

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-153

Judge:

Complainant:

ORDER

October 6, 2021

The Complainant alleged that a justice of the peace was not impartial and incorrectly ruled on a petition for order of protection.

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 October 6, 2021.

2021-153

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.

Judge _____ was a prosecuting attorney before he was appointed _____ Court Judge. It's my understand that a judge is to be impartial regardless of their background. However, this was not my experience with Judge _____ in _____ (I was not a party in this case.)

During an Order of Protection (OOP) hearing, the plaintiff, _____ claimed the respondent, _____ hit him and he feared for his life. During the hearing, _____ girlfriend, _____ took the stand as a witness. She stated she saw SWING at _____ but did NOT say he struck _____ (Judge _____ did not ask for clarification as to whether or not she saw _____ make contact with _____). She also mentioned _____ was carrying a large bag of dog food on his shoulder (the side from which _____ allegedly struck him). _____ was on porch steps and _____ was standing in the carport, making it essentially impossible for _____ to make contact with _____. Again, Judge _____ did not ask for clarification (would it have been possible for contact to be made?)

Had Judge _____ been impartial, he would have asked for clarification regarding whether the witness saw _____ make contact with _____ and if it would have been possible for _____ to make contact since _____ was carrying a large bag on his shoulder. I also believe Judge _____ should have been suspicious when _____ threw a hissy fit in the Courtroom after his father announced his decision.

I bring this up now because another case is before Judge _____ and I fear he will, again, not be impartial. It is my belief that Judge _____ makes decisions as if he were still a prosecuting attorney (focused on conviction) and not an impartial judge. I know this case is not an anomaly because I've heard similar stories from others, including attorneys. This was not a situation of being a '_____. This was a case of the judge not being impartial.

I understand you cannot change the outcome of this case, and I am not looking for a change in the decision. I am trying to prevent someone else from having a similar experience.

CONFIDENTIAL

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

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