

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 20-191

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Judge:

Complainant:

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**ORDER**

October 8, 2020

The Complainant alleged a municipal court judge engaged in improper demeanor, colluded with the plaintiff, and failed to conduct a fair hearing on a protective order.

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 October 8, 2020.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2020 - 191

**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.

I appeared before Judge \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ in a Protective Order case. In my opinion, this judge completely abused his power and never allowed there to be a fair hearing. I filed an appeal (copy enclosed) on \_\_\_\_\_ and waiting the \_\_\_\_\_ day wait time to hear back from the court as to when the appeal will be heard.

There is no way this judge, or any of his cronies from this court, can hear this appeal in be fair in my opinion. In addition, I do not believe this judge should even be on ANY court, after the way he conducted the hearing, and spoke to me personally.

I have a copy of the MP-3/CD that I requested from the court. It is heavily redacted and would like to get one that is not redacted. In addition, I would like you folks to receive an unredacted copy as well.

I have never been so humiliated in my life!

Thank you very much for your time and attention to this matter.

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**FILED**

Municipal Court

**MUNICIPAL  
COURT**

	)	Case No.:
Plaintiff,	)	ORDER OF PROTECTION APPEAL
vs.	)	
	)	
Defendant	)	

The defendant has asked the Municipal Court, [case # \_\_\_\_\_] to appeal the hearing held by Judge \_\_\_\_\_ held on \_\_\_\_\_. The appeal has been granted. Defendant sincerely believes that Judge \_\_\_\_\_ had already determined the outcome of the hearing before it even started. The hearing was a disgrace and a discredit to the judicial system as the defendant understands 'the system.' In addition, the defendant, even though he paid the proper fees for the appeal, only received a redacted version of the testimony given that day. Defendant requests an unredacted copy of the entire hearing as soon as possible, however certainly at least \_\_\_\_\_ days before the appeal is heard, up and until Judge \_\_\_\_\_ dismisses the Plaintiff. The reason being the Defendant could not believe his ears when the judge stayed the ruling, which the Defendant believes is very presumptive in its ruling. In addition, Judge \_\_\_\_\_ made sinister, venomous, and unprofessional remarks to the Defendant at the end of the hearing, stating to the Defendant;

JUDGE \_\_\_\_\_ "You disgust me!"

Defendant: "Why, because I tried to help somebody."

JUDGE \_\_\_\_\_ Again states; "You disgust me!"

The blatant disregard for respect for the Defendant, trying to shame him and or disgrace him, in

1 front of the Plaintiff and her father was completely uncalled for, not in the least bit professional  
2 and very unrepresentative of the Judicial system as the Defendant understands it.

3 Again, the Defendant would like to have an unredacted copy of the complete transcript up and  
4 until the Plaintiff is dismissed from the courtroom. The Defendant understands that Judge  
5 will in fact try to cover this up, however the court reporter/stenographer, who sat  
6 directly in front of the Defendant, was typing away, when this 'conversation' took place.

7  
8 For the record, the Defendant is a of the The Defendant  
9 flew spying for the United States government over foreign soil(s).  
10 The Defendant is also one of very few to fly aboard a United States aircraft carrier, to  
11 get to close enough to each territory in order to take the most accurate pictures for the  
12 {We did not have operational satellites at the time} The Defendant was  
13 taught by his father,

14 to never lie. In fact,  
15 his continuous comment/rant to his children, was; "Never lie, just owe it." In other words,  
16 always tell the truth, admit your part in the incident, and take the consequences. This integrity  
17 was ingrained in our family. In fact, the Defendant taught/ passed this message down to the  
18 Plaintiff herself, when she asked about a specific situation she was involved with, as well as  
19 others in the behavioral health program where we both live, to never lie about anything! Sage  
20 advice. The defendant continued to pass this down to his own his own children as well. That  
21 is why the Defendant has made this appeal. Both the Plaintiff and her father, completely lied  
22 under oath. In hearing the false statements/testimony made by the Plaintiff and her father, [who  
23 should never have been allowed to testify in the first place], was apparently never taught in the  
24 their household, as they both the Plaintiff and the father repeatedly lied under oath.

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26 The reason the father should not have been allowed to testify, is because when Judge  
27 asked the Plaintiff if she had anything to add or any witnesses to call, she stated:  
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1 Plaintiff: "Ah no."

2 JUDGE "Who is the person behind you?"

3 Plaintiff: My dad

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5 The next thing you hear on the Defendants redacted version of the hearing, is Judge  
6 swearing in the Plaintiff's father. The Defendant again would like to have an unredacted version  
7 of the hearing, a minimum of days prior to the appeal hearing whereby Judge  
8 coaxed the Plaintiff's father up to the front of the court to testify, even though the Plaintiff  
9 specifically stated that she had no witnesses to call. Unbelievable! Just another reason why the  
10 Defendant believes the judge in this case had already determined the outcome of the hearing  
11 before it even started, and used the Plaintiff's father to "verify" his {the judge's} ruling.

12  
13 The Defendant was especially shocked when even before the hearing even started; when the  
14 Defendant asked the judge: "Is there a penalty for lying to the court, a fine or imprisonment for  
15 lying in court."

16 JUDGE "Why, do you plan on lying?"

17 Defendant: "I am not, however I am concerned about someone else lying, (based upon the  
18 allegations made.)

19 JUDGE "That is not a problem. That's the wrong way to go about things. You are  
20 already hurting your case."

21  
22 The Defendant was shocked and confused to hear the judge state that the Defendant was  
23 "hurting his case", before the hearing even started. The Defendant would like to know  
24 exactly how he was "hurting his case" before the hearing even started. The Defendant strongly  
25 believes he was asking, what he believed to be an innocent question on the ground rules for  
26 the hearing. Therefore, the Defendant would like to know EXACTLY how he was already,  
27 "hurting his case," from the judge's statement.

28 The list of other improprieties is too extensive to review all of the them in this memorandum,

1 However, some of the other improprieties include:

2 1.) The Defendant was never allowed to cross examine Plaintiff. Judge stated at  
3 the beginning of the hearing;

4  
5 JUDGE "I prefer you not question each other; {Why?} I will question you both, not  
6 because of taking sides, but I think there are issues I would like to ask about or talk about."

7 The Defendant was NEVER allowed to question the Plaintiff during the entire hearing and vice  
8 versa.

9 2.) Judge claimed the Plaintiff was restricted to the items on the Protective  
10 Order. The Plaintiff, reading from a prepared statement, immediately went outside the  
11 items Judge asked her to stick to. The Plaintiff was allowed to speak at will, without  
12 Judge interrupting when she deviated from the charges, from the very beginning  
13 of her statement. Meanwhile, when judge was questioning the Defendant, he is  
14 continually cut off mid-sentence by the judge, and told to restrict the order by the things  
15 listed on the petition. {Favoritism perhaps?}

16  
17 3.) The judge never allowed evidence to be entered into the hearing. This is important,  
18 because there was an inference to "A Topless Picture" of the Plaintiff that the  
19 Defendant sent to the father. The truth is, the defendant AND the Plaintiff can provide evidence  
20 that the Plaintiff has her hands over her breasts and is not "topless" as construed in  
21 parlance. As a result, there is contradictory evidence to what the Plaintiffs father alleges. In  
22 addition, the Defendant was contacted by the Police Department, inquiring about the  
23 photograph. The Defendant answered the Police Officer's questions. The Police Officer  
24 then stated to the Defendant; "Well there is nothing I can do as you are both consenting adults."

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26 4.) There was an inference during the hearing that the Plaintiff was afraid that the  
27 Defendant had a firearm. In truth, the firearm in question was located in the back seat  
28 pouch of the Defendants vehicle. The Defendant showed the Plaintiff his firearm long before

**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.**