

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-372

Judge:

Complainant:

ORDER

June 28, 2023

The Complainant alleged improper rulings by a justice of the peace hearing a petition for a protective order.

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 Colleen E. Concannon and Scott C. Silva did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 28, 2023.

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

FOR OFFICE USE ONLY**2022-372****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.

I believe that the hearing on _____ at _____ under Judge _____, was already determined before we came to court that day. I felt that Judge _____ treated me differently than _____ & gave him much more respect and leeway in his evidence and narrative. _____ had zero evidence to support his claims against me, which greatly harm my career that I have been working for for over 15 years. I had many pieces of evidence & yet the Judge almost helped _____ find ways to counter my evidence or kept me from providing supportive info because it didn't go word for word with the lies that _____ presented in his narrative to gain the Order Against Harassment against me, which was done purely in his retaliation to an event prior to his OAH, which the Judge refused to hear narrative or receive evidence of. The evidence that I did manage to get in, she never reviewed; simply stamped and put them aside. She was extremely rude in the way she corrected me, & I tried to apologize & explain that I am not a lawyer, nor have I ever been in a court room before. I felt that she was prejudice towards me, for reasons unknown. She made it clear by facial expressions & comments that she did not want to hear what I had to say & had already made up her mind on the case. She even confused my witnesses, & when I tried to clarify, she would get upset with me, so I would ultimately drop it. I felt unheard in this entire session & feel that she has let a very dangerous person manipulate the courts to allow him to hurt people further. I & others fear that the Plaintiff may even have connections that swayed the court & or _____.

Regardless of reasons, however, she ultimately did not make me think that justice was properly served, nor did she make me feel welcome or heard to present my case against _____. She made accusations of me without grounds as well during the case. She has been the first person along this journey who has sided with _____ & she told me that it would seem I am a bad influence on his _____, whom I have only tried to protect & _____ has zero grounds to make such an accusation. _____ asked me why I felt I had any right to do what I did _____, & I felt that was a rude way to accuse me of wrong doing when she has not seen the full story or evidence. I replied to her that ANYONE has a right & duty to protect a child against abuse, regardless of who the abuser is. If you see something, say something! _____ and her mom have a multitude of proof that this is going on. _____ accused me of breaking & entering into _____ home & kidnapping his daughter while having an inappropriate relationship with her, which again he provided no evidence of and is grossly false. I provided police reports, 2 witnesses, & video evidence which has been viewed by friends, family, law enforcement, attorneys, & not once was I questioned for my integrity or reasoning behind my actions. I was never arrested or had charges pressed against me, & when officers asked me about whether the door was open or closed, or if I presented myself, I told them the truth: The door was wide open, I said loudly "knock knock" & was asked by _____ to retrieve her items from their home so that she may leave with us. She called her mother (which _____ told her to do) and together we went to pick her up at her request. She willing left the home & willing left with her mother & I. She is terrified of _____ & does not want to see her father until he gets help, as she is scared of him & his behavior. _____ would not let me explain any of this & also misunderstood the custody rights _____ has, none of which I was allowed to correct. She stated he had full custody so we had no right to pick _____ up. They have 50/50 custody & _____ has full decision making in health care, schooling, etc. _____ mother had EVERY right to pick up her child, who called her fearful for her safety. ANY mother would aid their child in this situation. We did what we felt was best & within reason to protect her from him, which included getting her necessary items from the home, contacting authorities, & picking her up with minimal contact as possible

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COMPLAINT AGAINST A JUDGE

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...with _____ as he has a history of Domestic Violence, Assaults, Disorderly Conduct, & abuse when anyone confronts him or does something he doesn't want. If we called ahead of time, he may have done more harm to _____. Authorities reviewed the video I took of this incident & had no issues with the actions that I took that day. I had evidence & witnesses to back this up & yet this Judge reviewed nothing but the video & twisted it into something it wasn't & sided with _____ accusations that he has no grounds for. Furthermore, I asked a genuine question to _____, asking if _____ statement, thoughts, or feelings mattered in the case, since _____ put her on the injunction as well. This was simply in retaliation towards myself, _____, & her mother, so as to take away people from _____ who are willing to give her a podium for her voice to be heard. _____ wrote a statement saying that she never felt unsafe with me, that she did not want this injunction, and that I have been a protector to her.

_____ angrily started to scold & act as though I should know that I could not use her statement, & that she would deny her as a witness even if I had brought her, inputting her opinion that she felt I shouldn't even be involving _____ in any of this. However, I did not bring her that day for a few reasons: one being to respect the OAH _____ put into place, as well as not to make _____ face her father more than she has to. All of the events up to now have been for _____. Her mother & I have ALWAYS asked what she wants to see happen & we try to do exactly as she wishes, which can't be said for _____. His entire goal is to "ruin myself and _____ mom" for helping her away from him. _____ has continually gotten away with multiple DVs, Assaults, & horrible crimes that eventually is going to seriously harm someone or worse. This Judge had no intention to hear my side of the story. She even allowed _____ to speak a nasty opinion about one of my witnesses before she came in, seemingly swaying _____ perception of my witness. However, any "opinion" that I had (despite evidence that I had) was dismissed & was rudely interjected upon. Her interjections on _____ however, were apologetic & uncharged, & often said after he stated what he wanted to state. How can a Judge make a decision on a case without reviewing pertinent evidence in the case, & dismissing that I must speak about recent past events to prove that this OAH has been gained through lies & intent of retaliation by _____.

If anyone were to review the entirety of the evidence given to _____ anyone can see _____ story change multiple times from the time of the assault (police report and video) to this court hearing. He gave no evidence to support his very serious allegations of me, & his narrative was clearly deceptive. I feel that _____ showed nothing but prejudice & disrespect towards me during this hearing, & ultimately it led to a seriously mentally sick individual to yet again "win" (in his words) while committing horrible crimes. My whole adulthood has been consumed with the desire to become law enforcement, specifically as a Game Warden. This experience in court made me distrust our judicial system, & ultimately feel that truth does not set one free as I believed. I question my desires, for the first time in my life, to be law enforcement if it is this unjust & tainted. I will continue to fight this case in _____ Court, because ultimately, I believe in doing what is right, even if others do not set that example. And the true victim to the crimes that _____ has & is continuing to commit, is _____, whom at this point fears asking for help, because help/justice hasn't been served. In all the years that _____ has served, she should know better than to assume that a parent has their child's best interest in mind. If she reviewed the evidence that I provided & unbiasedly heard my narrative, she would see that _____ has ZERO regard for _____ safety or wishes. I would hope that _____ could & would reconsider her decision.