

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-494

Judge:

Complainant:

ORDER

May 25, 2023

The Complainant alleged improper legal rulings by a municipal court commissioner hearing 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 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.

On _____ I went to a hearing in the City of _____ court before Judge _____. This was a civil matter between a former friend and myself. Her affidavit had several lies on it, so I called for a hearing. The plaintiff immediately admitted she made up part of her affidavit, as I noted in the motion. This is called perjury, as noted by the affidavit when you sign it. But Judge _____ allowed the hearing to continue. And further, found the plaintiff “ _____ ”

The plaintiff's affidavit starts out by accusing me of harassing her from _____ on. I understand the court looks at only the past year. But that statement in of itself was a lie, and I brought proof to back it up. Judge _____ wasn't interested in hearing the truth that day unfortunately.

The judge made sure to ask how the plaintiffs felt. But when it came time to present my case, I was hurried along. I was trying to show the court how the plaintiff lied on her affidavit, but the court wasn't interested in that whatsoever. I was never asked how I felt-how did it make me feel to get these suggestive songs or random photos from the plaintiff. My evidence was immediately dismissed simply because the judge never heard of the suggestive songs the plaintiff had sent me. The judge didn't want to hear about any other evidence that would further prove the affidavit false. Therefore I had no case.

The plaintiffs mother answered questions for her and her brother. The judge allowed it. If I dared opened my mouth I was immediately admonished by the judge. When the plaintiff lied, I was told I needed legal objections otherwise things would stand. I wasn't aware I needed a lawyer in civil court. I couldn't think of Fruit of the Poisonous Tree fast enough. Would that be it? I really don't know.

My due process ends at the courthouse door when lies are allowed to stand on an affidavit. I'm not the best public speaker, I get it. I'm monotone and take a long time to get things out. I suffer from _____ from what the plaintiff in the case did to me in _____. The judge told me I need to just get over it. I often wonder if she tells female victims the same? The judge absolutely knew I suffer from _____ since it was noted in a letter read in court. That doesn't give the court the right to trample on my rights to present a case because I'm not a good public speaker and couldn't speak in front of the plaintiff very well. And it seems there is NO recourse for perjury in Arizona. That is really sad. Why even put it on the forms?