

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-146

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Judge:

Complainant:

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**ORDER**

September 22, 2023

The complainant alleged a justice of the peace pro tem incorrectly applied the law.

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, Barbara Brown, and Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 22, 2023.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

23-146

**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.

-- COURT --

Failing to recognize Invasion of Privacy - ARS 13-1424- Voyeurism- Arizona Law & Penalties. A violation of this law is a punishable by over two years in stable prison (Class 2 misdemeanor)

Under the federal Wiretap Act, it is illegal for any person to secretly record an oral, telephonic, or electronic communication that other parties to the communication reasonably expect to be private. (18 U.S.C. 2511.) I have since requested continuance of my court issue. There was not enough time to state my other issue with my Landlord about the Breach of Residential Landlord and Tenant Act, Article 4 - Remedies for Abuse of Access B. This has not been brought up yet - as unfortunately to prevent further misconduct, violation of civil rights, constitutional rights - I express within the interest of myself, I can not allow myself to sit through this.

I have evidence of location of illegal surveillance. I also recorded by audio, detecting my findings

ARS 13-2602 Bribery of a Public Servant or Party Officer

In Arizona, it's illegal to try to influence a public servant or party officer's decision, vote, or influence in a particular matter that will benefit the person making the bribe. Just the promise or agreement of such a bribe is enough to be charged with Bribery of a Public Servant or Party Officer, a crime defined by the state's criminal code. This statute contemplates penalties for both the person making the bribe and the public servant or party officer accepting the bribe in exchange for some "special favor."

I wish not my identity due to safety concerns. I am aware that he might eventually find out, as my life is in danger.

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attorney for Plaintiff(s) Name / Address / Email / Phone

Bar Number

# Courts, Arizona

Court

CASE NUMBER: \_\_\_\_\_

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

## ANSWER (Eviction Action)

I am answering on behalf of:  Myself  Partnership  
 Marital Community  Other: \_\_\_\_\_  
(Requires signature of both husband and wife)

I ADMIT the following portion(s) of plaintiff's complaint. \_\_\_\_\_

I ask the court to dismiss plaintiff's complaint for the following reason(s):

This court does not have jurisdiction, because: \_\_\_\_\_

Plaintiff is not the proper party to file the complaint against me, because: \_\_\_\_\_

I am not the person or party against whom this claim should be made because: \_\_\_\_\_

Proper notice was not given to me as required by law.

Other Defenses: have emailed the management of my reasons. i wanted to reschedule because I was not feeling well. No agreement was met at the time. The manager displayed behavior that placed me in fear. I do deal with Post Traumatic Stress disorder. I wish this did not happened.

I DENY that I have:

Failed to pay rent as agreed. All rent has been paid as required by the rental agreement.

Committed any material non-compliance of the rental agreement.

Committed damage to the property.

Rent has not been paid because the plaintiff has violated the rental agreement or the Residential Landlord and Tenant Act. I gave the plaintiff written notice as required by the rental agreement and the Act. Attached is a copy of the notice that I gave. The plaintiff committed the following violations:

INVASION OF PRIVACY. FOUND CAMERAS IN HOME. MORE THAN

I am asking the court to deny Plaintiff's complaint. I am also asking for reimbursement of my court costs. I state under penalty of perjury that the foregoing is true and correct.

Date

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defendant

Please inform court staff if interpreter services are required.

Yes, I need interpreter services. Language: \_\_\_\_\_

I CERTIFY that I have / will mail a copy of this document on the same day to:

Plaintiff at the above address

Plaintiff's attorney

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

By \_\_\_\_\_

Defendant

Courts, Arizona

CASE NUMBER: \_\_\_\_\_

Address for Plaintiff(s): Name / Address / Email / Phone \_\_\_\_\_  
Case Number \_\_\_\_\_

Plaintiff(s) Name / Address / Email / Phone \_\_\_\_\_

Defendant(s) Name / Address / Email / Phone \_\_\_\_\_

COUNTERCLAIM (Eviction Action)

Defendant, having filed an answer to plaintiff's complaint, now counterclaims as follows:

Identify the breach of the Residential Landlord and Tenant Act or the breach of the rental contract that has resulted in the alleged damages that is the basis of this counterclaim:

ARTICLE 4- REMEDIES 33-1376 - Landlord and tenant remedies for abuse of access. B. If the Landlord makes an unlawful entry in an unreasonable manner or makes repeated demands for entry otherwise lawful but which have the effect of unreasonably harassing the tenant, the tenant may obtain injunctive relief to prevent the recurrence of the conduct or terminate the rental agreement. In either case, the tenant may recover actual damages not less than an amount equal to one month's rent.

(Incident happened at \_\_\_\_\_ I \_\_\_\_\_ days after sent the email, after requesting to the reschedule the inspection, and the management denied on their end, I told them I was not able to. The maintenance showed up anyway, just suddenly attempted to open the door.

Landlord attempted to enter after I emailed, once again. This is also recorded.

I gave the plaintiff written notice of the alleged breach. Attached is a copy of the notice that I gave. It was given to the plaintiff (or to their representative) on \_\_\_\_\_ in the following manner (e.g. mailed, hand delivered, etc.):

I am asking for judgment against the counter-defendant(s) herein named in the sum of \$ \_\_\_\_\_ . I am also asking for costs of court incurred herein and interest at the legal rate of \_\_\_\_\_ % per annum from the date of judgment. I am entitled to this relief because:

IN ARIZONA It is unlawful for an individual to photograph, videotape or secretly view a person without consent while the person is in a restroom, locker room, bathroom or bedroom or is undressed or involved in sexual activity, unless the surveillance is for security purposes and notice is posted. Ariz. Rev. Stat. Ann. § 13-3019.

Ariz. Const. Art. II, § 8: "No person shall be disturbed in his private affairs, or his home invaded, without authority of law."

I state under penalty of perjury that the foregoing is true and correct.

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

Counterclaimant

Please inform court staff if interpreter services are required.

Yes, I need interpreter services. Language: \_\_\_\_\_

I CERTIFY that I have / will mail a copy of this document on the same day to:

Plaintiff at the above address

Plaintiff's attorney,

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

By \_\_\_\_\_

Defendant

**TO:**

**FROM:**

## **BREACH OF RESIDENTIAL LANDLORD AND TENANT ACT**

### **ARTICLE 4 – REMEDIES**

#### **33-1376 – LANDLORD AND TENANT REMEDIES FOR ABUSE OF ACCESS**

B. If the Landlord makes an unlawful entry in an unreasonable manner or make repeated demands for entry otherwise lawful but which have the effect of unreasonably harassing the tenant, the tenant may obtain injunctive relief to prevent the recurrence of the conduct or terminate the rental agreement. In either case, the tenant may recover actual damages not less than amount equal to one month's rent.

**DATE:**

**BY:**