

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-004

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Judge:

Complainant:

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**ORDER**

April 5, 2023

The Complainant alleged improper and biased rulings by a superior court judge deciding a lower court appeal.

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).

Copies of this order were distributed to all appropriate persons on April 5, 2023.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2023-004**

**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'm going to keep this one even briefer. Please review the complaint against Judge \_\_\_\_\_ and the associated evidence, and then review this complaint and against Judge \_\_\_\_\_ (and his assistant).

I've included the order denying my appeal and highlighted my serious issues with it and made numerous comments. The person who wrote the document shows a clear and unprofessional bias in favor of the Plaintiff, and acts as if they are a personal friend of Judge \_\_\_\_\_. Nothing about it seems objective and even the language used relies on assumption and gives more weight to the Plaintiff's statements despite having proven that the felony crimes of perjury and evidence tampering were committed by the Plaintiff in Judge \_\_\_\_\_ courtroom. Not only that, much of what was written is either flat out false and they reference many statements I proved were lies in court, treating them like facts and ignoring that they were soundly refuted with actual evidence and logical arguments. It also has incorrect dates, timeline errors, and references separate events as occurring on the same day. The document was written by someone who likely intended to dismissed the appeal before reviewing any evidence, possibly in an effort to reduce their workload. It's clear that almost no effort was put into reviewing the fairly lengthy court recording and the submitted evidence, and I seriously suspect the person of basing the document on an personal interview with Judge \_\_\_\_\_. I wouldn't be surprised if most of the statements in the order denying my appeal were written verbatim from Judge \_\_\_\_\_ own words. There is something so seriously wrong with this document that it's hard to articulate. An eviction attorney I consulted with recently admitted that the \_\_\_\_\_ justice system is biased in favor of landlords, but with this, they made no attempt to even hide it, and I can't believe this came from a higher court.

Please take this seriously. I wish you could understood what it's like for justice to be stolen away from you by lies and have the entire legal system turn against you simply because you are a tenant with an anxiety disorder who made the mistake of trusting his landlord with the truth. Every single word I scream into the wind is true, and it's been so many years since I've said anything dishonest that I can't even remember the last time. Sure, I'm flawed and naive, and I'm angry about being wronged, and I'm a fool for trusting the \_\_\_\_\_ to help me with this and for not understanding the small-time landlord loophole, but I'm always honest and can look myself in the mirror every day and respect the person I see.

SUPERIOR COURT, STATE OF ARIZONA, IN AND FOR THE COUNTY OF

Plaintiff/Appellee,  vs.  Defendant/Appellant.	Case No. <i>- typo</i>  <b>ORDER RE: LOWER COURT APPEAL</b>
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<b>HONORABLE</b>	<b>BY:</b>	Judicial Assistant
<b>DATE:</b>		

Defendant appeals the issuance of an Injunction Against Harassment ("IAH") by the Justice Court ("Trial Court") under Arizona Revised Statutes §12-1809 and Arizona Rules of Protective Order Procedure ("Rule") 4(c) and Rule 25. Because the lower court did not abuse its discretion in issuing and confirming the IAH, the appeal is denied.

**FACTUAL AND PROCEDURAL HISTORY**

On [redacted] Plaintiff [redacted] informed [redacted] via text message and verbally of her 30-day notice for [redacted] to vacate the premises and her intent to terminate [redacted] tenancy. [redacted] gave [redacted] until [redacted] to vacate the premises.

On [redacted] attorney provided a formal 30-day notice to [redacted] as a prerequisite to her initiating an eviction action [redacted] and exchanged text messages regarding the rental unit, with [redacted] making several demands.

*(my own key, as the mail key was in the main house where I was no longer welcome)*

On [redacted] day notice. [redacted] responded angrily to [redacted] confirmed with [redacted] his receipt of the 30-day notice. [redacted] and telling [redacted] that he would see [redacted] in court. [redacted] claimed that [redacted] was engaging in disability discrimination.

Also on [redacted] entered a common area of the residence to which both parties had access, and through which [redacted] had to go to enter his rental unit. [redacted] gave [redacted] the required 48-hours' notice of her intent to enter the common area. Following [redacted] rring the common area, [redacted] called and yelled at [redacted]

*False notice is dated and posted*

*False This day involved a text and brief call about my unlocked bedroom and door and suspected unlawful entry by the Plaintiff (only this)*

*correct date is*

*inflammatory and still false*

*to unlawfully*

*one demand*

*next page*

- I made no complaint about her entering the common area,

I take medication to sleep. I didn't know the officer was there.

claiming that [redacted] had no permission to enter. [redacted] then called the County Sheriff's Office (" [redacted] "). When the deputy arrived at approximately [redacted] showed the deputy the 30-day notice previously provided to [redacted] and explained various complaints made by [redacted] did not answer the deputy to discuss the report. After investigating the call, the deputy concluded that [redacted] made the report out of spite. [redacted] was not paying rent on the storage area and therefore [redacted] did not need [redacted] permission to enter that area, but gave [redacted] notice anyway.

an assumption to support it

subjective and disputed, as the common area was my kitchen (fridge/microwave/hallway)

On [redacted] again called [redacted] this time to report that [redacted] had withheld [redacted] mail, despite having been given the opportunity to have his own, unlocked mailbox. The locked mailbox common to all the residents can be accessed with the key, which is available to all residents, including [redacted]. The residents took turns checking the mail, though it was not checked more than once per day and sometimes not at all. Despite [redacted] never trying to check the mail himself, he reported to the Sheriff's Office that his mail was being withheld. [redacted] provided no evidence to [redacted] that his mail was withheld.

false USPS will only deliver to one mailbox per address (i.e. the locked one)

This entire paragraph is completely false.

At [redacted] on [redacted] went to the door of [redacted] residence which she shares with [redacted] knocked on the door until [redacted] answered. [redacted] told [redacted] he was there seeking contact information from [redacted] had already been given the information he was seeking when served with the formal notice to vacate from [redacted] attorney. [redacted] provided no explanation as to why he was at the home at [redacted] seeking information which he already possessed.

not objective language

completely false This was about her blocking my number

Throughout [redacted] sent [redacted] many text messages at all hours of the day and night, contacting her about various issues relating to the rental unit as well as other, unrelated issues. At times, [redacted] contacted [redacted] through blocked phone numbers, after she had asked him to stop contacting her, and after [redacted] had been served with the 30-day notice to vacate the premises. [redacted] likewise told [redacted] to "[redacted]" but continued to send text messages to [redacted]

unprofessional suggestion not objective false implies multiple numbers (only x2)

false (only mail, wifi, water heater)

to address unresolved issues (mail, wifi, water heater)

On [redacted] petitioned for and obtained an IAH against [redacted] from the Trial Court.

On [redacted] at the request of [redacted] the Trial Court held an evidentiary hearing on the IAH. I [redacted] and [redacted] were the only witnesses to testify. The Trial Court admitted all exhibits the parties sought to admit or relied upon. The parties were given an opportunity to be fully heard.

false, Judge evidence refused to accept

This is an outright lie!!! Check the recording

On [redacted] timely appealed the Trial Court's order confirming the issuance of the IAH.

//



On \_\_\_\_\_ timely appealed, filing the *Appellant's Memorandum* in the Trial Court. \_\_\_\_\_ **did not file a response.**

— Didn't need to... the ANALYSIS justice<sup>system</sup> is biased in favor of landlords

This court reviews a trial court's grant of an injunction against harassment for an abuse of discretion. *Wood v. Abril*, 244 Ariz. 436, 438 (App. 2018); *LaFaro v. Cahill*, 203 Ariz. 482, 485 (App. 2002). "If there is substantial evidence to support the issuance of an injunction, [the appellate court] will not substitute [its] judgment for that of the trial court." *Wood v. Abril*, 244 Ariz. at 438 quoting *Prudential Ins. Co. v. Am. v. Pochiro*, 153, ARiz. 368, 370 (App. 1987).

As relevant here, "harassment" is defined as "[a] series of acts over any period of time that is directed at a specific person and that would cause a person to be seriously alarmed, annoyed or harassed and the conduct in fact seriously alarms, annoys or harasses the person and serves no legitimate purpose." A.R.S. §12-1809(S)(1)(a); Ariz. R. Prot. Order P., Rule 4(c).

Again, completely false. Judge

refused to admit several pieces of evidence I tried to give him.

Both parties were afforded a full and fair opportunity to provide evidence at the hearing. After considering the testimony and admitted evidence, as well as the credibility of the witnesses, the Trial Court found that \_\_\_\_\_ met her burden and proved by a preponderance of the evidence that \_\_\_\_\_ had committed harassment, confirming the IAH issued on \_\_\_\_\_

false admitted there were inconsistencies in the Plaintiff's statement

this means greater - false

false statements > truth

The chronology of the events supports the Trial Court's findings. Prior to there were few issues between \_\_\_\_\_ as landlord and \_\_\_\_\_ as tenant. \_\_\_\_\_ rarely complained about issues with his rental unit. On \_\_\_\_\_ was told by \_\_\_\_\_ to vacate the premises by \_\_\_\_\_ This notice to vacate was followed by a formal notice. At that point, \_\_\_\_\_ attitude and demeanor changed. \_\_\_\_\_ admitted he hated dealing with \_\_\_\_\_ and accused her of discrimination. \_\_\_\_\_ admitted he was gathering evidence to use against \_\_\_\_\_ in a discrimination lawsuit he intended to file.

This always has been true but I don't have to pretend to like someone anyone after they engage in housing discrimination and unlawfully evict me.

unprofessional - being unconscious from deep medication is not a refusal (I have insomnia)

When denied she accessed to the mailbox modified the WiFi to make it unusable and refused to fix the water heater.

\_\_\_\_\_ called \_\_\_\_\_ on \_\_\_\_\_ to complain about \_\_\_\_\_ yet he refused to speak with the deputy, leaving \_\_\_\_\_ to deal with the deputy alone at \_\_\_\_\_ called \_\_\_\_\_ again to complain about \_\_\_\_\_ sent a text message on \_\_\_\_\_ at \_\_\_\_\_ in which \_\_\_\_\_ requested attorney information. On \_\_\_\_\_ for an unexplained reason, \_\_\_\_\_ knocked on \_\_\_\_\_ door at \_\_\_\_\_ disturbing both \_\_\_\_\_ k and \_\_\_\_\_ simply to obtain information that he already received on \_\_\_\_\_

Throughout rental unit to \_\_\_\_\_ sent numerous text messages to report issues with his \_\_\_\_\_ These issues had been or were being addressed by \_\_\_\_\_

completely false The recording of the conversation was played at the hearing.

False again The audio recording clearly shows it was about my number being blocked

Absolutely false - she tampered with evidence, backtracked statements under oath, and I proved she lied about almost everything I raised issue in court about. Never fixed the WiFi, the water heater, and denied me mail access to the end.



which was aware. On sent a text message to at accusing roommates of being complicit in discrimination. The evidence at the showed that prior to the notice to vacate, rarely complained about the conditions of the rental. Yet, after sent repeated requests to lodging complaints about the rental unit.

For part, he provided significant and lengthy testimony detailing his perceived housing issues and discrimination. Though offered subjective, conclusory statements to support his claims that had lied, he provided no evidence which might have contradicted the evidence admitted by. The question of whether engaged in discrimination was not an issue before the Trial Court and is not the subject of this appeal. The only question presented on appeal is whether the Trial Court abused its discretion in issuing and later confirming the IAH.

On the evidence presented during the hearing, the Trial Court did not abuse its discretion. engaged in a series of acts between and that was directed at and that would cause to be seriously alarmed, annoyed, or harassed. The conduct in fact seriously alarmed, annoyed, or harassed and served no legitimate purpose. admitted during the hearing he was upset with and planned to take her to court for what he believed to be discrimination against him. testified that the evidence he gathered was enough to prove his case. motive to get even with led to his harassing behavior.

When issuing an IAH, the judge must ask the plaintiff about the defendant's use of or access to firearms and prohibit the defendant from possessing, purchasing, or receiving firearms for the duration of the order. Rule 25(g). raised the issue of firearms herself, which the Court addressed with both parties. Initially, admitted to owning two hunting rifles but stated they were in. At the conclusion of the hearing however, stated they were in his cargo trailer at the campsite he was staying at. The Trial Court did not abuse its discretion in restricting gun rights. inconsistency about the location of the firearms, along with motivations, admitted hatred in dealing with being upset by her actions, and his escalating behavior was sufficient to find that was in need of protection and restrict gun rights.

For the foregoing reasons, the injunction is affirmed.

sara she was afraid when she hears strange noises from my cottage. think about it

not objective biased language

biased language

False See page 8 of the appellants memorandum, and page 3 (16) Reasons for Dismissal of the Injunction Against Harassment //

-Of course I'm going to complain about retaliation, retaliating against a tenant who files a discrimination complaint is illegal!

he barely submitted evidence

Completely false!!!

Oh my god, I presented audio recordings and screen shots of videos

I proved she engaged in unlawful retaliation for filing a complaint w/ the

-false the person writing this didn't really review the evidence & recording as that statement referenced where my guns were in were false claims I was fired for guns

Escalating!?! I was evicted at the time of the hearing. I no longer lived at the residence or had a reason to interact with her, and I never did. Our last interaction was a full before the hearing.

**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.**