

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 15-273

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Judge:

Complainant:

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**ORDER**

The complainant alleged a justice of the peace improperly granted two orders of protection, improperly refused to hold a hearing when he was only fifteen minutes late, and improperly denied him the right to appeal.

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.

Commission members Gus Aragon, Anna Mary Glaab, and J. Tyrrell Taber did not participate in the consideration of this matter.

Dated: February 5, 2016

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on February 5, 2016.

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

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

I declare, under penalty of perjury, that the foregoing information and the facts I have provided upon which my allegations of judicial misconduct are based are true and correct.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

INSTRUCTIONS

Use the following space or plain paper of the same size to explain your complaint. Explain why you believe what the judge did constitutes judicial misconduct. Be specific and list the names, dates, times, and places relevant to your allegations. Additional pages may be used and relevant copies of documents may be sent with your complaint (please do not send original documents). Use one side of each page only and write legibly or type your complaint. Please keep a copy of your complaint for your records.

On (                      ) Judge                      signed off on two Injunctions Against Harassment

are                      . Based upon the sequential numbers, date, and the fact that the Plaintiffs  
 by Judge                      , I think it is safe to assume that these orders were issued at the same time  
 some are not even directed at the Plaintiffs, and others make claims of harassment based upon  
 simple, everyday activities. To further add insult to injury, Judge                      enjoined me from  
 and                      because the Plaintiffs live                      Judge                      also ordered  
 that I not "                      " into the Plaintiffs' yard, though they can  
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A.R.S. 12-1809(E) clearly states that "The court shall review the petition...If the court finds reasonable evidence of harassment of the plaintiff by the defendant during the year preceding the filing of the petition...the court shall issue an injunction..." A.R.S. 12-1809(S) states "For the purposes of this section, 'harassment' means a series of acts over any period of time that is directed at a specific person and that would cause a reasonable person to be seriously alarmed, annoyed or harassed and the conduct in fact seriously alarms, annoys or harasses the person and serves no legitimate purpose."

Given the constraints of the aforementioned law, it would seem that Judge                      upon reviewing the orders and listening to the arguments of the two Plaintiffs in the ex parte hearings, would: 1) immediately be aware that the two Injunctions cannot contain identical allegations; to do so would mean one or both of the Plaintiffs is perjuring themselves, 2) have struck out the allegations which are older than                      3) have struck out allegations which were not directed specifically at the Plaintiff listed on the order, 4) have struck out allegations that I did not commit (yes, the Plaintiffs even mentioned my mother in a few of the allegations), and 5) questioned the allegations concerning me being in my yard when even the Plaintiffs acknowledge that I did nothing other than "                      " to be watching them. Judge                      clearly disregarded the Arizona Revised Statutes and instead decided to legislate from the bench.

On \_\_\_\_\_, after being served with the Injunctions, I went to the courthouse to request a hearing to fight the Injunctions. At \_\_\_\_\_, after court had already been concluded for the day, a \_\_\_\_\_ that had a court appearance at \_\_\_\_\_ showed up and requested to be seen by the judge. The \_\_\_\_\_ I called on Judge \_\_\_\_\_ and she obliged to hear \_\_\_\_\_ case, though he was \_\_\_\_\_

On \_\_\_\_\_ I had a hearing at \_\_\_\_\_ before Judge \_\_\_\_\_  
\_\_\_\_\_ I arrived \_\_\_\_\_ late due to an \_\_\_\_\_  
Upon arriving, Judge \_\_\_\_\_ refused to hold the hearing of \_\_\_\_\_  
\_\_\_\_\_ citing my tardiness and stated that I could appeal the default  
judgment. The hearing of \_\_\_\_\_ then commenced and the  
order was ultimately dismissed due to it being without merit. \_\_\_\_\_ argument  
was so weak, that I didn't even have to counter her arguments. I pleaded with Judge  
\_\_\_\_\_ to revisit \_\_\_\_\_ hearing as the allegations in the two orders were  
identical, which would result in presentation of the same evidence and likely the same  
outcome. Judge \_\_\_\_\_ denied the request.

On \_\_\_\_\_, my attorney filed a Motion to Vacate Judgment in \_\_\_\_\_

On \_\_\_\_\_ Judge \_\_\_\_\_ denied the Motion without even waiting for a response from the Plaintiff.

On \_\_\_\_\_, my attorney filed a Notice of Appeal.

To date, Judge \_\_\_\_\_ has refused to send my case to the Superior Court for the Appeal; stating that \_\_\_\_\_

The Superior Court Rules of Appellate Procedures-Civil, Rule 4(e)(4) clearly states "the expiration of the time for appeal is to be computed from the entry of the order that disposes of the last remaining motion." The Civil Minute Entry signed by Judge \_\_\_\_\_ denying the Motion even says as much. In addition to not following Arizona law, or just being completely ignorant of it, Judge \_\_\_\_\_ can also not tell time.

Judge \_\_\_\_\_ may be the supreme power in how she conducts proceedings \_\_\_\_\_ but her refusal to abide by Arizona law is cause for concern. Furthermore, she has unjustly upheld an order against me that is without merit, denied me equal protection under the law, has violated my civil rights, and is illegally prolonging my Appeal which costs me more and more money each day on attorney's fees.

Upon reflecting on the chain of events, it is clear to me that Judge \_\_\_\_\_ either has a vendetta against me, is friendly with the Plaintiffs (regardless of whom they may be fighting with), or both. In any case, Judge \_\_\_\_\_ is prejudicial in her decision making.