

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 20-079

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Judges:

Complainant:

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**ORDER**

September 24, 2020

The Complainant alleged that a pro tem municipal court judge failed to explain why she upheld an injunction against harassment and failed to process his appeal. The complainant also alleged that a municipal court judge failed to comply with a public records request.

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 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 Commission Rules 16(a) and 23(a).

Commission member Barbara Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 24, 2020.

Comp  
2020-079

Commission on Judicial Conduct  
1501 West Washington  
Phoenix, Arizona 85007

Re: Formal Complaint against Court Judge  
and Presiding Court Judge

To whom it may concern,  
I'm writing to file a formal complaint against Court Judge

On , a hearing was held with Court Judge in reference to the request by this complainant on an Injunction Against Harassment.

On , Claimant filed for a New Trial based on prejudice and abuse of discretion.

The trial court refused to rule on claimants Motion for New Trial, a violation of the Rules and the Canon Rules.

The trial court also failed/refused to issue a written finding so the case could be appealed, also Rule and Canon Rule violations. The trial court, at the hearing, simply issued a verbal ruling continuing the I.A.H without explanation. Attached as Exhibit A is a copy of the Motion for New Trial.

On , within the days, claimant filed

a Notice of Appeal, attached as Exhibit B. The trial court has refused to forward the Notice of Appeal deliberately, to the Court, On claimant

wrote the Court and asked them if the appeal had been filed as I have not heard anything. In their response dated both attached as Exhibit C, it clearly articulates NO case for them.

In while continuing to conduct an investigation into criminal activity and cover-up by the Arizona Attorney General's office of an Arizona Department of Corrections employee, the Court, Judge refused to comply with legitimate public records requests involving that ADOC employee. Attached as Exhibit D are my requests and Judge refusal stating "Further requests made by you while in-custody will be placed in your court case file without a response from the Court". This issue is being addressed in the Courts as a violation of the public records law, ARS 39-121 and is mentioned herein to provide proof that my Notice of Appeal has NOT been transferred to the Court intentionally, to deny me due process and interfere with my access to the Courts.

I ask your office to conduct an investigation into judicial misconduct.

Thank you for your time.

Sincerely,



Defendant Pro Ter

COURT

STATE OF ARIZONA

Plaintiff,

v.

Defendant.

Cause No:

DEFENDANT'S MOTION FOR NEW TRIAL  
DUE TO PREJUDICE; ABUSE OF  
DISCRETION; VIOLATION OF LAW,  
UPON PURSUANT

TO RULE 59, ARIZ. R. CIV. P.

(oral arguments requested)

Defendant, acting pro ter, pursuant to  
Rule 59, Ariz. R. Civ. P., hereby petitions the Court for a  
new trial for reasons mentioned in the heading.

Defendant makes this request based on the following:

1. Improper Introduction of Exhibits:

Plaintiff's unlawful attorney, to be discussed herein  
later, provided Defendant with his exhibits just hours  
prior to the hearing and were allowed by the trial

court, an abuse of discretion and violation of the Rules. Defendant objected to this immediately, claiming trial by ambush, and was overruled without explanation. Rules 26.1 (f) and Rule 37(c)(4) and (5) preclude such activity for the obvious reasons. All exhibits are to be filed in advance to allow opposing party to investigate and for fair trials. If newly discovered, party must file a motion allowing them along with an affidavit. Plaintiff attorney, an Assistant Attorney General, knows this and can't win fairly and must rely on violating the Rules and his ethical duties. Other [redacted] have done the same with me in the [redacted] Court and the Court refused to accept them. This is a clear abuse of discretion and a violation of the Rules perpetrated by the State and authorized by trial court Honorable

## 2. Unlawful Representation of Attorney General.

Plaintiff, along with the exhibits, filed a Notice of Appearance to Defendant hours prior to the hearing. The Rules of Civil Procedure requires a party to file a Notice of Appearance in advance of trial. Defendant also objected to this, and was overruled. Also in my objection was the representation violating State law, A.R.S. 41-192.02 only allows the representation of a state employee for actions brought AGAINST the employee. In this case, [redacted] Plaintiff, brought the action

on his own, as a private citizen and NOT as a state employee. If it done as a state employee, it would have been brought by Plaintiff's employer, the and it would have been a Injunction Against Workplace Harassment. The fact that it is an Injunction Against Harassment and NOT an Injunction Against Workplace Harassment further supports the allegation that Plaintiff was acting on his own, NOT as a employee. All these issues were raised and objected to and overruled again by trial court. These too are abuses of discretion and violation of state law, allowed to occur by this Court.

3. Verdict a result of prejudice:

Based on the above, and the statements made by the trial court at the very end of the trial, show, or tend to show prejudice. Paraphrasing, the trial court stated that nobody in this courtroom would not be troubled by my requested, and never received background check of the Plaintiff. This disregards the requirement of the statute that says "and serves No legitimate purpose". I testified, and Plaintiff did not object, that years of experience, found no ill-will toward Plaintiff and due to litigation ongoing naming the Plaintiff, Defendant acting pro per in, was allowed to conduct investigations of Defendants

**THE COMMISSION'S POLICY IS  
TO POST ONLY THE FIRST FIVE  
PAGES OF ANY DISMISSED  
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE  
REMAINDER OF THE  
COMPLAINT IN THIS MATTER,  
PLEASE MAKE YOUR REQUEST  
IN WRITING TO THE  
COMMISSION ON JUDICIAL  
CONDUCT AND REFERENCE  
THE COMMISSION CASE  
NUMBER IN YOUR REQUEST.**