

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-286

Judge:

Complainant:

ORDER

May 25, 2023

The Complainant alleged biased and illegal rulings by a superior court commissioner hearing an 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 Denise K. Aguilar did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on May 25, 2023.

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

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2022 - 286

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.

Please see attachments, Original Complaint, Judicial Review Board Prior Order, Court of Appeals Ruling.

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Complaint against Commissioner by

As a voter, a long-time County Resident (Years), Graduate, and most recently a VICTIM of crime as communicated and substantiated by 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 email for ' " 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 preceding 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 " " 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 " ' 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.

- 4Videos (3 without sound, 1 with sound)
 - ☐ all submitted to _____ Police, Superior Court with two flash drives and _____ Court for my own Order of Protection against the plaintiff, (Plaintiff had no flash drives, Commissioner _____ acknowledged this, however, did not let me present all 4 videos
- Video Content:
 - ☐ one video showing the Plaintiff charging me while being asked several times to leave my residence.
CONTEST: Commissioner _____ 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 _____. This evidence clearly exhibited and confirmed by the _____ the Plaintiff (_____) as the aggressor.

Furthermore, Commissioner _____ exhibited great difficulty reviewing evidence via

_____ phone was allowed to be used during the hearing. I understand this is not typical/proper protocol. Commissioner _____ continued to show partiality to _____ and bias to myself asking _____ 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 ' _____ ' downtown a week following the procedure, "

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 _____, via _____ Police
 - - investigation led to charges against the Plaintiff.Once again, in an attempt to present this evidence to Commissioner _____ (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 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 " ' is dangerous and irresponsible especially Pending fair evidence and testimony.

This has not been the findings of the Police, or the 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 (' ').

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 " " .

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.

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**