

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-053

Judge:

Complainant:

ORDER

The complainants alleged a pro tem justice of the peace violated their constitutional and civil rights in an eviction proceeding. The complainants misidentified the judge involved.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judges 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 judges did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety as to the two judges pursuant to Rules 16(a) and 23.

Dated: April 1, 2015

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainants and to the two judges on April 1, 2015.

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

Comp

2015-053

State Commission on Judicial Conduct
1501 West Washington St. Suite 299
Phoenix, AZ 85007

OFFICIAL COMPLAINT

RE:

COURT

TO WHOM IT MAY CONCERN:

This shall be considered an official Complaint against Justice
for Misconduct, violations of Defendants Constitutional and Civil Rights ,
failure to conduct a legal Court Proceeding according to State and Federal Law.
Discrimination against persons with handicaps. Refusal to all defendants in Civil matters
the right to present evidence and witnesses and prejudice toward defendants. Further
having refused the Defendants due process as prescribed by Arizona Rules of Civil
Procedure and Federal rules of Civil procedure. Allowing the probability of perjured
statements and witness tampering. That this Justice has violated the law and rules of
Judicial Conduct and warrants removal from the bench and other appropriate sanctions to
be levied.

HISTORY OF THE CASE

That on Plaintiffs in this matter caused to be served on one of the
Defendants a Summons, Complaint and demand for within The
Defendant who was served suffers from mental defects and did not understand what was
going on further the process server simply handed her the paperwork for all the other
Defendants named and stated your all served without even checking to find out if she in
fact was the correct person, however she told the server that one of the Defendant her
legal guardian was in on business and did not reside there that she had no
way to contact him. She took the paperwork to her guardians wife who went to the Court
Clerk and explained that was out of town until afternoon. Upon

and was unreachable the matter was adjourned until _____ upon his return
 Defendant _____ found the papers taped to an outside fence with no attempt to
 serve anyone within.

That _____ appeared and filed his answer, and cross-complaint
 along with discovery demands when the Court opened all were time stamped and served
 on the Plaintiffs an hour later. That afternoon the parties appeared before

_____ who promptly set a trial for the following morning. Defendants attempted to
 make application for time to serve Subpeona's and obtain the necessary documents and
 information to Defend the Action, further the matter concerned an alleged tort not a rent
 issue since rent was paid until _____ the Judge refused to listen to anyone except the
 Plaintiff and walked out.

The following morning all parties appeared for trial. The Judge refused to allow the
 defendants to speak and simply stated I'll tell you when I want to hear from you. He then
 mollycoddled the Plaintiff, and proceeded. The Plaintiff presented his case and any and
 all paperwork he desired without any question. That when Defendant's attempted to
 present any evidence contrary to the Plaintiff were told to shut up and that he didn't want
 to hear it.

Defendants were refused the right to Subpona any witnesses and not given even
 hours to obtain evidence of any kind. The Judge refused to allow any evidence photos or
 statements to be made that supported there defense and it appeared that the Judge had
 already made a ruling prior to the hearing. Defendants were denied constitutional rights
 by this Judge who refused to hear evidence or allow evidence of the wrong doing by the
 Plaintiffs. This Judge did not care that the one Defendant was handicapped and could
 present evidence of the Plaintiff need for a Service animal, he did not care that the
 Plaintiff had acted as a slumlord which caused the floor of the unit to give out seriously
 injuring one of the defendant he refused to allow any reference to this evidence which
 was the cause of the Plaintiff trying to evict the defendants to prevent a _____ when
 in fact they filed a _____ themselves and this crooked judge who did not understand
 the law or his duties simply gave the Plaintiff what he wanted without any regard to the
 rights of the defendants.

The Judge refused to even discuss the Defendants Answer or cross-complaint in any respect refused to even allow the words of it spoken instead acted like a dictator wielding power often telling Defendant to shut up. That two of the Defendants had been arrested a month prior for an incident prior to and unrelated to there move into the Plaintiff's unit was another reason for this eviction so Plaintiff stated. The matter was charged and Defendant released by a Judge the following day no hearing has been conducted and to date the Grand Jury has failed to return an Indictment. In short there has been no conviction and no further action taken by the County Attorney. However the Judge herein stated that they were arrested and they are guilty they violated the lease. He refused to here otherwise. This Judge tried and convicted two defendants simply on an illegally obtained arrest report.

That convicted felons one is a live it this park yet they are not the subject of eviction. They in fact signed perjured statements for the Plaintiff under the threat of eviction if they did not. The Judge had these statements but did not want to hear anything about that, he refused to hear about the discrimination of there convictions and records but condemned the two defendants simply because they were accused but never convicted that was discrimination.

This Judge is simply out of control and must be removed from the bench and appropriate sanctions imposed to prevent his further discrimination and violations of Defendants Constitutional and Civil Rights of which he has a legal obligation and duty to protect. Judges, Prosecutors and other officials are exempt from prosecution if they act in accordance with the law, however the law makes clear that if they violate the rules, rights and liberties of those they are empowered to defend and do not perform there duties ethically and in accordance with law they are not exempt from prosecution or removal from office.

Wherefore I respectfully submit this formal Complaint and demand an investigation, and legal proceedings against this Justice for official misconduct.