

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-241

Judge:

Complainant:

ORDER

September 28, 2022

The Complainant alleged a justice of the peace did not follow proper procedure when considering an injunction against harassment

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 Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 28, 2022.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2022-241

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.

Court rules for Harassment Injunction hearings are different than regular court proceedings per court. The court tells victims that you do not have to follow the rules of discovery in these cases as the hearings have to be held quickly. In this case, the Defendant asked to have the hearing rescheduled. But this in itself would not change the rules about having evidence and witness's. The court instructs victims to bring their evidence and witness's with them to the hearing. No discovery to the other side necessary. Once this case's hearing was reset, I and Defendant appeared in front of I stated I had a witness to appear that had only days prior made himself known and that he was willing to testify. The Judge denied that my witness could appear. It was obvious the Judge was operating on regular civil trial rules and not the Harassment Injunction hearing rules. And he applied them erroneously. This caused confusion in my mind as it conflicted with what the court supervisor told me. I didn't know what to say, and so when the Judge said are you ready to proceed, I said no, thinking he would reschedule the hearing so my witness could appear. Instead, he dismissed the case improperly. Doing so has now let the Defendants attorney file for in attorney fees against me, the victim, and when I had photographs of Defendant in the act of his crimes, and eye witness to my car being shot up. was completely destroyed By by not doing his job properly. Had he let me properly present my witness and evidence, the Injunction would of stood. It's not like a little evidence, or sketchy evidence. It's caught in the act photos, proof beyond a doubt.

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