

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-004

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge improperly granted an injunction against harassment.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: January 21, 2015

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on January 21, 2015.

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

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State of Arizona

Commission on Judicial Conduct

1501 W. Washington Street, Suite 229

Phoenix, Arizona 85007

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Revised

HOW TO FILE A COMPLAINT AGAINST A JUDGE

To file a complaint against a judge, complete this form and send it to the Commission on Judicial Conduct at the address above. The information you provide will be used to evaluate and investigate your allegations.

To learn more about the purpose and jurisdiction of the commission and the types of allegations it can investigate, read the available brochure or visit our website at www.azcourts.gov/azcjc. A copy of the commission's rules and the Code of Judicial Conduct can be printed from the website.

Under the rules approved by the Arizona Supreme Court, complaints may be made public at the conclusion of their review by the commission or upon the filing of a formal complaint against a judge. If a complaint is dismissed, all personal information will be redacted from what is made public.

Please provide the following information

1. Name:

2. Mailing Address:

City: **State:** Arizona **Zip Code:**

3. Phone: or

4. Judge's name:

Location:

5. Court:

6. Did you have a case before this judge? Yes . If yes, is the case still pending? No

a. **Case name and number:** vs.

b. **List any attorneys who appeared in the case:** n/a

c. **List names and phone numbers of any witnesses who observed the judge’s conduct:**

7. I understand the commission cannot reverse court orders or assign a new judge to a case: yes

8. Please read the following statement and sign on the line below:
I affirm, under penalty of perjury, that the foregoing information and the allegations contained in the attached complaint are true.

Signature

Date

State of Arizona
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007
COMPLAINT AGAINST A JUDGE

Name:

Judge’s Name:

I contested a _____ and court was held, _____ I spent many hours compiling documents that would refute the Plaintiffs allegations. The following incidents is what was approved for the

Plaintiffs' petition: she claims I drive by her house for no reason.. How would she know that? .I water her block wall using the plants planted there as an excuse. I offered video of me watering, weather from [redacted] as our meteorologist reported as a viable reason to her wall being wet an photos taken from my surveillance camera to show the wall always loos stained, these were all different days and times, he didn't want them. She offered no evidence to support her claim.

She used for her injunction, that I am being charged with theft of her fence that separates the properties, there has been no guilty charge and my defense to that charge is that in [redacted] she cut my gate, a lawsuit was filed, along with a quiet title of adverse possession, then in [redacted] she removed our gate and threw it away. We had attorneys, which in all settlement negotiations, replacing our gate was a must .I had those documents, he didn't want them. We attended a settlement conference and we did settle, the Plaintiff quit claimed to us the adverse possession property and we conveyed to her a piece of that. She has an easement on the property that was quit claimed only for the purpose of doing work on her block wall or eaves and the portion we conveyed to her we have an easement and she can only get on that property for purposes of maintenance. In order for her to access this property, she must give us [redacted] notice and then she must go through our yard. There is no access point other than what I just described. The settlement agreement states that she must erect a fence along with some stipulations that had to do with drainage. He did look at this

The Plaintiff told the [redacted] that she held title to all the land, which was so untrue and that she only gave us the easement that is there. This again is untrue. The [redacted] was

given the quitclaim with a description and of the conveyed property.

With the reasons she gave the focused on the fence that separates our property. This is what I have a great problem with, this was not within his authority. He decided since the Plaintiff erected the fence that gave her control. How can that be when she can only have access to that property when we allow it? And just because she erected it does not make it hers, she took ours that was originally there and she was responsible to put one back, that did not make it hers. I offered evidence; he didn't use it.

So how can the grant an injunction without evidence? How can he up hold the same without supporting evidence? Why wouldn't he look at what I had? And what gave him the right to designate ownership or control of land? This decision was wrong and justice was not served. What this hearing showed is that anyone for any reason, without supporting evidence can obtain an injunction. Why is that so? The paperwork clearly showed who controlled the property. And not only that, we replaced the fence and he said I'm not allowed to place any kind of sign upon my own property, why is that?