

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-041

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace engaged in ex parte communication, coached one party's testimony, engaged in improper demeanor, was biased against him, and should have disqualified herself from the case.

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 Art Hinshaw did not participate in the consideration of this matter.

Dated: May 8, 2018

FOR THE COMMISSION

/s/ Margaret H. Downie

Margaret H. Downie

Executive Director

Copies of this order were distributed to all appropriate persons on May 8, 2018.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2018-041

COMPLAINT AGAINST A JUDGE

Name: _____ **Judge's Name:** _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

- Injunction Against Harassment Hearing requested by the Defendant)

This is the _____ I have appeared before this Judicial Officer, the previous was an unrelated matter that was dismissed by the filing party in _____. I wasn't quite concerned then, as I am now, as a first experience can never be judged inappropriately, especially in a _____, and a court _____, so although my _____ experience was fairly unprofessional as well, I let it go, because it did not seem warrant a complaint route, especially when the matter _____, but for the record, the Judge exhibited a lot of the same behaviors as outlined within this complaint.

Upon arrival to the court house and after security check-in, I was looking for the court room on the calendar and noticed the Plaintiff in this case _____ after _____ and it was obvious the Judge (_____) was speaking to her through _____ in the _____ of the court room. Once I realized this was the correct courtroom, I proceeded to the restroom and returned approximately _____ later, on or about _____ where I found the Plaintiff _____ as before, but in _____ courtroom. I took my seat on the _____ table, and noticed a female Baliff (Unknown Name) peering through the back of the court room door window behind the Judge's bench, as if she was looking to see if I was present to start the hearing.

The Hearing began approximately at _____. The Plaintiff gave her testimony to the court with a somewhat _____, constantly looking at the judge for what I observed to be a " _____ of words, often nodding her head and eyes, as she continued, where I noticed the Judge did participate as well actively in the same manner. Although very odd and strange, the thought went through my head that the Plaintiff is either extremely nervous or she is being " _____ by the Judge; and I recalled me witnessing the Plaintiff talking to the Judge prior to the hearing in an _____.

When the Plaintiff finished her testimony, I was awarded the opportunity to question the Plaintiff. It was obvious that the Plaintiff was allowed to _____ talk about whatever, including topics not related to the case, but when I questioned the Plaintiff as to the validity of her claims of harassment, specifically the testified acts of "

' AND "

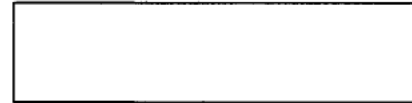
" the Judge immediately jumped on me verbally and corrected me to stay on topic.

The events and facts of the case were skewed at best, alleged text-messages from the Plaintiff's _____ to me (loaded with cussing, verbally offensive, and inappropriate language about a wide range of things) were watered down by the Plaintiff with a bizarre excuse that she took the images of the text messages from her _____ phone, not her _____ phone, that she testified she took away from him on restriction. When I had pointed out to the court that the text messages appeared altered, deleted, and doesn't follow conversation logic, basically, _____, _____, " the _____ Judicial officer " _____ as this was a joke, not a court of law.

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As the hearing continued, as I attempted to question and point out the obvious that the text messages being presented to the court were not wholly factual, and it is technology obvious that the first image of evidence presented had a time-stamp of a later date/time on the image, and the last image has the earliest date/time stamp, showing that someone obviously worked the conversation from end to beginning where my claim of large portions of the conversation was missing the only explanation -- the Judge again "I clearly taking a bias position against me openly for the Plaintiff no matter what was presented or questioned in court openly to establish truth of the matter.

The facts are to be reviewed in appeal in this case, but moreover, as a litigant/defendant, I was highly offended as to the abuse of the bench under the law by this judge, whom established a courtroom of personal attributes, rather than a court of law in the treatment of me as a citizen who has the right to confront my accusers, establish the truth through facts, and argue positions that are lawful to persuade a decision that was fair and balanced, not an oligarchy of administrators that are annoyed by the process.

But to further address Judicial demeanor as an officer of the court, I did not find in my opinion that the Judge held, operated, coordinated, or presided over a courtroom with a gigantic seal, the presence of a law enforcement bailiff, and the in the interest of Justice and Due Process for all Parties in a professional or judicial manner that represents the color of authority under the law, specifically where the Judge openly condoned expressing her facial emotions biasly and " at the proceedings allowed the atmosphere to degenerate to a borderline Kangaroo court definition, and it was overwhelmingly clear that the Plaintiff was given every consideration before the hearing began.

Under at face value, it was not a fair hearing. It doesn't matter that the Judge ruled against me and for the Plaintiff, I felt that decision was made prior to the hearing itself, now under appeal.

A judicial officer, an attorney, a bar licensed counsel, and or a elected official, under the constraint of public merit and performance in duty representing the and the law of the land, should never mistreat the authority and cross the line to a personal agenda of bias expressions, opinions, and judgement that was not equal under the law or to each Party involved, thus such actions defame the law itself, and at the very minimum are a violation of major ethics and responsibility to the oaths of office and duties required of them in adjudicating the law, should NEVER be tolerated; I would think this Judge has been allowed to practice for so long, that the law itself has become 2nd to the prime directive, which is her own personal demeanor of rude, unprofessional, and arrogant attitude during proceedings, where she has lost her own personal filter, freely acting like such, and is not concerned about its outcome or effects.

On filed a motion to request the Judicial officer to recuse herself from all future proceedings and change the venue of the case to after declared established conflict of interest relationships between my ; the Judge, the Judge's personal and social media friends, and acquaintances that all are related to each other in connection, including her and ; that represent . Administrators & Staff, which also have a direct friendship with the Plaintiff in this case -- and not surprisingly, the Judge DENIED the motion on , after ; of considering the motion, adamantly keeping her advantage of the case.