

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-385

Judge:

Complainant:

ORDER

August 25, 2023

The complainant alleged a justice of the peace was biased and engaged in ex parte communication when conducting an order of protection hearing.

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 Denise K. Aguilar, Roger D. Barton, and Michael J. Brown did not participate in the consideration of this matter.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY**2022-385****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.

went in and filed a restraining
order against myself () on

was there + helped

with the restraining order. I

went in on and filed an appeal.

Court date was set for

She let speak first in the hearing.

He wouldn't stop talking so I finally
raised my hand so I could say my side
of story. I explained that has always
ridiculed, Bullied + screams at me. He

has always played mental games through-
out our of marriage. He is a

Pathological Liar. Has cheated on me
and has also done things that I cannot
say. During this time of me trying to talk

was doing exactly what he has done
to me over the years. He kept interrupting
me, talking very loud (2 scream), ridiculing
me.

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She allowed this to go on by him. She did one time ask him to let me speak. My name is on the Title of residence, I have always had a key to my home. I could come & go whenever needed, We have a joint checking account. I pay all the bills out of the joint account. My name is on all taxes, Insurance, space site and he has said numerous times that I could take the deco items. Inside & out as my kids & grandkids gave me most items. I have also gone over & eaten there. I felt I could go over and retrieve items. My error was I did it in a fit of rage. I did not assault him nor did I have a gun and it is my home too. I could tell half way into the hearing she was leaning on his side which is unethical as she is to remain neutral. She denied my appeal. Please look at the video tape for that day. It will show that she was favoring him. She concluded the hearing and I rose & said thank you your honor. She was walking out when I yelled (what about the Title, I want my kids on the title. This had nothing to do with the hearing. I continued to walk out & she stopped and allowed me to continue and I wasn't in Court room. He didn't come out for quite a while. She is acting like his attorney.

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I know she is not remaining neutral and is playing on his side. This needs to be looked into ASAP. This is very unethical for a Judge to sit in on a hearing & already have based their decision. Once I left I started thinking about the whole hearing and knew it was all one sided. I didn't even have a chance as she had already set her mind to him. I know they continued talking once I left.

She needs to be reprimanded and someone needs to look at the taping of the day went in to file the restraining order

and the day we appeared in Court. She is playing against me and should remain neutral. This is not ethical and she needs to be spoken too & in the least reprimanded. I can see with my own eyes & hear with my ears she is very unfair.

I look forward to hearing back from someone regarding this issue.

Respectfully,

ORDER OF PROTECTION

☐ Amended Order

Case No.

Court ORI No:

County: State:

PLAINTIFF

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First Middle Last Suffix

PLAINTIFF IDENTIFIERS

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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

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First Middle Last Suffix

Defendant/Plaintiff Relationship: MARRIED NOW OR IN THE

PAST

Defendant's Address:

CAUTION: ☐ Weapon Alleged in Petition

DEFENDANT IDENTIFIERS

SEX	RACE	DOB	HT	WT
FEMALE	WHITE			
EYES	HAIR	<i>Arizona Prohibits Release of Social Security Numbers</i>		
UNKNO WN	UNKNOWN			
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 District of Columbia, any 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.

Any order served on or after is in effect for two years from date of service.

Any order served before is in effect 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.

☒ **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 ☐ Electronic (email, Text, etc) ☐ Mail ☐ Other:

Effective:

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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):

☐ Workplace (leave blank if confidential):

☐ 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: NOT WITHIN 250' ANY TIME OR PLACE, NO PHONE, FAX, EMAIL, MAIL, 3RD PARTY OR ANY ELECTRONIC CONTACT.

Date

/s/

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/maternality 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.**

PCO 1,4,5,8

Effective:

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**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.**