

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-234

Judge:

Complainant:

ORDER

A municipal court judge is alleged to have relied on the wrong legal standard, was rude, and demonstrated bias.

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.

While the commission found that the judge's conduct did not warrant the imposition of discipline, it was concerned that the judge appeared to procedurally favor one party and did not afford both parties the equal opportunity to be heard. The commission was also concerned that the judge did not have a firm command of the exceptions to the hearsay rule. The commission approved sending the judge a private advisory letter concerning the requirements of Rules 1.2, 2.2, 2.6, including the duty to be impartial and appear to be impartial and the right of all parties to be heard. The commission also urged the judge to refresh his knowledge of the exceptions to the hearsay rule. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: November 13, 2014

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on November 13, 2014.

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

Arizona Commission on Judicial Conduct
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 (602) 452-3200

cc:

I had a difficult time lately due to an _____ matter involving a violent individual named _____, date of birth _____. The _____ case _____ in _____, and reviewed by a judge upon _____ demand for a hearing in _____ on _____ was occasioned when (a) _____ then a tenant, hid inside, jumped out and assaulted me within a commercial building owned by my LLC on _____ and (b) in a motor vehicle with _____ shouting obscenities at me, _____ trespassed on the commercial property and attempted to run me down on _____. The latter event occurred a few hours after I got the _____ during the _____. After he was served with it on _____ also violated the _____ by sending me a harassing email on _____ demanding money.

I am sending a copy of this complaint to the _____

_____ because it involves what looks to me like collusion between a **municipal judge** and the **perpetrator of the violent crimes** of which I, an _____ have been the victim. Although there was a _____ and not a _____ relationship between me and the criminal, the indifferent and even hostile response of _____ officials, like the judge who heard this matter, is, I think, typical of the obstacles to justice for _____ victims of _____ violent and misogynist crimes. That is why I think it is appropriate that I make the following facts known to _____ in addition to the Commission.

The subject of this complaint is _____. He presided over the hearing on _____. **The judge did not invoke an appropriate standard of proof; he did not let me speak, in violation of the canon of judicial conduct that judges must maintain patience; and he showed bias toward the defendant.**

The judge permitted the defendant to make a ten minute presentation to the court and to present the court with an unauthenticated document which the judge accepted when handed over by the defendant.

By contrast, every time I tried to speak, **the judge interrupted me.** I did not get to speak at any time for more than twenty seconds without the judge interrupting me.

The judge did not let me present any papers for inclusion in the court file. Specifically, he refused to admit the following documents into evidence and would not accept them from me:

a. Police Department Official Report dated . Judge said this item was hearsay and he would not allow it.

b. Report of security service dated . Judge said this item was hearsay and he would not allow it.

c. Email sent to me, harassing me and demanding money, by Defendant on in violation of (which was served). Judge said this item was hearsay and he would not allow it.

d. Records of the Judge's own court, demonstrating that Defendant had criminal convictions in case , and , together with a copy of the Defendant's application for tenancy in my LLC's building showing he overtly lied about having had these criminal convictions. Judge said these items, even copies of the court's own records, were hearsay, and he would not allow them.

Judge also stated that he would not accept any evidence from me unless it met the standards of the courts in Islamic countries, and that this entailed that I could not prove to his satisfaction that either of the Defendants' assaults of had taken place **unless I produced witnesses to the assaults.** Further, **the Judge said I had not met my 'burden of proof' because neither event of which I complained had been witnessed by a third party.** Furthermore, **although the Defendant of his own free will stated in the presence of the judge that he had deliberately hidden in the office building in order to waylay me on , and that he had trespassed at my LLC's property on ,** the Judge said that these admissions of Defendant's were inconsequential. The judge said that **I had not met my 'burden of proof'—and as an outcome, he dismissed the , leaving me to protect myself without benefit of court process and thereby, emboldening this violent Defendant to continue his predatory conduct and to go on harassing me.**

Finally, Judge incorrectly announced the name of the case as as if it were a civil matter. The case was . I am retired, but I used to be a prosecutor, and I know there is a world of difference between the standards of proof and the evaluation of evidence in civil v. criminal cases. **In this instance, the judge did not weigh the case by the proper standard.**

On news source reported that was setting up a Court to be headed by , Hon. . In view of this fact, I cannot understand why an aging magistrate such as Judge , who cannot conduct himself appropriately in evaluating is continuing to hear such matters as my case. In my opinion, he is constitutionally incapable of the correct judicial temperament. I would wager that

I ask the Commission to investigate. And I ask to address and publicly hold accountable the court system on behalf of victims of violence like myself.