

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-003

Judge:

Complainant:

ORDER

The Complainant alleged a pro tem justice of the peace stated he did not care about the law and was biased against him.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Rules 16(a) and 23(a).

Dated: May 13, 2019

Copies of this order were distributed to all appropriate persons on May 13, 2019.

2019-003

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) During the hearing the plaintiff stated he was not present at the time the trash bin was placed on the ground (and therefore would be unable to see the actual physical location of the trash bin). The plaintiff stated he was only present and involved in the situation after the trash bins had been emptied into the trash truck.

Later in the hearing the judge asked the plaintiff if the trash bin was located on the asphalt of the road or the grass next to the road in front of the residence. The plaintiff responded that the bins were placed on the grass. The judge accepted the plaintiff's answer and used this as the first of two justifications to issue an injunction of harassment against the defendant.

2) During the hearing the defendant stated that large diameter rocks were placed in the " _____ " as defined by county ordinance. The Judge stated, in open court; " _____ " and interpreted public right of way as private property to justify the plaintiff claim that he was allowed to place rocks near the roadway within the Public Right of Way, and declaring the defendant's attempts to have the rocks removed by the authority having jurisdiction as harassment against the plaintiff. This second action was used as justification to issue an injunction of harassment against the defendant.

3) During the hearing the Judge refused to accept into evidence Official Sheriff's Department records stamped as " _____ " by the _____ as the records were not certified. Being unfamiliar with this requirement I explained the situation to _____ and made a requested " _____ " of the _____ which I needed for my case. After the _____ investigated my concerns with her superiors, _____ later phoned to tell me that she spoke with Judge _____ area of representation who stated " _____ ".

_____ further stated that during her employment with the _____ she has never been asked for " _____ " required for use in _____ before and that the office she works out of, the _____ does not even possess an embossing tool to create such records. I have attached documentation of my attempts to acquire _____ (_____ attachment).

I believe Judge _____ is holding me to a different, much higher, standard than anyone has been held to in a _____ action before. The possible reason being:

Before I met my current wife, she underwent a divorce proceeding in which then Attorney _____ represented her for a short period of time. The Attorney _____ inquired as to how then _____ would be paying for his services. _____ stated that she would have to make payments to the Attorney's office as she had very little financial resources. The Attorney _____ then offered to _____ refused the attorney's Attorney _____ placed a lien on _____ home. _____ then employed Attorney _____ who immediately had the lien removed and stated what the Attorney had done was illegal

CONFIDENTIAL

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

FOR OFFICE USE ONLY

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Documentation Regarding Attempts to Acquire

During court hearing on _____ Judge _____ would not accept _____ records bearing the _____ official stamp from me as he stated the records were not "_____".

Court Case Numbers:

I was denied admitting to evidence four (4) records:

- a.
- b.
- c.
- d.

Documentation Of Attempts To Acquire Certified Records

At _____ I contacted _____ records division at _____ and explained to record's clerk, _____ that Judge _____ would not accept my _____ as they were not "_____". She said bring them in and we will certify them, be aware that we close today at _____. I immediately drove to the _____ to find the records office closed at _____. I discovered that my phone call to the _____ was automatically transferred to the _____ as the _____ was off work for _____. The _____ did state "I _____". The Clerk did not state "_____". There was nothing further I could do this day.

I contacted _____ records clerk, _____ and requested certified copies of four sheriff's reports stating that Judge _____

Documentation Regarding Attempts to Acquire

would not accept the copies I previously received which were stamped in red by the clerk “ ”

Scan of Sherriff's Office stamp:

said she is unfamiliar with such a process of certifying and would check with the Judge personal clerk. She later informed me that the Judge was unavailable as he was in court. She said she spoke with Judge personal clerk who stated that Judge has always accepted bearing the official stamp. I heard nothing further from this day.

At I contacted records division at I spoke with records clerk, inquiring what she had learned regarding Certification of She said “.

I called and had a conversation with who stated: “.

Documentation Regarding Attempts to Acquire

At [redacted] contacted [redacted] and asked to speak with the Records Supervisor, [redacted] the clerk on duty said that [redacted] had the day off. I told [redacted] why I was calling, and she was familiar with my request and situation. She said the [redacted] Department does not and has never provided certified records, only Official Copies of records. She also said the Records Department, is trying to understand why the judge will not accept Official Copies of [redacted] records.

I told [redacted] that I have a court hearing on [redacted] and when Judge [redacted] tells me he will not accept the [redacted] Official Copies, all I can do is tell the judge that I have made every attempted imaginable to comply with his request and have found his request unachievable. [redacted] acknowledged that this is my only option. I told [redacted] that I am documenting my attempts to acquire [redacted] [redacted] stated that she would inform [redacted] of my phone call.