

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-302

Judge:

Complainant:

ORDER

March 30, 2022

The Complainant alleged that a superior court judge violated the law.

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 members Christopher W. Ames and Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on March 30, 2022.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-302

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 _____ has, and continues to violate my rights under the Arizona Constitution, Article 2, Section 2.1 and Section 4; the Arizona Rules of Court - Rule 39; the United States Constitution - 5th Amendment and the United States Supreme Court Ruling -

My wife is a probationer. She was found guilty of a Domestic Violence felony charge. I am the statute victim in this case. At no time from arrest to sentencing were we ordered to remain apart. (I never requested that we be separated) In _____, Judge _____ ordered her to four years of probation and we could remain together. In early _____ the Adult Probation Department changed that condition and issued a "No Contact of any kind with the victim" order to my wife. I had an argument with the Supervisor of Adult Probation. Judge _____ approved this order on the grounds that "we must make sure that the probationer is not a threat to you."

Violation #1: That statement, that the Probation Department must make sure that my wife is not a threat to me is ILLEGAL per the US Supreme Court Castle _____ which states "law enforcement has no duty to protect a citizen from harm even if that citizen has an order of protection." It was a vengeful act by the P.O.s, nothing more.

Violation #2: Arizona Constitution, Article 2 Section 2.1 and the Arizona Rules of Court Rule 39. I have NEVER been informed of my wife's court dates, legal status, nothing. I have told Judge _____ this in court. She refuses to compel her staff or the Probation Department to follow the law.

Violation #3: Arizona Constitution Article 2 Section 4 and the US Constitution 5th Amendment. By illegally forcing my wife and I to remain separated she is knowingly punishing me, the victim, both emotionally and financially as I am not only the sole means of financial support for my wife and our house but I am having to pay for a separate residence to comply with the no-contact order.

Violation #4: On many occasions I have requested that Court and / or the Probation Department provide me with Statutes or Case Law supporting their actions. Even though I have been promised said law, to date (6 months later) have yet to receive anything.

Violation #5: Judge _____ has been informed of the unprofessional, potentially illegal manner in which the Probation Department conducts themselves. Including an audio recording of a Probation Officer telling my wife that they are trying to get us to divorce. Judge _____ dismissed these allegations and evidence of wrongdoing with the attitude that her people are above the law and can do no wrong.

I am not asking for anything to change other than for the ILLEGAL no-contact order to be lifted so my family heal and move on with our lives.

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