANT NOTHING TO DO WITH I JUST DON'T WANT A RESTRAINING ORDER ON MY RECORD.

THE JUDGE IS ENCOURAGING CRIMINAL ACTIVITY BY CONSIDERING REPORTING A CRIME TO BE HARASSMENT. SO, THE JUDGE IS DISSUADING A WITNESS TO A CRIME. SO, I CANNOT REPORT ILLEGAL DRUG USE TO POLICE FOR FEAR OF VIOLATING THE IAH ORDER.

THE JUDGE IS AWARDED CRIMINAL ACTIVITY BY NOT ~~DOING~~ AT LEAST ADMONISHING OF HER CLASS 4 FELONY PERJURY VIOLATION. THE JUDGE CONDUCTED THIS HEARING AS IF WAS A FAMILY MEMBER. NOW, IS FREE TO HARASS ME AND

NOW I CAN'T EVEN REPORT DRUG POSSESSION & USE, PLUS, HER ~~DRUG~~ DRUG DUI ON DAILY BASIS. NOW, I'M AFRAID TO REPORT THIS EVEN THOUGH I'VE PERSONALLY OBSERVED WHILE IN HER CAR WITH HER DRIVING AT LEAST 3 TIMES.

Didn't show her drug use

UNSURE

UNTIL TOWARDS THE END OF THE RELATIONSHIP. SINCE, SHE WAS ~~ASKING~~ HOW I WOULD REACT SINCE I'M AGAINST DRUGS.

THIS JUDGE ABETTED PERJURY BECAUSE A FORMER SEXUAL RELATIONSHIP WAS A MATERIAL FACT IN THIS CASE.