

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-342

Judge:

Complainant:

ORDER

March 4, 2021

The Complainant alleged a municipal court judge would not assist him in correcting an alleged error 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).

Commission member J. Tyrrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on March 4, 2021.

Attachments:

From:

Sent:

To: Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov>

Cc:

Subject: Complaint against Preside Judge

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear AZ Commission on Judicial Conduct,

My complaint is against the Presiding Judge

I spoke with the _____ at the phone number on the attached _____ printout
_____, the _____ (the _____ for Arizona) at
_____ and the _____ at

According to the _____ “The **Court** is responsible for the inaccurate language, reporting, and
verbiage”, and according to the Court, the _____ is responsible.

The _____ indicated they are not involved in either process, and
recommended that I contact the Court of origin, your Court, which sounds logical.

Judge _____ has not provided me with an explanation, which is all I am asking for.

Thank you,

ORDER OF PROTECTION

Amended Order

Case No.

Court ORI No.

County State

PLAINTIFF

First Middle Last

PLAINTIFF IDENTIFIERS

Plaintiff's Date of Birth

And on behalf of any minor family member or Protected Person listed below. (List name and DOB.)

V.

DEFENDANT

First Middle Last

Defendant/Plaintiff Relationship: Live/Lived Together As Intimate Partners

Defendant's Address:

CAUTION: Weapon Alleged in Petition

DEFENDANT IDENTIFIERS

SEX	RACE	DOB	HT	WT
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
EYES	HAIR	<i>Arizona Prohibits Release of Social Security Numbers</i>		
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
DRIVER LICENSE #	STATE	EXP DATE		
<input type="text"/>	<input type="text"/>	<input type="text"/>		

Estimated Date of Birth

WARNINGS TO DEFENDANT: This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, or any U.S. territory, and may be enforced by Tribal Lands (18 U.S.C. § 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. § 2262). Because of this order, it may be unlawful for you to possess or purchase a firearm or ammunition pursuant to federal law under 18 U.S.C. § 922(g)(8) or state, tribal, territorial, or local law. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney. **Only the court, in writing, can change this order.**

This order is effective for one year from date of service.

THE COURT HEREBY FINDS THAT:

It has jurisdiction over the parties and the subject matter.

Defendant received actual notice of this hearing and had an opportunity to participate.

THE COURT, finding reasonable cause to believe that Defendant may commit an act of domestic violence or has committed an act of domestic violence within the past year (or good cause exists to consider a longer period),

HEREBY ORDERS:

NO CRIMES. Defendant shall not commit any crimes, including but not limited to harassment, stalking, or conduct involving the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily injury, against Plaintiff or Protected Persons.

NO CONTACT. Defendant shall have no contact with **Plaintiff** except through attorneys, legal process, court hearings, and as checked: Phone Email/Fax Mail Other:

NO CONTACT. Defendant shall have no contact with **Protected Persons** except through attorneys, legal process, court hearings and as checked: Phone Email/Fax Mail Other:

THE COURT FURTHER ORDERS:

RESIDENCE. Plaintiff is granted exclusive use and possession of the residence currently shared with Defendant.

LAW ENFORCEMENT STANDBY. Defendant may return once with a law enforcement officer to obtain necessary personal belongings. Neither law enforcement nor this protective order can resolve conflicts over property, title, furniture, finances, real estate, or other ownership issues.

PROTECTED LOCATIONS. Defendant shall not go to or near Plaintiff's or Protected Person's:

Residence (confidential)

Workplace (leave blank if confidential):

School/other:

ARIZONA FIREARMS LAW. Under A.R.S. § 13-3602(G)(4), the court finds that Defendant poses a credible threat to the physical safety of Plaintiff or Protected Persons. Therefore, Defendant shall not possess, receive, or purchase firearms and shall surrender same within 24 hours of service to:

ANIMALS. Plaintiff is granted the exclusive care, custody, or control of any animal that is owned, possessed, leased, kept, or held by the plaintiff, the defendant, or a minor child residing in the residence or household of the plaintiff or the defendant. Defendant is ordered to stay away from the animal and shall not take, transfer, encumber, conceal, commit an act of cruelty or neglect in violation of section 13-2910, or otherwise dispose of the animal.

OTHER ORDERS: _____

Date Judicial Officer Printed Name

WARNING: This is an official court order. If you disobey this order, you will be subject to arrest and prosecution for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this order.

NOTICE: If you disagree with this order, you have the right to request a hearing, which will be held within 5 to 10 business days after your written request has been filed in the court that issued this order. Violations of this order should be reported to a law enforcement agency, not the court. Each party must notify this court if an action for dissolution (divorce), separation, annulment or paternity/maternity is filed. This is NOT a parenting time (visitation) or custody (legal decision-making) order. You must file those requests separately in Superior Court.

ADDITIONAL WARNINGS TO DEFENDANT: Nothing the plaintiff does can stop, change, or undo this order without the court's written approval. You must appear in court to ask a judge to change (modify) or dismiss (quash) this order. **You can be arrested and prosecuted for violating this order, even if the plaintiff contacts you. If you do not want the plaintiff to contact you, you have the right to request a protective order against the plaintiff. But orders are not automatically granted upon request. Legal requirements must be met.**

MKE/PROTECTION ORDER

PCO/01 - THE SUBJECT IS RESTRAINED FROM ASSAULTING, THREATENING, ABUSING, PCO/HARASSING, FOLLOWING, INTERFERING, OR STALKING THE PROTECTED PERSON AND/O PCO/THE CHILD OF THE PROTECTED PERSON.

PCO/04 - THE SUBJECT IS REQUIRED TO STAY AWAY FROM THE RESIDENCE, PROPERTY, PCO/SCHOOL, OR PLACE OF EMPLOYMENT OF THE PROTECTED PERSON OR OTHER FAMILY OR PCO/HOUSEHOLD MEMBER.
PCO/05 - THE SUBJECT IS RESTRAINED FROM MAKING ANY COMMUNICATION WITH THE PCO/PROTECTED PERSON INCLUDING BUT NOT LIMITED TO, PERSONAL, WRITTEN, OR PCO/TELEPHONE CONTACT, OR THEIR EMPLOYERS, EMPLOYEES OR FELLOW WORKERS, OR PCO/OTHERS WITH WHOM THE COMMUNICATION WOULD BE LIKELY TO CAUSE ANNOYANCE OR PCO/ALARM THE VICTIM.

From:
To:
Cc:
Subject:
Date:
Importance: High

From:
Sent:
To:
Cc:
Subject:
Importance: High

Dear Judge

I have not received a response from _____ or anyone from your Court. Since you are the Presiding Judge, I thought I would address this to you.

Please provide me with a response to my Email below, or I will be submitting a RISK Management Claim to the _____ Office next week.

Thank you,

From:
Sent:
To:
Cc:

Subject: Receipt for Weapons

Dear Lieutenant _____ and Sergeant _____

I was denied my request to release the firearm that I turned in to Sergeant _____ on _____
I'm currently waiting for a response from the _____ but wanted to
provide you with the attached for the record.

In _____ of this year, an _____ was issued in _____ and **the Judge denied the Plaintiff's request for**
_____ attached is the _____ also an audio of the Judge's ruling. The Courts audio quality is
not great, but you can still make out all the words.

At approximately _____ into the clip, the Arizona Judge rules that, "**The Court is not going to
prohibit the use of firearms.**"

I will update you when I receive a response from the _____

Please notify the Gun Desk not to dispose of my firearm.

Thank you,

**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.**