

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 18-339

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Judge:

Complainant:

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**ORDER**

The complainant alleged a justice of the peace did not administer an oath in a protective order proceeding. The complainant further alleged his right to free speech was violated by the issuance of a protective order.

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 him to ensure all parties and other witnesses are placed under oath before they provide testimony in order to comply with Rules 1.1 and 1.2. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Commission members Denise K. Aguilar and Louis Frank Dominguez did not participate in the consideration of this matter.

Dated: March 29, 2019

FOR THE COMMISSION

/s/ Diane M. Johnsen

Hon. Diane M. Johnsen  
Commission Vice-Chair

Copies of this order were distributed to all appropriate persons on March 29, 2019.

*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**

2018-339

**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.

1) On \_\_\_\_\_ a hearing was held, which resulted in the Hon. Judge \_\_\_\_\_ issuing an INJUNCTION AGAINST HARASSMENT against Defendant, \_\_\_\_\_ as filed by the Plaintiff, \_\_\_\_\_ on \_\_\_\_\_. However, the Hon. Judge \_\_\_\_\_ never administered an Oath or Affirmation at the beginning or at any time during Mr. \_\_\_\_\_ hearing despite the Judge being personally reminded by the Defendant at the beginning of his hearing he and Mr. \_\_\_\_\_ Defendant in case which followed Mr. \_\_\_\_\_ overheard. \_\_\_\_\_ attorney. (seated \_\_\_\_\_ mention to her client in \_\_\_\_\_ case \_\_\_\_\_ (and husband of Plaintiff), attorney (seated \_\_\_\_\_), that the Hon. Judge \_\_\_\_\_ had sworn-in no one. The Hon. Judge \_\_\_\_\_ briefly stumbled to find words (seeming befuddled) after Mr. \_\_\_\_\_ verbalized the fact that no Oath or Affirmation has been administered to him or the Plaintiff, as required by Rule 8(E) of A Judge's Guide: Best Practices for Protective Orders and Rule 38(f) of the Arizona Rules of Protective Order Procedure. This is a direct infringement of the law and established procedures and protocol.

2) The enforcement of the INJUNCTION AGAINST HARASSMENT as issued against Mr. \_\_\_\_\_ by the the Hon. Judge \_\_\_\_\_ violates Mr. \_\_\_\_\_ Freedom of Speech / Freedom of the Press as defined by the First Amendment of the Constitution of the United States of America, where it is stated,

Mr. \_\_\_\_\_ had purchased a domain through \_\_\_\_\_ and created a website, \_\_\_\_\_ to express his comments as his opinions and shared several links on his \_\_\_\_\_ and other \_\_\_\_\_ platforms (such as \_\_\_\_\_) in regard to the on-going \_\_\_\_\_ Even though Mr. \_\_\_\_\_ posted negative comments about the \_\_\_\_\_ proceedings, the Judge(s), the various parties

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to the case, their attorney, etc., and how the \_\_\_\_\_ case is being handled overall by the Court, he made absolutely no reference to the advocacy of illegal action, fighting words, commercial speech and obscenity. Therefore, Mr. \_\_\_\_\_ is protected under the Freedom of Speech / Freedom of the Press as defined by the First Amendment of the Constitution of the United States of America because he cannot be held liable, either criminally or civilly for anything written or spoken about a person or topic, so long as it is truthful or based on an honest opinion.

3) Hon. Judge \_\_\_\_\_ violated Mr. \_\_\_\_\_ Sixth Amendment Right when he granted a MOTION TO QUASH SUBPOENA on \_\_\_\_\_ as filed by the Plaintiff, \_\_\_\_\_ by and through her counsel, \_\_\_\_\_ Mr. \_\_\_\_\_ had a Subpoena issued on \_\_\_\_\_ for a Minor, \_\_\_\_\_ to appear at Mr. \_\_\_\_\_ hearing. Mr. \_\_\_\_\_ subpoenaed \_\_\_\_\_ because \_\_\_\_\_ had given testimony to Hon. Judge \_\_\_\_\_ on \_\_\_\_\_ in regard to previous contact by Mr. \_\_\_\_\_ stating he was uncomfortable with the contact. Mr. \_\_\_\_\_ is a long-time friend of mother, \_\_\_\_\_ and has known \_\_\_\_\_ his entire life. Mr. \_\_\_\_\_ was not convinced of this because \_\_\_\_\_ refers to Mr. \_\_\_\_\_ as " \_\_\_\_\_ " Rather, Mr. \_\_\_\_\_ is convinced \_\_\_\_\_ was manipulated/ scared into making the statement. When the Hon. Judge \_\_\_\_\_ quashed the Subpoena, he violated Mr. \_\_\_\_\_ Sixth Amendment Right, his right to face his accusers as allowed by the Sixth Amendment, where it is stated,

NOTE: A DVD recording of the \_\_\_\_\_ hearing, \_\_\_\_\_ was ordered from the \_\_\_\_\_ on \_\_\_\_\_ and will be provided later as supplemental evidence. In this hearing, the Hon. Judge \_\_\_\_\_ administered an Oath/Affirmation to the Plaintiff, \_\_\_\_\_ and the Defendant, \_\_\_\_\_ at the beginning of the hearing BEFORE any testimony was given by either party. Defendant, \_\_\_\_\_ in case \_\_\_\_\_ was administered an Oath/Affirmation during this hearing as well by the Hon. Judge \_\_\_\_\_ where he was called as a witness for Ms. \_\_\_\_\_ This recording will clearly show that the Hon. Judge \_\_\_\_\_ followed proper protocol as required by Rule 8(E) of A Judge's Guide: Best Practices for Protective Orders and Rule 38(f) of the Arizona Rules of Protective Order Procedure, whereas, Hon. Judge \_\_\_\_\_ did not in my hearing or the hearing preceding mine for Defendant,