

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-059

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge violated his rights to record a court proceeding, denied him the use of a disability aid, and engaged in improper demeanor in a protective order proceeding.

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.

After review, the Commission found that the judge engaged in improper demeanor. The Commission did not find clear and convincing evidence to support the remaining allegations of the complaint. While this was improper under Rule 2.8(B) of the Code of Judicial Conduct, the Scope Section of the Code provides that not every transgression will result in the imposition of discipline. The Commission decided, after considering all the facts and circumstances, including remedial measures employed by the judge to avoid such issues in the future, to dismiss the Complaint pursuant to Commission Rules 16(b) and 23(a), but to issue a warning letter to the judicial officer reminding him of his obligations to remain patient, even when dealing with difficult litigants.

Commission members Roger D. Barton, Barbara Brown and Delia R. Neal did not participate in the consideration of this matter.

Dated: September 17, 2021

FOR THE COMMISSION

/s/ Louis Frank Dominguez
Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were distributed to all appropriate persons on September 17, 2021.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-059

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.

Please see attached narrative.

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SUPERIOR COURT OF ARIZONA
COUNTY

Judge: Honorable
Division:
Court Reporter:

By:
Hearing Date:

MINUTE ENTRY

v.	Plaintiff,	CASE NO.:
	Defendant.	HEARING ON INJUNCTION AGAINST HARASSMENT
		Start:
		End:

This matter comes on properly before the Court in courtroom # for Hearing on an Injunction Against Harassment. Plaintiff, is present in *propria persona*; Defendant is present and represented by and Court Interpreter, is present and assisting the Defendant; there are no other appearances.

IT IS ORDERED that a transcript of the Recording System shall be the official record of this proceeding.

Plaintiff invokes the Rule of Exclusion and potential witnesses are excused from the courtroom until called to testify.

Opening statements are heard.

Discussion is held regarding Plaintiff's video exhibits which were provided to Plaintiff, who is sworn, provides testimony and is subject to examination by the Court and cross examination.

At the request of the Court, publishes the videos provided by the Plaintiff. Plaintiff states the videos are an accurate representation.

calls the Defendant, who is sworn and subject to direct examination and cross examination.

At the Court stands in recess.

At the Court reconvenes at which time the record reflects the continued presence of the Plaintiff, Defendant, represented by and Court Interpreter,

For reasons stated on the record, the Court recuses itself from this matter.

Discussion is held with the Defendant regarding documents he requested from Justice Court.

IT IS ORDERED referring this matter to the presiding Judge for the purposes of reassignment.

C:

- EMAILED

Case Numbers:

Police Criminal Complaint #:

This is a narrative for complaint against The Courts of _____ State of Arizona, and for several Judges of the Justice and Superior Courts in particular for an infringement of the Rights of the Petitioner and is a request for an injunctive relief from the Supreme Court of Arizona to freely engage in protected rights and activities.

All testimony given here is taken from the petitioner's Video Record.

On _____ of _____ The Petitioner was walking down _____ in _____ Arizona with his camera taking pictures and recording the _____ and _____ run/own/operate the _____ collectables franchise in _____ Arizona. The Petitioner asked the _____ for a snarky t-shirt, when they stated they didn't have that design of shirt the Petitioner thanked the _____ and left. The _____ proceeded to follow and stalk the Petitioner through the neighborhood, with _____ assaulting the Petitioner and pushing him into traffic and _____ moving truck, twisting his ankle as she pushed him off the sidewalk into the street. All on video. The _____ called the _____ Sheriff on the Petitioner to get his identification so they could engage in vexatious litigation. Of course the Petitioner gave the Sheriff his Identification, under duress, even stating on video, he didn't want the _____ to get his name for

fear of vexatious litigation. The Sheriff gave the the petitioners information. A violation of the petitioner's fourth amendment rights.

the Petitioner is walking down again with his cameras, documenting which businesses are allowed to be open by the Sheriff in opposition to Arizona Governor Doug Ducey's pandemic shut down order that was in place at that time. Sheriff stated publicly that he wouldn't be enforcing the Governor's Pandemic Shutdown Order. The Petitioner was photographing/recording the only business allowed to be open at that time. The store. The Petitioner clearly states in the video, " ". Which did and promptly assaulted the Petitioner by striking his camera. She even states in the video, " ". First thing Officer says to the petitioner is " ". The Petitioner now has the body camera footage of Officer and the conspiring to engage the petitioner in vexatious litigation, and directly stating a threat on the Petitioner's life to Officer " ". (Judge did not see this threat in a video presented to the court in Judge did in). The videos taken on these days were given to the Sheriff Officer when the petitioner filed a victim statement, along with a copy of the petitioner's swollen ankle that was injured (twisted) on when Pushed the Petitioner in front of moving truck. See the videos. The were already given the petitioner's personal information by the Sheriff before this date See the videos.

The petitioner's videos were used for the first injunction of Harassment against the petitioner ((Dismissed) Bite One). This case was seen in front of Judge in in the middle of cross examination of the witness, Officer Judge interrupted the petitioner in his questioning of the witness, dismissed Officer and then promptly dismissed the case. Judge violated the petitioner's right to make a record of the trial/hearing according to the Rules of Court, Arizona Rule 122 and 122.1 and a complaint was filed by the petitioner against Judge then. This is a further of that complaint because Judge having seen the video evidence already has been further

**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.**