

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-086

Judge:

Complainant:

ORDER

July 2, 2020

The Complainant alleged a pro tem justice of the peace denied him the use of a microphone at trial and made improper rulings in an eviction action.

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

Copies of this order were distributed to all appropriate persons on July 2, 2020.

From
Sent:
To: Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov>
Subject: Complaint -
Judge

To whom it may Concern at Judicial Review:

Greetings! My name is _____ I go by _____ and _____

I'm writing to make a complaint about Judge _____ pertaining to events that occurred in my Eviction hearing, which Judge _____ evicted me despite the fact I documented in my Answer that I was not properly served with Notices that had Details and Remedy.

Also, Justice Court refused to provide to me a Discovery Document letter that was used to evict me that I told Judge _____ that I never received. Plaintiff alleged in court that the letter was mailed to me by a different law firm without signature request upon receipt.

The trial was at _____ Court at:


Trial date was _____


Case Number: _____


Judge: _____

Eviction Attorney was _____ from _____ It was _____ atty _____ who sent me the _____ vague _____ Day Notice which he refused to clarify details and remedy; and when, I contacted him for details and remedies he responded only with threats.


Here is my Court Summons, Answer and Eviction Order:

 [8\) Summons Combined - ALL Pages.pdf](#)

 [9\) EVICTION ORDER NOTICE](#)

 [30\) _____ Stamped Answer - Combined.pdf](#)

Here is the Trial Exhibit Log:

 [10e\) Exhibit Log Eviction Hearing](#) pdf

I received the first Notice on . It was the only Discovery Document attached to the Plaintiff's summons, yet the first item in Exhibit is from another law firm dated in line named Ltr Judge should've realized that the dates these documents, which are only days" apart, reflects that Plaintiff was drafting Day Notices before Defendant had the chance to receive that warning letter.

If you look at the only discovery document attached to the Court Summons dated and the first Plaintiff Exhibit item in "Line 1" which was alleged in Court to be my warning letter with details that is dated you can see that the Plaintiff was drafting notices to evict me without giving me an opportunity to cure alleged breaches. Judge should've caught this. I couldn't defend myself against this because I never received the warning letter was alleged by Plaintiff to have been mailed to me via regular Post Office without signature request. And, it was not attached to the summons. Considering how that was supposed to be the warning of breach of lease with details and remedy you would think that would be the first discovery document attached to the summons. If this is true, then Judge was derelict in his duty to call this out in court, which he didn't.

As you will see by the end of this complaint that they probably never mailed it to me; and that; the Exhibit Log item from Plaintiff was an altered and forged letter to fraudulently make it look like it was drafted in

I had also filed a Motion for a postponement of Trial due to which prevented me from going to get legal advice from . By the time I did get to and (they told me that the Notices were improper without Details and Remedy, and to tell the Judge that, which I did.

Count 1: Microphone, Judge and : denied me a microphone for trial when I requested one.

I have ar that impacts my ability to speak. When I asked Judge for a microphone to make it easier to speak he denied it to me telling me "I can hear you fine". The issue is without the microphone my voice pain increases, my voice gets tired and I lose my ability to speak. I have severe Syndrome which causes severe dry eyes, dry mouth and dry throat. My throat dries up faster when I'm forced to speak louder than necessary which causes me to lose my voice faster as well.

I had asked the Court _____ for a microphone before the trial started and she rudely told me "no" before I had asked the Judge.

Count 2: Bizarre Accusations of Harassment made by property manager that should've signaled to the Judge she's either fabricating false allegations and or is unfit mentally to be working as a property manager.

Plaintiff accused me of harassing Manager. Because there were no details in the original notices starting _____ from _____ I had no way of providing a defense in court. It turns out manager accused me of standing in the courtyard to wait for her to come out the office just to harass her by being. Manager told judge she did not see me until she walked past me. I was in transit when I saw her leaving the office locking the doors. Her back was to me so I didn't want to startle her. All I did was wait for Manager to finish locking the door and then leave. Manager told Judge she didn't see me until after leaving and asked me what I was doing, and admitted to Judge she did not hear my response.

Yet the Judge granted the eviction anyway.

There's a large office window overlooking the Courtyard, yet the manager did not tell the Judge she saw me standing in the courtyard, only that she saw me there after she left the office and was already walking down the sidewalk. Yet the Judge did not seem to have a problem with the bizarre testimony from manager.

I could not provide a good defense because the incident was _____ months earlier, details were not given in the Notices and Judge would not allow me to have a microphone.

Count 3: Judge refused to question the Court Security Officer about Property manager yelling at me just outside the Court before the trial.

Before the trial I noticed the court Security Officer at the end of the hall looking very harsh and stern.

Just before the trial Plaintiff Attorney _____ called me over to talk to her and the plaintiff property manager _____

prattled off vague accusations and asked me if I would care to give a response.

I only stated _____ sentences before manager _____ interrupted me and started hysterically yelling at me. She seemed derranged and to this day I still don't know what she was yelling at me about. I only knew she was in my face yelling at me just outside the doors of the courtroom.

I waited for _____ to stop yelling to ask _____ to make _____ stop yelling at me. _____ stated I was interrupting

Their Injunction states that at court the manager can address me outside courtroom, but if I act inappropriately the Injunction can be enforced on me.

It appeared that stunt was designed to provoke a reaction from me that would cause a wrongful arrest of me before the trial because they know they forged their first exhibit in the Exhibit Log and didn't serve me with proper notices.

Because I smelled a set up and to protect my voice I walked away. I saw the security officer

watching and waived to him. I believe I walked over and asked him if he saw all that and told him what they did to me.

This happened just outside the Courtroom doors underneath a security camera. Court was in session. [redacted] was yelling at me so loudly it's possible the Judge could've heard her.

During court, I told the judge what happened and he did not question the Security Officer who was now standing in the back of the courtroom.

I did not know he was in the courtroom. The Judge did because he was facing him. The Judge also knew that security officer was there for me because he told me at the end of the trial that the Security Officer was there for me and to escort me out of the Court.

The security officer repeatedly apologized to me for having to walk me out when we were leaving to the point where I had to ask him to stop apologizing and understood. He clearly felt sorry for me and knew he just witnessed a [redacted] court.

Interesting, when I had a trial after this to contest the injunction, there was no security officer watching over. I believe the Security Officer made a report that Injunction was fraudulent and that I was not a threat to anyone. I was evicted and was moving. I had no way of putting together a defense. The only reason why I showed up to the hearing was because someone told me if I didn't I would be held responsible for plaintiff court costs.

Count 4: Judge [redacted] told me before trial that Plaintiff had witnesses against me including [redacted] Rep. The only witnesses were apartment staff.

Notices accused me of harassing residents without saying who. I expected Resident witnesses to be present to testify against me, which there were none. The [redacted] rep wasn't even there.

The only witnesses were property manager and maintenance. I can be confused about the Maintenance man, if he was at the Eviction Hearing or Injunction.

Regardless, Plaintiff only had witnesses who faced termination of employment if they did not testify. They had no hard evidence, no video, no audio recordings or photos of me harassing anyone or violating lease or landlord tenant act.

Yet I provided photos of common areas that surrounded the office and emails that proved Plaintiff refused to clarify notices.

The only reason why I didn't provide more evidence attached to my answer was because my printer would not work because I needed a new toner cartridge.

Judge told me there were all these witnesses yet the only witnesses were compromised witnesses who officered testimony that sounded more like 2nd graders accusing one another on a school playground. Accusations I could not answer on the spot due to vague notices and not being provided a microphone.

Count 5: Judge allowed property manager to continuously smile at him and make cute little girl faces like a little girl trying to charm her father into buying her the extra cotton candy at the fair.

At no time did Judge [redacted] reprimand [redacted] conduct and point out to her, "You're here before me accusing the defendant of harassing you to the point where you also got the Court to get an injunction against him, and here you are smiling and giggling. You don't look the slightest bit aggrieved or fearful of the Defendant."

The only reason I did not point this conduct by the Property manager, was because I did not have a microphone and by then, I was starting to think even if I had a microphone the judge would not factor into his decision to evict because he was going to evict me anyway. I realized that as soon as I realized that there were not all these witnesses at court as the Judge stated and because he didn't care that Plaintiff yelled at me outside of the court. He didn't even question Plaintiff about it, or the Security Guard, which I didn't know was present until the end of the trial.

Count 6: Judge pretended not to know that AZ is a Single Party Consent State for audio recording of conversations.

Plaintiff alleged in Court and in the [redacted] notices that recording conversations with the Manager was harassing the manager.

Arizona is a single consent state and the business office is considered a public area.

(1) Multiple police officers from [redacted] Police Dept told me we had the right to record in the business office. Officers [redacted] and [redacted] told me this via phone, plus others.

(2) Compliance Officer for the Attorney General's office told me the same thing.

(3) Atty [redacted] who helped me fill out my Complaint for my [redacted] lawsuit against a previous complex also told me this.

When the plaintiff attorney complained to Judge about me recording the conversation and was objecting to it's use in court Judge [redacted] did not correct her. I watched them go back and forth in shock that the Judge seemed not to know this.

Finally after repeatedly telling the Judge that Arizona is a single party consent state Judge apologetically told Plaintiff attorney that AZ was a single consent state.

Judge evicted me for this conversation which he thinks is me harassing the manager.

Conversation starts at about [redacted] seconds.

My video recorder was in a bag the whole time proving I didn't shove it in the manager's face to harass her.

Notice the [redacted] Rep in the office doing [redacted] business interfering with our conversation.

Notice after [redacted] tells me to contact the attorney who was [redacted] at this time sending me notices, that I told her my emails were getting blocked, which she stated she would contact them about it and email me back, which she never did.

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PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

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