

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-324

Judge:	No. 1056914827A
Complainant:	No. 1056914827B

ORDER

The complainant alleged a superior court commissioner mistreated her and made an incorrect ruling.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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 commissioner 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: February 12, 2014.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the commissioner on February 12, 2014.

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 324

COMPLAINT AGAINST A JUDGE

Name: _____ **Judge's Name** _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

** Please see Attached Statement **

2013 324

State of Arizona
Commission on Judicial Conduct
1501 W. Washington Street, STE 229
Phoenix, AZ. 85007

RE: Order of Protection Case

To Whom It May Concern-

I am writing you in regards to Judge [redacted] conduct and decision in regards to an order of protection court hearing held on [redacted] To better understand the back story which leads up to myself being in court with Judge [redacted] I am currently in the middle of a divorce with my husband. My husband has a violent/aggressive demeanor and history resulting in an order of protection being granted and he was served [redacted] The court case number on that paperwork is [redacted]

As the paperwork states, the defendant, my husband [redacted] had a chance to fight the order of protection to have it dismissed in court. This was scheduled at the [redacted] with Judge [redacted] reasoning for fighting the order of protection was he believed that the statements I had made to get the order of protection granted were false. As I believed, [redacted] would go in front of a judge and have to prove to the judge that the statements were false and that he was not a threat to me in order to have this order of protection dismissed.

Court was at [redacted] When I entered the room, I had brought [redacted] my eye witness to the incident that happened in [redacted] and I were called up and Judge [redacted] read my statement including the part of [redacted] being arrested in [redacted] I am going to write below my enter statement as it pertains directly to why [redacted] had brought me in there and directly to Judge [redacted] conduct.

My original statement read as follows: Have you or the defendant been charged or arrested for domestic violence or request a protective order? I marked the yes box. My statement said the following: *Last [redacted] was arrested due to putting a fake [redacted] hand gun to my head, decorative [redacted] words to my throat, cut my arm with the tip, slammed me against the wall and tried to break my hand to get off my wedding ring. When I closed the bathroom door and called a friend, he called [redacted] told them that I had a gun to his head and cut him with a knife, when I came out of the bathroom, [redacted] was cutting his arm with a blade and laughing at me, when the police arrived they could clearly see that he was the cause and took him to jail, I did not pursue charges, however the court was going to throw a clas [redacted] assault with a deadly weapon intentionally harming me, if I would have pursued charges. He spent [redacted] and was released, the state came back at him with a [redacted] and because he is a veteran, he went to [redacted] court, anger management, and all charges were released and he has a clean record.*

I need a Court Order because: Various incidences have occurred since that time, [redacted] has put two loaded assault rifles to my head while intoxicated, almost broke my wrist dragging me through our home to get me out, slammed me against walls and doors, and in [redacted] he attacked me again with friends in the home who immediately removed him because they did not trust him alone in the house with me. I kicked him out to start a separation, refused to give me the keys to the home, made threats to me, when he removed his items he would again slam me against the wall and mock me saying I am not as strong as him, he is in my face and not allow me to get away from him, he would wait in the driveway for me, and not let me out of my car, I have since filed for a divorce, I have a security alarm system on my home, I have blocked him from emails, texts and phone calls, and now his going to the neighbor's home across the street stalking me, he is buying a new gun, and more assault gun parts on eBay and the neighbors showed me that his text messages have me, divorce and gun all in the same sentence. I am fearful the more I do not give in and communicate to him and try to move with my life the more likely he will snap and come after me and hurt me. He has a drinking problem and when he drinks he becomes more violent. I do not want to worry about him having a gun and hurting me, he has already had one to my head twice.

Upon the Judge reading my statement she asked me to tell my side. I explained that he was arrested in [redacted]. The judge asked why I did not call the police, I stated I did not know, [redacted] is the only person I have out here in Arizona, I have my father but I do not communicate to him, we had just relocated here. She asked if I tried to make bail for him, I said yes, again he was all I had out here. She asked how much bail was, I replied [redacted] I went into the two loaded assault rifles at the end of [redacted]. The judge asked me "if I even knew what an assault rifle looked like?" I replied "I do" and Judge asked me to describe the gun. I described the gun as best as I could, I am not a gun person, nor do I know the gun terminology, what I do know is that my husband built this gun, he called it an assault rifle and he had it to my head. She asked exactly what happened, and I told her that [redacted] had been drinking, I needed some help with the dogs and he would not wake up. I took some water and dumped it on him to get him up and he woke up grabbed me and slammed me to the wall holding me off the floor my shoulders. He left me go and I went into the bathroom and he took the gun and put it to my temple, I stopped and looked at him and he had it to the center of my head, I remained calm, I told him to put the gun down, and he did, and we went to bed. I then went into what happened in [redacted] was again drinking, he invited friends over, he was getting aggressive with me and starting an argument and he and the two friends left to go out to a bar. I later met up with them. At the bar [redacted] walked around all beefed up, pushed me at one point, and was eventually escorted from the bar because he was being drunk and aggressive. Our friend's wife took him home, I closed my tab and me and her husband took my car home shortly after that. When I got home [redacted] was in the pool, he saw me come in the house and he flew out of the pool at me, I went into the bathroom and locked the door and [redacted] fell on the tile, hurt himself, got up and started attacking the door. The judge stopped me and asked me to explain attacking the door; I said punching it, kicking it, etc. I said the friends removed him from the house. Judge [redacted] wanted to know how they removed him from the house; I explained I did not know as I was locked in the bathroom. The judge again said well did they talk to him, grab his arm or throw him over their shoulder to get him out, again I did not know, I was in the bathroom. All I know is that they said when I came out of the bathroom and [redacted] was out of the house that they did not feel comfortable having him stay there in fear he would hurt me given his history. Now I did bring the eye witness with me [redacted] was the one who removed him from my home, however, I did not know when to present my evidence, or if she would ask me at the end.

I explained that this is what started our separation. I had asked [redacted] to move out, and Judge asked me "who are you to kick him out when you both own the house?" I guess I felt I had the right as

he was the one being physically abusive to me, and he did not fight leaving. Lastly I explained after about a week moved in for (Judge Interrupts me) and said were you going to try and make it work, we both made a jester suggesting yes, and I continued, was at home making a project for this girl the woman he moved in with) and then opened our special that was for our birthday celebration and drank it all by himself. We got into it and I said I did not want to talk to him, he followed me throughout the house, would not leave me alone, unlocked doors to get in the rooms, at one point I took his house keys off and the garage door opener, and he left, then he stopped as I closed the garage door and he drove his car under the garage door as it was closing in order to have it hit his car to get into the garage. The door between the garage and home was bolt locked, threatened to call the police if I did not open the door, not wanting to the police involved again, as that would mean again someone would go to jail, I unbolted the door and when heard this he body slammed the door open and I was behind it in a small room, so that door slammed me against the wall and I had a mark from the handle on my stomach and this is where he said I was not stronger than him, not in this life time. This kept up for some time and then I said I wanted him gone when I got up and went to bed. He was gone when I got up.

At this point the Judge would not let me continue with the rest of my statement, of the text message, the driveway incident. She just cut me off and gave the floor. said that he did get arrested last and everything was correct besides he said he would break my finger but did not attempt to. He said he did this because he found out I was having an affair. He said he said he did put the guns to my head last year but in and that my statement was correct on how that occurred. The judge asked him about his military experience, where he said he spent only, she asked him about anger management, he said it was helpful and made me think calmly. He admitted to attacking me in saying he found out that I was sleeping with his best friend, almost justifying his behavior. The judge asked him how he knew that and replied I told him this. went into that he brought someone over to the house with him on purpose to cover his butt. He had written statements from people regarding him going over to the house, and the judge said the statements were not necessary. did admit that he is building another assault rifle. The judge asked me to if I had anything else to state, in which I said I had a letter I had written his girlfriend of what had done to me, and a text message from showing that he confirms putting the loaded guns to my head at the end of last year. replied he was just upset that I drug him through the mud. The judge did not want to see my evidence.

Judge made very snide faces at me when was speaking about infidelity in court. At one point she looked at me and rolled her eyes. Judge then stated to me, I had no right to kick out of our home as it was both of ours, she also stated that I enabled to drink because I took him to the bar that night. Her exact words were, "well instead of taking him out to the bar knowing he has an issue with drinking, why not take him to a MOOOVIE", complete with a head tilt. I would like to you listen to the recorded version of our testimony as it was unprofessional on every level. I then said to the judge, I am sorry but I did not take to the bar that night, as I had said he went with two friends and I later met up with them, to say I am enabling him is like me saying gets off work goes to the store and brings home a six pack, I am supposed to go up to him and take away his beer? Like that is not going to start a fight? The judge then said there was not enough evidence to hold the order of protection and dismissed the entire thing.

The reason I write you is very simple. was there to talk about what was false on my statement. He openly admitted to putting weapons to my throat, guns to my head, and threats of bodily harm resulting in him getting arrested. He did not admit to putting guns to my head last year, but admitted to putting

guns to my head. He admitted that he attacked me and was removed from the house in [redacted] he admitted to building another gun. That is what my statement said.

Judge [redacted] did not ask [redacted] why he did what he did to me in [redacted] She never asked him why he put guns to my head; she never asked him why he did not serve a full term in the military. Judge [redacted] did ask about anger management, and my sex life.

I would expect from a judge when I am there for an order of protection to focus on the reason or need for the order of protection. My fear was [redacted] drinking and hurting me. The judge blamed me for alcoholism. [redacted] is almost [redacted] years old, and I am not in charge of [redacted] decisions. I was blamed for his alcoholism implying that [redacted] decisions were justified and [redacted] also never admitted in a court of law that what he did was wrong; he also made it appear that he felt it was justified as he said I was screwing everyone.

I would like it known, that my sex life had nothing to do with what happened nor should it have influenced the judge's decision [redacted] not only proved my statement was correct, he proved he can lied to government officials, has a drinking problem, has put loaded weapons to my head, has attacked me and is building another gun. How does a judge hear all that from the defendant's mouth and say there is not enough evidence that he is a threat to me and dismiss it. How does she tell me I enabled him to drink therefore, somehow I enabled him to be physically violent with me? How is this correct and allowed in a court of law? I came to the courts for protection. Your judge not only let a man who has hurt me, and thinks it is ok to put guns to people's heads, have the power to now come after me and hurt me, she enabled him to think that what he had done in the past was just a okay.

[redacted] when we left was told by the judge to stay away from me, and to move on with his life. [redacted] replied yes mam, I already have moved on and I could not be happier. Then Judge [redacted] told me to move on, and I replied I agreed. The case was dismissed and [redacted] grabbed his paper smirked at me and left the court room.

As a result, the very next day [redacted] came into my part time job. He was fired from this location in [redacted] and had no business being there. He went right up to three employees asking if I was there. When he found out I was not, he starting talking crap to all the staff about me and went up to our manager [redacted] According to [redacted] stated he went in there with the intention to rub it in my face that he won in court, and come to my place of business because he could to show I was a lying [redacted] He went into my place of business hoping I was there to harass me. Hence the reason why I wanted the order of protection to begin with, maybe if the judge asked [redacted] why he said the anger management worked so well, how come he felt the need to attack me [redacted] later after he had completed the class. He was told to stay away, and not even [redacted] later he just cannot do it. I found out the following day called and made a police report. Now I had to find more time to take off more work and go through this entire process again, without jeopardizing my position, or being afraid to go into work or my home. [redacted] was told to not come back to that location and if he did he would be escorted out per the manager

I would like to know why this judge felt that [redacted] is innocent and dismissed the order further putting me in harm's way. I would like to know what constitutes at risk of danger or good enough evidence to show this judge that the person has the potential to hurt someone. If his open confession admitting this was not good enough what is the point of me going and getting and order of protection for? Judge [redacted] was there to judge my statement and whether [redacted] was a risk. Not only do I feel that she did not do her

job, she further put me at more risk due to her poor judgment. I came to the courts for help, and instead this judge allowed me to get put in harm's way all over again. Please contact me and let me know if you find this acceptable behavior. I think this judge should not be a judge for orders of protection, as his decision with the evidence so clearly shown, shows. This is how people end up dead. Obviously [redacted] was not done with me, as I stated in my statement, he clearly did not care the judge did not want him near me, he did it anyways and your judge is the reason why.

I am disgusted with this judge and now had to live in fear until I can go back to the order of protection court and get another order of protection and have [redacted] served again. I just want to know how this happened and why.

Please feel free to contact me at

Sincerely-