

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-310

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace applied the wrong legal standard in an injunction against harassment proceeding and spoke to her in a condescending tone.

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(a).

Commission member Gus Aragón did not participate in the consideration of this matter.

Dated: December 21, 2016

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 December 21, 2016.

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

Arizona Commission on Judicial Conduct
1501 W. Washington Street
Suite 229 Phoenix, Arizona 85007

Comp

2016-310

Re: Docket #

I am filing this complaint against not just because she repeatedly and purposefully allowed unfairly prejudicial evidence but indeed invited¹ it into my injunction against harassment hearing, she also utilized the wrong legal standard in the proceeding, she obviously either ignored or misapplied or misunderstood the law of privilege and if that was not enough she was condescending as well.

The judge in question is She heard my case in an injunction against harassment where I was the respondent in a case where it was mainly alleged that I The allegation also stated that I and and I and

The rules that control are found in the Arizona Rules of Protective Order Procedure. The Rules of Evidence are somewhat applicable in this manner:

a) Relevant Evidence and Exclusions. Relevant evidence is admissible provided, however, that the court must exclude evidence if its probative value is outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, undue delay, wasting time, needlessly presenting cumulative evidence, or lack of reliability.

(b) Reports, Documents, or Forms as Evidence. Any report, document, or standardized form required to be submitted to a court may be considered as evidence if either filed with the court or admitted into evidence by the court.

¹ You can see for yourself in the transcript. Examples are found in at

While my attorney failed to object at key times, even people that are unrepresented are guaranteed procedural Due Process. I did not get that from this judge. I have read that the US Supreme Court guaranteed this in a case called *Turner v. Rogers*, 564 U.S. 431. As the Commission will see- I contend and I will show that I got much less than that.

The standard in an injunction against harassment is found in ARS §12-1809 (s). Specifically, the party that has to prove the case by showing "...a series of acts..." "directed at a specific person..." ..."and serves no legitimate purpose." Please do not misunderstand me. I know you are not an appellate body. I merely give the authority to show that even a layperson like me can see the plain words of a law that this judge, supposedly an experienced one, did not.

When the Commission hears the audio from (the transcripts did not capture this for unknown reasons to me) the judge said this :

"

What the judge read comes directly from ARS § 13-2921 E- and that says that harassment means "conduct 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." She said nothing about serving "no legitimate purpose" and the order in which she read it makes it very obvious that she read the harassment definition of the criminal code and the one in not Title 12.

Not only was there no series of acts shown but ARS § 13-3620 imposed upon me both an obligation to report and simultaneously vested me with immunity. ignored the facts and the law and thus she either demonstrated complete incompetence or worse. In other words she was either inept in this case or purposely ignored the law.

To illustrate, let me refer to her under advisement ruling where [redacted] wrote

“

[redacted]” The sentence is contradictory I submit. There is nothing in the statute that mirrors the words that [redacted] used to overcome the immunity that I statutory enjoyed. If she would've read the statues she would've known this.

In addition I felt she was condescending to me as well. I refer the Commission to the Transcript at [redacted]. The audio is at [redacted] which I can provide.

I feel she hurt me greatly by incorrectly applying the law and it started by her reading what is the criminal definition of harassment. That set the tone. She acted in a condescending way to me and I found that insulting since I was the youngest person testifying and she compared only me to herself when she said she had a law degree. She also misinterpreted the immunity law and that cost me a lot. She needs to understand that her decisions, especially when they do not stand on solid legal grounds, have life-impacting changes on those of us too poor to appeal them.

My attorney, [redacted] was intimidated by this judge. He kept telling me how [redacted]. In the end I saw nothing that left me with a feeling that this judge was deserving of any accolade or title. She ignored the law. She hurt me financially. She shook my faith in the judicial system to which I turned to expecting fairness, logic and reason. I received intemperate behavior, ignorance and an illogical and contradictory decision bereft of legal footing that I simply was too poor to challenge further.

Thank you,