

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-303

Judge:

Complainant:

ORDER

The complainant alleged a pro tem superior court judge was prejudiced against her in a protective order proceeding. Additionally, the complainant alleged a superior court judge and another pro tem superior court judge failed to follow the law and made improper rulings in a protective order proceeding.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judges' rulings. In addition, 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 all three judges, pursuant to Rules 16(a) and 23.

Commission members Gus Aragón and Louis Frank Dominguez did not participate in the consideration of this matter.

Dated: March 25, 2016

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer

Executive Director

Copies of this order were mailed to the complainant and the judges on March 25, 2016.

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

TO: ARIZONA COMMISSION ON JUDICIAL CONDUCT
1501 W. Washington Street, Suite #229
Phoenix, Arizona 85007

FROM:

COMPLAINT AGAINST

Case No.

Plaintiff v.

Defendant

The Arizona Judicial Code of Conduct states; The United States legal system is based upon the principles of justice and the rule of law. Judges should maintain the dignity of the judicial office at all times, Judges should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, & competence....
.....the black letter of the rules and law is binding & enforceable.

Defendant filed a Motion (in the _____ Court) to Dismiss-Quash the Injunction against Harassment Charges unlawfully asserted against her by _____ on _____

_____ Judge _____ denied Defendant's Motion based on Rule 8(A) of the Rules of Protective Order Procedure that only allows a Defendant to request one hearing following the issuance of a protective order.

Defendant filed a Motion to Recuse Judge _____ due to the true fact that even though Defendant had one hearing per Rule 8(A)

on _____ in Judge _____ courtroom the hearing was NOT Impartial and was Unfair and Prejudiced against the Defendant favoring Plaintiff.

The Defendant's one hearing was the _____ hearing in Judge _____ courtroom. Judge _____ misconduct in that hearing came nowhere near the Moral turpitude required for a Fair and Impartial Hearing.

In a spontaneous ambush by Judge _____ against Defendant in the hearing held on _____ Judge _____ asserted that by the preponderance of the evidence Defendant harassed Plaintiff and in a 5th allegation by contacting the _____ (where Plaintiff did as an independent contractor).

Judge _____ violated the Judicial Codes of Conduct and the Law by his misconduct:

The allegation **was not** listed in Plaintiff's Petition, Defendant had NO PRIOR NOTICE.

The Defendant did not have the lawful opportunity for Discovery.

Judge _____ disregarded Defendant's valid and lawful testimony and valid evidence.

Judge _____ Lead the Plaintiff's testimony attempting to assist her in making a case.

Allowed Plaintiff to ramble on past the date of _____ attempting to make a case.

The _____ location **was not prohibited** in Plaintiff's _____ Petition.

Judge _____ testified favoring the Plaintiff against the Defendant in regards to

Plaintiff's illegal trespass into Defendant's home _____ times

Plaintiff boasted about her illegal trespasses to Defendant's home in the hearing:

testified: “

”

*** (Defendant was afraid for her safety and called 911)***

testified: “

”

Judge testified/vouched for “

An Injunction against Harassment is not an order that permits the police or the plaintiff to forcibly trespass or invade Defendant’s home without her knowledge or consent. It is a malicious act & a civil breach to Defendant’s lawful rights & liberties. It is a class 6 Felony under A.R.S. § Criminal Code 13, chapter 1504(A). Judge was unfair & prejudice in unlawfully testifying/vouching for Plaintiff.

Beyond reasonable belief; Judge was eager in his prejudicial prejudice & bias against the Defendant & in his determination to obstruct the administration of justice against the Defendant.

A Judge cannot testify or vouch for one party’s behalf against the other party. A Judge must be in compliance with the law, a Judge’s testimony in a hearing violates Federal Rules of Evidence 605, and IS NOT in compliance with the law and is against the Arizona Judicial Codes of Conduct; 3.3 (3):

A Judge presiding over a trial is bound under oath to treat all Disputants equally fair & just. To remain impartial & unbiased to the parties, free from pre-conceived one sided communications.

To make rulings based on factual findings based only on evidence presented by both parties. To remain equitable & fair to both parties.

Rule 3.3: Acting as a Character Witness; “A Judge shall not testify as a witness in a judicial, administrative or other adjudicatory proceeding or otherwise vouch for the character of another person in a legal proceeding accept when duly summoned.” A Judge who without being subpoenaed, testifies as a character witness abuses the prestige of the judicial office to advance the interests of another.” Judge vouched for Plaintiff all through the hearing and even to the point of testifying “ ” in regards to Plaintiff illegal trespass into Defendant’s home, when it is a class 6 felony. Openly defending

Judge disregarded the laws and statutes that govern the prerequisites that determine harassment, what constitutes a lawful hearing and the fact that the hearing that had taken place in Judge courtroom on did not meet the statutory prerequisites for an ex parte hearing without notice to the Defendant.

Judge ignored and disregarded Defendant’s testimony and evidence before the court. And Defendant’s testimony (regarding Judge ambush) of the Plaintiff’s 5th allegation against Defendant (leading the Plaintiff’s testimony). Alleging that Defendant harassed Plaintiff because Defendant contacted the in where Plaintiff (an independent contractor) does Defendant testified many people were coming from the to the house for Plaintiff to clear

their negative energies & emotions. Plaintiff was running a business downstairs in the house where she would clear people's negative emotions & energies through drumming rituals, sage, incense and candles. This was interfering with Defendant's health, chronic allergies & asthma and causing other problems and interfering with Defendant's "quiet enjoyment" and lawful rights to the premises. Defendant emailed the _____ people and asked them to please find another location for their business, as it wasn't right to run that kind of business from their home, only after trying to unsuccessfully resolve the problems with the Plaintiff. Additionally, _____ business in their home was in violation to the City's health, fire and safety codes. And also due to Plaintiff renting out short term rentals causing further problems for Defendant. Defendant was a Tenant and Leaseholder & had the right to enforce her legal rights.

Judge _____ in his horrendous misconduct did not have lawful right to Define Defendant's actions as harassment. Defendant was asserting her lawful rights.

Additionally, Plaintiff's Harassment Petition did not prohibit the

location from the Defendant. *It was only at the hearing that Judge _____ after fishing around to assist Plaintiff in making a case came up with this allegation as his solution. In fact, Judge based the preponderance of the evidence in Plaintiff's 5th allegation against Defendant that all of Plaintiff's other 4 allegations were also Defendant's harassment against Plaintiff. When this lawfully was not the case. Judge _____ is a master at fabricating facts and testimony in the record, ignoring truthful facts including clear & controlling law, obliterating pivotal facts of the case and dishonestly ruling on lawfully unsupported facts he fabricates in the record. After all, Judge _____ was a criminal attorney for many years, he knows exactly how to steer a case in the direction he wants it to go, even when it is against the law & in violation of the Judicial Codes of conduct.

**THE COMMISSION'S POLICY IS
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PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

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REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**