

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaint 20-263

---

Judge:

Complainant:

---

**ORDER**

December 16, 2020

The Complainant alleged a city court magistrate gave legal advice and made improper rulings in interrelated protective order proceedings.

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).

Commission member Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 16, 2020.

2020-263

COMPLAINT AGAINST A JUDGE

Name: \_\_\_\_\_ Judge's Name: Hon \_\_\_\_\_

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.

My husband and I filed an Injunction Against Harassment against our neighbors who have been harassing us for years. We have been documenting the harassment knowing that this day may someday come as much as we hoped to avoid it. We did not want to go to court as by doing so we needed to relive the harassment we have been enduring for years to prepare and needed to be in the same room with the neighbors we have been trying to avoid contact with.

We filed the Injunction Against Harassment against the \_\_\_\_\_ on \_\_\_\_\_ The Judge saw me, \_\_\_\_\_ only and didn't give my husband a chance to enter the court room or plead his case. The Judge read though my allegations against our neighbor and already stated his dismissal to \_\_\_\_\_ of the accusations. The first being the neighbor children giving us the middle finger over \_\_\_\_\_ times and the second the Neighbor harassing with guns. Judge \_\_\_\_\_ said that the middle finger is considered " \_\_\_\_\_ ' and AZ is an open carry state and we can carry guns openly. The judge stated he would schedule a hearing for everyone to plead their case and scheduled for \_\_\_\_\_ away.

I prepared for the next court appearance by creating excel documents with dates, explanations and pictures/video identifications along with definitions of Harassment \_\_\_\_\_ and what number aligned to the accusations. I also provided a CD for each case number with pictures that were provided to the Judge. These documents with at least \_\_\_\_\_ examples and up to \_\_\_\_\_ examples per allegation.

The judge was just as uninterested in listening to our case and making an informed decision from the information we had as the day we submitted the harassment \_\_\_\_\_ prior. He did not take the time needed for an informed decision. He skimmed though the allegations and looked at \_\_\_\_\_ videos/pictures per case. For \_\_\_\_\_ harassing ( \_\_\_\_\_ allegations were listed as the judge skimmed though to close the case.

The court session started on a \_\_\_\_\_ and was ended at \_\_\_\_\_ cases.

I have a great family and amazing group of people who are my support system who have helped us thought this terrible time of being harassed by our next door neighbors. I left court feeling as victimized by the Judge and his lack of interest to our case and his appeared desire to quickly close it out as I have have been by our neighbors for the last few years. I cant even imagine what someone who doesn't have a strong support system would feel like after brining a Harassment case in front of Judge

I understand the ruling is what it is and have waited \_\_\_\_\_ before writing this and submitting it to you as to not send this in anger or be rash with my reactions. I dont want another person who has a harassment case and be dismissed as easily as we were without the Judge truly taking the time and energy to " \_\_\_\_\_ ' the case before making a ruling.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

### COMPLAINT AGAINST A JUDGE

Name: \_\_\_\_\_ Judge's Name: Hon \_\_\_\_\_

**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.

- The Judge appeared to be in a hurry to run through each charge of Harassment
- The Judge dismissed multiple accounts of " \_\_\_\_\_ " as freedom of speech or as not harassing. 13-2921 states Harassment is " \_\_\_\_\_ "
- The Judge stated in the beginning of the session that he was not going to address anything to do with the " \_\_\_\_\_ " between the \_\_\_\_\_ The Judge not only spoke about the easement but told the \_\_\_\_\_ the opposite of what our lawyer has communicated to them. The Judge stated several times that the \_\_\_\_\_ were allowed to erect a fence on our side of the Easement and could block our garage and told the \_\_\_\_\_ they could put up a gate on the easement. I'm beyond frustrated that the Judge gave the \_\_\_\_\_ more ways to " \_\_\_\_\_ " us. I provided copies of letters from our Lawyer in all 4 CDs (one for each case) stating no fence is to be put up on our side of the easement and the easement cannot be blocked by anything like a gate or vehicles.
- The Judge did not remember to " \_\_\_\_\_ " until half way through my testimony. I cant remember if everyone was sworn in or not.

- We were not provided with copies of the dependant's submissions of pictures or documents, We were told we needed a copy of all paper documents (Not CDs) for the dependant and for the judge that we provided. We did not get copies from them.

- The judge was provided with the documents attached and CD's with videos + pictures showing continued repeated behavior meant to harass, annoy and intimidate. The Courts have this documentation.

I am hoping the session was recorded so you can review. Thank you!!!

DATE picture/video/police report Notes

CR ED 1 SIGNS

Harassment 13-2921. A person commits harassment if, with intent to harass or with knowledge that the person is harassing another person, the person: (1) contacts, communicates by verbal, electronic, mechanical, telegraphic, telephonic or written means in a manner that harasses.

CAUTION, CROSSING THIS PROPERTY LINE MAY CAUSE SPONTANEOUS TREE AND BUSH PLANTING BY NEIGHBORS  
harassing sign about us installed by on a pole that separates our property lines.  
carrying sign to install  
installing sign on post

Letter from on a property marker post at the entrance of our driveway. Sign was left up for months.  
SMILE YOU'RE ON CAMERA

Sign directed at our property only... not directed at the entrance of the road, entrance of the property or front door but directed at our house and driveway.

CR ED 2 INTIMIDATION WITH GUNS/KNIVES

Harassment 13-2921. A person commits harassment if, with intent to harass or with knowledge that the person is harassing another person, the person: (3) Repeatedly commits an act or acts that harass another person.

walks by working in downstairs garage with door open. has a gun on his hip- assuming this is intended to I'm working in the garage with door open. walks by with a gun on his hip to intimidate. Shortly after his dog attacked my dogs in my garage and screamed at me from his balcony. (video in next group- dog attacks)  
I'm doing yardwork and and the boys are playing on the fence line. has a large knife (machete type) strapped around his shoulder. Leans against his car that is parked on the fence line.  
picks up his dog and throws the dog-showing his aggression and anger  
brings down a gun/same day he has a large knife while I am doing yardwork in the fenced yard area.  
planting trees along easement line while wearing a gun on his hip-to landscape. Less than a month after Quit Claim Deed was signed for easement.

CR ED 3 Dog Attack

Harassment 13-2921. A person commits harassment if, with intent to harass or with knowledge that the person is harassing another person, the person: (1) contacts, communicates by verbal, electronic, mechanical, telegraphic, telephonic or written means in a manner that harasses.

sees that I am in the garage with my dogs. He walks down the driveway, opens the gate where his dog is and lets the dog go to attack me and my dogs while we are in my garage.  
another angle with sound

Same day... walked by garage with a gun on his hip, calling my attention by saying " with, " I responded  
Officer came out to investigate and referred me to animal control as they would take care of a situation like this as he was unable to make a report for them. Animal control was not open this day He saw the video and encouraged me to call on a weekday. I did not as I was scared to set off the again and receive additional harassment from them.

Police Report

additional instances of screaming & Harassment

Harassment 13-2921. A person commits harassment if, with intent to harass or with knowledge that the person is harassing another person, the person: (1) contacts, communicates by verbal, electronic, mechanical, telegraphic, telephonic or written means in a manner that harasses.

put cinderblocks in front of our driveway blocking access to and from our driveway.  
Met with and on Easement to discuss the newly found easement and Quit Claim Deed they received from our lawyer. threw large rocks and could not control his temper during our conversation. had to try to calm him down several times.

SCREAMED at and the fence delivery workers when they delivered materials to install fence.  
blocking our access to the easement by to block our access. took pictures and video of the in the easement. then came out and yelled at calling her a ". and said he could do whatever he wants, it's HIS property (speaking of the legal easement area). onto the easement on. with the next making the Unable to use this area for a week.

elled at while she was watering plants. He said, " You did it 4 times  
drove on the easement once that day. saw the police if he has a problem and to stop harassing her.

and in driveway. angry that we didn't accept their " to decline current easement of their offer of a few feet and us having to hire an engineer and reconfiguring our driveway. Also making it almost impossible to turn into and out of our downstairs garage. Calling us " to his son and telling him we would ".

and boys are now saying " in a loud, fake/non-genuine manor.  
intentionally stood close to the one lane road/ as pulled out of her driveway. She slowly drove past the children and began flailing his arms and what appeared to be screaming. stopped the vehicle, unrolled the window and listened to told her for driving too close to his children who were standing near the one lane road. responded telling to have his children move away from the road. VIDEO

saw driving down and stood on the road at their fence line (which is located in the street/ stopped her car and waited until they moved out of the way to pass. They then moved out of the road and back down their driveway. ( after screamed at for driving close to the children)

walked right up to car as she exited our driveway one week after screaming at me for driving close to his children when exiting our driveway.

7/3/2017

7/1/2018

8/31/2018

2/21/2019 4 PC

6/30/2019 5 PC

3/3/2020 5 2 PC

4/17/2020 for about a month

5/2/2020 6 0 1 PC

5/4/2020 6 0 2 PC

5/11/2020 6 0 3 PC

CR ED 4 Camera Harassment

**Harassment 13-2921.** A person commits harassment if, with intent to harass or with knowledge that the person is harassing another person, the person: (4) surveils or causes another person to surveil a person for no legitimate purpose. (3) Repeatedly commits an act or acts that harass another person. (1) contacts, communicates by verbal, electronic, mechanical, telegraphic, telephonic or written means in a manner that harasses.

DVE

police report that the have added security cameras facing the house

Birdhouse at the corner of our property faced into our back yard has flashing lights. Camera??  
and boys flew a drone (assuming with camera) around our upstairs patio and windows.

CR ED 5 Easement Parking

**Harassment 13-2921.** A person commits harassment if, with intent to harass or with knowledge that the person is harassing another person, the person: (3) Repeatedly commits an act or acts that harass another person.  
Letter from Lawyer stating NO parking on the easement and a fence is allowed only on the SOUTH side of the easement, on their property. Mentioned again that the easement "is to be open at all times" per signed Quit Claim Deed by the

arked his DTV truck on easement blocking access twice for several hours  
arked his DTV truck in easement (day after we met to discuss easement change request with )  
Called police to see what they can do about continued parking in the easement. Spoke with Officer who came out. He  
could not make a report as this was to do with an easement

**CR ED 6 Trespassing**

**Harassment 13-2921. A person commits harassment if, with intent to harass or with knowledge that the person is harassing another person, the person: (3) Repeatedly commits an act or acts that harass another person.**

driving truck past our fence line on our property-upper driveway  
driving past our fence line on our property-upper driveway  
dog and kids toy car on our property  
child holding onto our fence while playing on an old trailer  
child with large pole through our fence

**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.**