

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-005

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Judge:

Complainant:

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**ORDER**

April 5, 2023

The Complainant alleged improper decisions and poor demeanor by a justice of the peace (now deceased) hearing an eviction case.

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 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.

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

**FOR OFFICE USE ONLY**

**2023-005**

### 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.

My landlady tried to evict me because I truthfully told her that a police officer had targeted me with a false warrant for a " \_\_\_\_\_ " (The actual charges aren't even remotely similar, which are still unresolved, likely to be dismissed, and related to my unique disability.) I also have strong evidence (a police video, text messages, and recorded phone calls) that proves my landlady was intentionally engaging in housing discrimination against my disability (basically stating she'd love to get a less crazy tenant, despite the fact that I was an excellent tenant that always paid my rent on time, and quietly kept to myself). She was aware of my disability and an \_\_\_\_\_ case against my employer. I filed a discrimination complaint with the \_\_\_\_\_ and found out a full month later that there is a legal loophole for " \_\_\_\_\_ " landlords, which means justice for this housing discrimination falls upon the local courts. I was unable to find an attorney at that point (despite a fruitless legal consult), and it's not like I could afford one, as I've spent ~\$ \_\_\_\_\_ on an attorney for a strong/active discrimination case against the \_\_\_\_\_ (long story), and another \$ \_\_\_\_\_ for an attorney to assist with the fabricated charges from the police officer.

I didn't move out by the deadline, as I knew my landlady wasn't legally evicting me. I also had a training out of town to become an \_\_\_\_\_ for the \_\_\_\_\_ which was a once in a lifetime opportunity, and I wouldn't be able to attend the eviction hearing in person. I called the court to discuss my options and they basically said I had none (except for an unhelpful, brief continuance). I was struggling with my mental health and feeling overwhelmed and didn't know what to do, so I delivered a letter to the court explaining that my landlady was engaging in mental health discrimination, that I had filed a complaint with the \_\_\_\_\_ but I wouldn't be in town on the date of the hearing. This letter was apparently treated as a motion to continue and the hearing was held at a later date, which I still couldn't attend, as it was also during my training.

During that brief hearing, the plaintiff's attorney, \_\_\_\_\_ made the following statement: "

" This comment is clearly him belittling me, a pro se litigant with a disability, who was struggling to fight the eviction... in reference to the letter and documents I gave the court, of which, \_\_\_\_\_ pages is surely an exaggeration. The attorney also stated in the hearing, "

"

I don't have a legal background, but I think \$ \_\_\_\_\_ is an absurd amount of money for an eviction, and I believe this is a predatory attack against someone they knew couldn't defend themselves. I also believe that the attorney, knowing that I wasn't able to appear in court and believing that he'd already won the case, asked for more money, knowing that Judge \_\_\_\_\_ would grant it (they seem a little too friendly), therefore abusing the situation to profit off my disability, mental health struggles, and my misfortune, in a way I can only describe as unethical and evil. I've faced discrimination before, and it was traumatic. This eviction caused me to have panic attacks, suicidal thoughts, and to be homeless for \_\_\_\_\_ in winter.

Also, there were no emails (whatsoever), and what the attorney is claiming is that he is entitled to

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compensation for advising on a document filed in a separate court not associated with eviction, which I believe was a criminal tactic to mislead one court in order to obtain a document they could use to mislead another court... a clear manipulation of the justice system. Also, there is no evidence that they advised on the injunction against harassment (it's a mess), and the document itself is perjury/evidence tampering evidence that I reported to the (# , where the plaintiff intentionally modified text messages to make it seem like I was harassing her, and not the other way around. The attorney was basically assisting the Plaintiff (and himself) in profiting off my disability by committing a felony.

I was told I wasn't able to appeal the eviction, as I was out of town and missed the hearing, but when I finally was doing well enough to look at my options, I found out that I could file a motion to set aside judgment. I eventually requested a recording from the court and found some more evidence against my landlady... a false narrative during the hearing, that she didn't have a building safety permit for the cottage I was renting, and further evidence of perjury and retaliation for me filing a complaint against her.

I then put together and filed the motion to set aside judgment. The attorney then submitted a weak response to it, and I followed up with my own response to that. There was more than sufficient reason to set aside the judgment or at least allow me to present my evidence in court, which is fairly extensive and includes audio and video files. However, the judge completely dismissed it, and now with wages being taken from my paycheck by someone who committed a felony to obtain an eviction under false pretenses and seek compensation she isn't due, it has officially become a crime of theft as well, which I will also be asking the to investigate and files charges for. I still can't afford an attorney, I'm likely to become homeless soon, am considering bankruptcy, and some days I think about killing myself, despite having an awesome new job. The legal system treats tenants like they're subhuman... even an eviction attorney during a recent consult openly admitted the system is rigged in favor of landlords.

Here's a summary of my complaint against Judge

- The court did not grant me the ability to appear via telephone and kept the option secret.
- The judge showed that belittling people with disabilities in his courtroom is appropriate behavior.
- The judge refused to grant me a hearing to present evidence for my motion to set aside judgment, which included evidence of perjury, among numerous other valid reasons to dismiss the judgment.
- The judge granted financial compensation for legal counsel associated with a document not relevant to the eviction, which was filed in a different court that he doesn't have jurisdiction in, of which he didn't see the associated evidence for, which is evidence in an active perjury and evidence tampering case.

I believe that the Judge decisions/behavior are both unethical and unlawful, and I suspect him of engaging in mental health discrimination and being biased against pro se litigants and tenants. I wrote most of this thinking he was still presiding over my case, but I recently learned he died in I know you don't reverse judgments, but I'm afraid that I won't be treated fairly by the in any future wage garnishment proceedings. I wish you could help me, as I don't know who to turn to, but I understand this complaint may be pointless now. I don't enjoy speaking ill of the dead, but Judge denied me justice in life, and probably in death as well.

PLAINTIFF:

DEFENDANT:

CASE NO.

**MOTION TO SET ASIDE  
DEFAULT JUDGMENT**

Phone:

Phone:

**MOTION**

Defendant asks the Court to set aside the Judgment previously entered in this matter. I did not file a written answer, nor did I appear in Court because:

I was away at an incredibly important, once-in-a-lifetime work training and could not find or really afford an attorney, as I have already spent well over \$ on an attorney for a against my employer. In my " I stated that the eviction was unlawful, but I didn't submit a formal written answer, as I didn't understand law and have been struggling with my mental health (a documented disability since ) with symptoms of and ; which has been exacerbated by the Plaintiff's unlawful, hateful, and prejudiced actions. Additionally, I believed that the Attorney General's office had jurisdiction over housing discrimination, but recently learned this may not be true for landlords who rent to a small number of people.

**I would present the following defense at trial:**

**1. Someone involved in the process made a significant mistake. R.P.E.A. Rule 15(a)(4)**

- a. After reviewing the recording of the hearing, I learned the Plaintiff and her attorney misled the court by making false statements. They indicated that I was being evicted for harassing the Plaintiff, yet any claims (or supposed evidence) of harassment came after she told me on via text message that I was being evicted. The Plaintiff's claims of retaliation are protected activities, which include my property complaint, and a "landlord is barred from seeking eviction in response to... the tenant has complained to a government agency about a building or health code violation" (ARS § 13-1381). Also, in a phone call, she unlawfully made my tenancy contingent upon the production of personal legal documents. Her true motivations were to evict me for having a disability, for facing mental health discrimination, and/or for being innocent of false criminal charges and a fictional warrant (ARS § 13-115). This may qualify under Rule 15(a)(9) and 15(a)(10).
- b. The Plaintiff's attorney stated that I was paying for legal fees incurred because he counseled the Plaintiff on an injunction against harassment filed with the There is no evidence that he provided her with any counsel on that document, as it was very unstructured, full of illogical, hyperbolic, and false statements, and this court lacks jurisdiction to provide financial compensation for a document filed under false pretenses in another court. The Plaintiff committed perjury (ARS § 13-2702) in her petition for the injunction against harassment (currently under appeal) and in her false statements to the and then in her presentation of false evidence and statements to the This may qualify under Rule 15(a)(5).

**2. Newly discovered facts give the tenant a possible legal defense to eviction. R.P.E.A. Rule 15(a)(5)**

- a. I recently discovered that the Plaintiff was cited for multiple property code violations ( and , and one of the violations was for the unfinished guest home I was occupying, which diminishes the fair market value of rent that she can charge me and that I may be entitled to a partial refund on rent for at least

Also, it appears the rental of her guest house is unlawful as she doesn't have a building safety permit. This undermines any argument that I was harassing her with a legitimate complaint about the property.

**3. The Judgment is unlawful in some other way. R.P.E.A. Rule 15(a)(9)**

a. The eviction was unlawful and is housing discrimination. I was evicted for facing mental health discrimination through the false charges and a fictional warrant by the \_\_\_\_\_ Police Department which has committed multiple violations of federal law. Under \_\_\_\_\_ law, one is innocent until proven guilty, therefore my landlady evicted me for being innocent of a crime. The valid reasons listed for eviction in \_\_\_\_\_ law are failure to pay rent, violating the lease, or committing a crime on the premises. None of these were presented as reasons for the eviction.

**4. Someone involved in the process committed fraud or misrepresented something or engaged in other misconduct. R.P.E.A. Rule 15(a)(10)**

a. When I told the Plaintiff that she was engaging in housing discrimination and that I was going to file a complaint against her, she began retaliating against me (ARS § 33-1381). She unlawfully decreased services because I engaged in a protected activity by denying me access to laundry, timely access to my mail, refusing to fix the water heater (ARS § 33-1364), sabotaging the internet, and demanding I remove my cargo trailer from the property. I also believe her retaliation was motivated by my request for a property inspection because of safety concerns (ARS § 9-1303) and for contacting the police about her unlawful retaliation.

b. I submitted payment to the Plaintiff for \_\_\_\_\_ rent. She refused the payment in order to charge me holdover rent. She also has refused to refund my deposit and inflated the costs she deducted from my deposit. I dispute the Plaintiff's inflated assessment of charges for my rental deposit and what is considered normal wear and tear. Using her numbers, she apparently makes up to \$ \_\_\_\_\_ per hour as an \_\_\_\_\_. The unlawful eviction, and her attempt to obtain compensation she isn't due, is the equivalent of trying to profit off my disability and the misfortune I've faced because of hate and prejudice.

**5. The tenant did not owe money to the landlord when the landlord filed the eviction Complaint. R.P.E.A. Rule 15(a)(2)**

a. This may apply to the forementioned rules, but the Plaintiff was paid rent through \_\_\_\_\_, at the time of judgement (\_\_\_\_\_, I only owed \$ \_\_\_\_\_ so the maximum for holdover charges could be \$ \_\_\_\_\_. I was ordered to vacate the rental unit on \_\_\_\_\_ which I did, so at that time, holdover damages is \$ \_\_\_\_\_. Or \_\_\_\_\_ the Plaintiff indicated she was willing to prorate rent.

**6. The Plaintiff has engaged in a pattern of mental health discrimination.** Her previous tenant, \_\_\_\_\_ was apparently a family friend, yet the Plaintiff called her crazy and had her evicted from the cottage. Also, the Plaintiff threatened me with eviction on \_\_\_\_\_ after I called her out for making an ignorant statement that implied I might attack her with a ' \_\_\_\_\_ " simply because I have an \_\_\_\_\_

**7. I've also filed a counterclaim against the Plaintiff and request for a hearing on garnishment.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Defendant

**CERTIFICATE OF MAILING**

Copy mailed to Plaintiff

Date: \_\_\_\_\_

\_\_\_\_\_  
Defendant

**PLAINTIFF:**  
  
  
  
  
**Phone:**

**DEFENDANT:**  
  
  
  
  
**Phone:**

**CASE NO.**  
  
**VERIFICATION**

**DOCUMENT ATTACHED**

- COMPLAINT    ANSWER    ANSWER AND COUNTERCLAIM    REPLY TO COUNTERCLAIM    **MOTION:**

**Set Aside Default Judgment**

**VERIFICATION**

**STATE OF ARIZONA**

Being under oath, I affirm that I am one of the parties in this action. I have read the attached document, and find That the statements are true to the best of my knowledge.

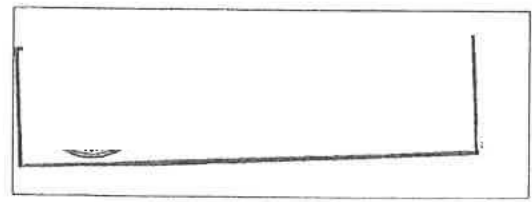
 **Affiant**

**SUBSCRIBED AND SWORN to before me this date**

**My Commission Expires:**



 **Notary Public**



Notary Seal

**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.**