

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-344

Judge:

Complainant:

ORDER

April 7, 2022

The Complainant alleged that a superior court judge was biased, displayed poor judicial demeanor, did not follow the proper procedures/protocols, allowed the opposing party to manipulate a hearing, abused her power, and engaged in ex parte communications.

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.

Complaint against Commissioner _____ by _____

As a voter, a long-time _____ County Resident (_____), _____, and most recently a VICTIM of crime as communicated and substantiated by _____ County office and the _____ Police, I am perplexed that Commissioner _____ would choose to complicate what's already been an ordeal to say the least. The paragraphs below highlight my concerns.

On _____ at _____, I appeared in front of Commissioner _____. I was contesting an Order of Protection filed by my Daughter (the Plaintiff). This contest hearing was not heard by the same issuing Commissioner, _____. Subsequently, several Minute Entries and Evidentiary Notifications have been sent via **mail** for "Out of Protocol" procedures led by Commissioner _____. These were offered to the Plaintiff (_____) by said Commissioner.

Commissioner _____ began the proceeding on _____ by giving the Plaintiff, _____ significant time to re-evaluate the go-forward of/with the proceeding and offered the opportunity to cancel the proceeding as it seemed originally like a good idea as the Plaintiff was charged with a felony in this very same case.

This, in turn, predicated the concern that _____ was enabled to depict a "victim" status in a situation without fully allowing a true well rounded narrative be presented as I was not given opportunity to fully present my case for fair judgment prior to _____ being allowed time to process the yet to be heard proceedings. Behavior that was impartial, demonstrative and very judgemental was to follow and shockingly led by Commissioner _____.

_____ has subsequently been charged with Criminal Trespassing via the _____ Police for a domestic disturbance at my residence. This criminal act was captured on video, submitted to the _____ Police by myself and ultimately used by the department to pursue Felony Charges within the same county.

I am formally filing a complaint against this hearing based on an obvious Abuse of power, Not following proper protocols put in place and Manipulation of a proceeding. It is noted that there was an obvious bias favoring _____ that hindered my rights in the proceeding.

Let it be known that I was NOT the party charged with a crime. The Plaintiff "shopped" the county court systems for an Order of Protection all WHILE eluding police during a CRIMINAL investigation.

This behavior was not addressed by Commissioner _____, therefore enabling a double standard. This omission of facts, and lack of opportunity for fair testimony from me allowed the court to be manipulated. The court did not fully utilize or provide an environment to support evidence presented by me.

Listed below is the evidence I submitted and prepared for the court. I don't believe I was given proper/fair opportunity to discuss and evaluate said evidence.

- Videos (without sound, with sound)
 - all submitted to [redacted] Police, [redacted] Court with two flash drives and [redacted] Court for my own Order of Protection against the plaintiff, (Plaintiff had no flash drives, Commissioner [redacted] acknowledged this, however, did not let me present all videos
- Video Content:
 - one video showing the Plaintiff charging me while being asked several times to

CONTEST: Commissioner [redacted] allowed this video to be presented by the PLAINTIFF, who did not follow the requirements for submitting video evidence with the court staff and or Commissioner [redacted]. This evidence clearly exhibited and confirmed by the [redacted] Police Department, the Plaintiff [redacted]) as the aggressor.

Furthermore, Commissioner [redacted], exhibited great difficulty reviewing evidence via

[redacted] phone was allowed to be used during the hearing. I understand this is not typical/proper protocol. Commissioner [redacted] continued to show partiality to [redacted] and bias to myself asking [redacted] to put her phone on audio meeting so she could hear audio only. As a result, in an ex parte manner, the Commissioner ordered after the hearing that deliver her evidence "flash-drive" downtown a week following the procedure, "IN THE RECORD HEREIN. Getting caught up in her power it seems the Commissioner got lost in doing what is right versus being fair and impartial - given in her own words, the burden of proof is on the plaintiff.

The facilitation and oversight of this case was poorly managed. The hearing was/is at odds with the truth and integrity of evidence.

- Police Report - On my behalf properly submitted to the court was a Police Report [redacted], via [redacted], [redacted] Police
 - [redacted] - investigation led to charges against the Plaintiff. Once again, in an attempt to present this evidence to Commissioner [redacted]. (I was blocked from presenting this evidence, the same question in regard to pending cases or court actions was asked at the beginning of the hearing, the Commissioner then untruthfully said she couldn't locate the report that was sent to her via email by her own staff.
- I attempted to provide testimony regarding the Police Report mentioned

- In a clearly dismissive manner, the Commissioner disregarded the testimony (oftentimes yelling at me threatening to end the hearing)
- had one piece of valid evidence, per the rules of the court; text messages.
- These text messages didn't offer anything derogatory, however, Commissioner , never offered any commentary.

In conclusion, I offered the following to Commissioner :

Commentary from the Court, the court I dealt with on my own Order of Protection after the police— concluded on the matter and investigation without cooperation from as quoted below

- "I don't see how any judge saw this video of your daughter being the aggressor and charging you at your door and issued an Order of Protection." I have the transcript if the board would like to review

However, Commissioner upheld an order of protection somehow. The decision is very clearly biased and seems to have some prejudice factors to it, such as race and sex. Approaching a case with little regard for integrity, allowing Me to be labeled as someone "likely to commit Domestic Violence" is dangerous and irresponsible especially Pending fair evidence and testimony.

This has not been the findings of the Police, or the County office as the charges were not dropped.

I am deeply concerned that Commissioner is on the bench executing responsibilities privileged to a very specifically nominated elected official ("judge of the court").

In this case the Plaintiff), came to my home, charged the threshold of my residence, and violently refused to leave. She was subsequently charged with a crime by a law enforcement agency. How then, has she successfully got rewarded and enabled to be dishonest by a broken court system lacking integrity but allowing manipulation of rules and behavioral outburst? All under the supervision of a Commissioner entrusted to uphold the rule of law and integrity of the legal system??

I am confident that complaints exist with all Commissioners, however, this situation is a CASE STUDY of racism, abuse of power, enablement of manipulation court system thanks to Commissioner clearly being exempt from any kind of "checks and balances/accountability procedures ".

With little passion for equity, Commissioner took CLEAR pride in making biased decisions, thus allowing the judicial elected officials just look bad and ill-equipped.

I look forward to a complete investigation into this complaint and offer to cooperate fully. The mismanagement and unbecoming behavior led by Commissioner _____ leads me to believe that this is not just an isolated or unique example of inept execution of judicial responsibility.

As for the decision by Commissioner _____, the proper mechanisms are being taken to address the side of the matter.

Not mentioned above, but dismissed by Commissioner _____ was the _____ . This was not allowed to be addressed and proved that her approach was not one of equity, tact or fair representation from a system put in place by voters. Instead it was addressed and edited in minute entries taken place AFTER the hearing. This allows for concern of Commissioner _____ ability to properly hear a case fairly.

Furthermore, the fact that I'm having to file this complaint is an unprecedented step from someone who, within this case, has not been charged with any crime. I anticipate that the court will fairly acknowledge this complaint. I, unfortunately, believe this is not the only complaint filed against Commissioner _____. It is difficult to believe that this would not be the first complaint questioning her ability to fairly oversee and fulfill her obligation to serve and protect citizens of _____ county.

Sincerely,