

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-016

Judge:	No. 1074014857A
Complainant:	No. 1074014857B

ORDER

The complainant alleged a superior court judge's decision was clearly erroneous and contrary to the weight of the evidence in his favor.

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 does not have jurisdiction to review the legal sufficiency of the judge's ruling. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: March 5, 2014.

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 5, 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

2014 016

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.

adjudicated in the matter between my family _____ as Plaintiffs and the family as Defendants.

In a judgment delivered on _____, he found for the Defendants.
In the judgment, _____ turned justice on its head in many instances.

The most egregious of these instances is that he said that we, the Plaintiffs, did not tender the video evidence that was shown during the trial. This video evidence was the MAIN evidence that we tendered. We informed the clerk of the court of our intention to tender this video evidence at the preliminary hearing held in _____. At that time, the clerk informed us of the equipment we needed to bring in order to facilitate the showing of the video in court. Also, in the list of evidence to be tendered, the video was clearly identified as one, if not the MAIN piece of evidence that we were going to present.

On the basis of the video evidence that we presented _____ himself admitted that the dogs in question barked on one occasion for twenty (20) minutes non-stop. Yet, he found that this did not constitute a nuisance!

He found that all the _____ members of my family that were present in court were, in his own words, HYPERSENSITIVE. How he arrived at this conclusion is only in the figment of his imagination. The chances that _____ people would experience the same stimulus and react to that stimulus in the same way due to hypersensitivity are very slim indeed, more so, when the said obnoxious stimulus has been going on for the previous _____ years!

_____ obviously confused the res of the matter when, in his judgment, he said inter alia: "the Court finds that the evidence is insufficient to find the existence of a nuisance or to exercise the Court's power to restrict the Defendant's ability to OWN pets of his choosing". (Capitals mine).

What we prayed for was not that the court should restrict the Defendants from owning pets. but that they should CONTROL their pets. There is a lot of difference between owning a pet and controlling the pet. If one were to stretch _____ conclusion, the Defendants were free to own lions if they so choose!!!

2014 018

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.

In the most sublime part of the judgment, _____ referred to the fact that we, the Plaintiffs were not the only neighbors of the Defendants and that the neighbor on the south of the Defendants had not complained of the nuisance from the dogs. Obviously, he was referring to a bogus letter which the Defendant tendered in Court, and which the Plaintiffs objected to its being admitted in evidence. The ridiculous aspect is that it was _____ himself who detected that the letter was not dated!!! It is of note that the house to the south of the Defendants has always had numerous occupants, with the average length of stay of each occupant being about a year. How _____ could go on to admit this undated, un-notarized letter, whose writer could have been anyone of the seven billion people in this world, and who was not present in court for cross examination beats the imagination.

At trial, _____ asked the Defendant if he had anything to present as evidence. He did not ask us (the Plaintiffs). Thus, for him to go on and find that we did not present the video as evidence, shows some bias on the part of the judge, who is supposed to be an impartial arbiter.

These actions of _____ constitute judicial misconduct in our opinion. We believe that he caused a miscarriage of justice in his actions. He should be called to order.

We the Plaintiffs decided against filing an appeal for three main reasons:

1. The nuances that were obvious at the trial would not be apparent on appeal. These nuances include the fact that the Defendant wilted under cross-examination and also that he did not present any credible defense at all, to the claim made by the Plaintiffs that his dogs constituted a nuisance.

2. One of our members, who actually prepared the video evidence, _____, now lives in _____. Thus, bringing him back to Arizona would not be an easy task.

3. We have decided to move on. We have relocated to _____ in a more quiet neighborhood, free from the nuisance of barking dogs, thanks to the decision of _____