

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-343

Judge:

Complainant:

ORDER

April 7, 2022

The Complainant alleged that a justice of the peace did not have proper jurisdiction to hear a petition for an order of protection, did not uphold a litigant's constitutional rights, and did not properly sign a court document.

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 Christopher W. Ames did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 7, 2022.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-343

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.

Issue 1: Officer extended relief, lacking any proof of evidence to support Plaintiff's claims;

Issue 2: Officer failed to sign court order dated _____;

Issue 3: Officer failed to have defendant notified, for telephonic appearance, (violating due process)

Issue 4: Officer violated 18 USC 1001 by filing a false report (i.e. order of protection) with the Federal

Issue 5: Officer violated Defendant's rights to 1st Amendment protections as to religious expression, and communication. Further;

The state has not establish "what" its interest is, that overrides Defendant's right to communicate with his children and their mother about their religious beliefs.

Issue 6: Officer relies on US Constitution's Article IV "Good faith & credit clause" yet clearly ignores Defendant's Constitutional rights.

COURT

ORDER OF PROTECTION

[] Amended Order

Case No. _____

Court ORI No: _____

County : _____ State: AZ

PLAINTIFF

[Empty box for Plaintiff Name]

First Middle Last Suffix

PLAINTIFF IDENTIFIERS

[Empty box for Plaintiff Identifiers]

Date of Birth of Plaintiff

And/or on behalf of minor family member(s) and other Protected Person(s): (List name and DOB.)

V.

DEFENDANT

[Empty box for Defendant Name]

First Middle Last Suffix

Defendant/Plaintiff Relationship: !

Defendant's Address:

CAUTION: [] Weapon Alleged in Petition

DEFENDANT IDENTIFIERS

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

[] Estimated Date of Birth

WARNINGS TO DEFENDANT: This Order shall be enforced, even without registration, by the courts of any state, the 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). As a result 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) and/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 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.

[X] 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 listed below.
- 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 the Plaintiff's or other Protected Person's:

- Residence (leave blank if confidential): **PROTECTED**
- Workplace (leave blank if confidential): PROTECTED
- 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 the 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.**

Plaintiff <input type="checkbox"/> Employer-Plaintiff if Workplace Injunction	Defendant	Case No:
<input type="checkbox"/> On behalf of minor/person in need of protection named	Defendant's address	PETITION for: <input checked="" type="checkbox"/> Order of Protection <input type="checkbox"/> Injunction Against Harassment <input type="checkbox"/> Workplace Injunction
Agent's name (if Workplace Injunction)	Defendant's Phone	

~~This is NOT a Court Order~~
 This petition contains Plaintiff's allegations and requests. To see what the Court has ordered, see "Order" form

DIRECTIONS: Please read the Plaintiff's Guide Sheet before filling out this form.

1. Defendant/Plaintiff Relationship (or relationship between Defendant and minor/person in need of protection)

- | | |
|-------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Married (past or present) | <input type="checkbox"/> Related as parent, grandparent, child, grandchild, brother, sister (or in-law/step) |
| <input type="checkbox"/> Live/lived together as intimate partners | <input type="checkbox"/> Live/lived together but not as intimate partners |
| <input type="checkbox"/> Romantic/sexual (past or present) | <input type="checkbox"/> Dating (but not romantic or sexual) |
| <input type="checkbox"/> Parent of a child in common | <input type="checkbox"/> Other: |
| <input type="checkbox"/> One party is pregnant by the other | |

2. Defendant and I have a pending action involving maternity, paternity, annulment, legal separation, dissolution, custody, parenting time, or support in _____ Case # _____

3. Name of court, if any, in which any other protective order related to this conduct has been filed.
 Court name - Case # _____

(Continue to next page)

4. Tell the judge what happened and why you need this order. PRINT both the dates and a brief description of what happened. If there is a contested hearing, a judge can consider only what you write here.

NOTE: Defendant will receive a copy of this petition when the order is served.

(Do not write on back or in the margin. Attach additional paper if necessary.)

Plaintiff in the summer of _____ started receiving strange messages each from a different number. Do not recall how many but it was several. And they all stopped after plaintiff contacted the prison.

5. The following persons should also be on this order. They should be protected because Defendant is a danger to them:

6. Defendant should be ordered to stay away from these locations at all times, even when I am not present.

NOTE: Do not list confidential addresses here.

Residence

Work

School/Other

7. a. Defendant owns or carries a firearm or other weapons.

b. Defendant should be ordered NOT to possess firearms or ammunition while this order is in effect because of the risk of harm to me or other protected persons.

8. Defendant should be ordered to stay away from any animal that is owned, possessed, leased, kept or held by me, Defendant, or a minor child living in either my household or Defendant's household.

9. Other Requests:

Under penalty of perjury, I swear or affirm the above statements are true to the best of my knowledge. I request an order or an injunction granting relief as allowed by law.

Attest: /S/ _____

Plaintiff

Judicial Officer/Clerk/Notary

Date