

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-080

Judge:

Complainant:

ORDER

The complainant alleged that during a protective order proceeding, a pro tem municipal court judge was distracted by being on her cell phone and improperly limited her presentation of evidence and witnesses.

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.

After review, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission approved sending the judge an advisory letter reminding her that the use of a cell phone during a hearing can give an appearance of impropriety. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Commission member Anna Mary Glaab did not participate in the consideration of this matter.

Dated: June 14, 2016

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 June 14, 2016.

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

In re the Matter of:
In re the Matter of:

Case Status: Dismissed

Date of Occurrence of Item Under Complaint: hearing

Complaint:

Honorable Judge,

On hearing was scheduled with Honorable
Judge was the judge for the cases on this day.

Our case was called up shortly after and my attorney, , asked to swear in our witnesses. Upon hearing this, Judge expressed something to the fact that we would not be taking the afternoon for the hearing. Our witnesses were then asked to sit outside. began the hearing by asking if he owned a gun, Judge quickly said that had nothing to do with the case and to move towards another question. The issue is (that Judge would not hear) that was ordered to relinquish his firearms after to being served his Order Of Protection which he failed to do. at the off called the defendant to ask where his firearm was located to which he gave the officer a report stating . Several days later, , from called in question about the firearm to which the defendant stated . The defendant gave reports to different officers in regard to a firearm which could cause deadly force towards me and my family. I had FI Reports from the to support this. However, Judge would hear nothing of this issue.

While I was on the stand, Judge was on her cell phone for and I felt as though she was not listening to my testimony or fully aware of my statements and or my attorney's statements. Judge would not allow any history beyond although my petition had prior to and there was good cause to listen to the violent threats that were made against me by the defendants. However, Judge did allow an email written on by defendant, , to which states, "... ." This email was in regard to being afraid of what she would do to me and if she found out we had attempted to halt . This is a direct threat to my personal safety and well-being. Although my petition states on that I was relentlessly accused and harassed by the defendants of writing another document, Judge would not allow me to discuss a phone conversation I

was party to with the defendants making viable threats to have me arrested by the Attorney General, that my DNA was on this document and that I would be punished for my alleged involvement. Judge would not allow me to discuss more than items in my petition and I am sure there is record of the court hearing which should be available for evidence of this injustice.

While the defendants were on the stand, they were asked several questions that I was not asked or allowed to answer to. The defendants lied on the stand to Judge and I have no opportunity to speak truth in the matters or express my feelings towards the topics she addressed with the defendants. The hearing was a one-sided hearing and I believe it was a benefit to Judge so she could not be in the court room longer than she wanted began questioning the defendant, about a phone conversation with the defendants n regard to a letter I was accused of writing, Judge would not allow to complete his question and said something along the lines, “ ...” to which my attorney stopped asking the question.

Subsequently, Judge asked the defendants questions pertaining to the phone call and letter which my attorney was not allowed to ask and which she even stated she didn't understand. This was extremely detrimental to having a fair hearing.

On I brought my who is a neutral party to me and the defendants. The defendants are her . My was witness to the threats the defendant had made of harming me and , hearing voices which told her to cause harm and expressing her . The other witness was as a rebuttal, if needed. After the defendants were excused from the stand, Judge stated she was ready to make her ruling. requested bringing in a witness to which Judge said that witnesses would not be allowed. Judge dismissed the cases for the orders of protection.

Your Honorable Judge, I am an upstanding citizen who fears that my life is in danger more so than ever because of Judge misconduct during the hearing. From the very beginning, Judge expressed not wanting to take the time for the hearing and then she proceeded to limit the evidence, witnesses and testimony. Judge involvement with her cell phone while I was on the stand was extremely unprofessional and discouraging. I do not believe that Judge was fully engaged in upholding the law or allowed for a fair hearing. She took little notice to the email with a direct threat to my well-being from the defendant, , and would not hear evidence of a violation of the order of protection in regard to the firearm the defendants owned; what an injustice and danger placed on me from Judge and the . I would like this court hearing and Judge conduct evaluated and I would like to be contacted as to what my options are moving forward. Citizens should feel safe and secure by the judges that represent our justice system; Judge failed to do this.

Respectfully,