

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-266

Judge:

Complainant:

ORDER

November 9, 2023

The Complainant alleged a justice of the peace engaged in improper demeanor, engaged in ex parte communications, prejudged his case, and was biased against him in 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 Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on November 9, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023-266

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 had a hearing to get a "Injunction Against Harassment" dismissed. I was told to provide copies of any evidence I would use. When I arrived at the courthouse, I had large envelopes containing exact copies of my evidence and containing my notes. The courtroom door was locked. As I stood waiting for the doors to be unlocked, the man working security approached me and "snatched" all envelopes from my hands and went through a door next to the Admin/Customer Service window. I went to the window and asked the person ". She told me that my evidence had to be logged in with the court. This man never asked me if the envelopes contained any evidence or asked me to hand them over to him. He just took them. My notes contained information that was not to be seen by anyone other than me. This was a blatant act against my 4th Amendment rights. After several minutes passed, the courtroom door was opened and I went in. As I entered the courtroom, I noticed of my envelopes were on the table where I was to sit. I also noticed that the Plaintiff was already seated in the courtroom. The Plaintiff did not enter through the same door as me. My wife was with me and she sat on a bench that was behind me. When the judge entered the courtroom, he stood behind his chair and started lecturing my wife and I about marital problems and that this was not a court for that. Nothing had been discussed about our marriage at all. After the judge sat down my wife asked if she could sit next to me and the judge allowed her to. As the hearing started, the judge made sure everyone had pen and paper to take notes and he even encouraged it. As the hearing started the judge told me that there were things that I am not allowed to discuss and that he would stop me if I said the wrong things. The husband of the plaintiff was a working out of the same facility as the court. The judge told me that " ". During the hearing, the judge would not let me say much at all. He would interrupt me constantly. When I presented my evidence and proved that the plaintiff lied and fabricated a story to obtain the order the judge would speak up in defense of her, saying " ". The judge told me, he didn't care about my " ". During the hearing, my wife would write notes and pass them to me. the judge got very upset about this, snapping at us and threatening to move her back behind me. At one point I even said, " ", because the judge would not allow me to talk. Numerous times during the hearing the judge would threaten my 2nd Amendment rights. Telling me if I continue with this hearing, he could have a deputy show up at my house and confiscate my firearms. The judge spent more time acting as the plaintiff's attorney than a nonbiased judge. It didn't matter what I said, the judge would stop me. After a while in the hearing, I felt like this judge was going to have me arrested. He was very hostile towards me and my wife. When my wife realized that this hearing was not going well, she whispered to me to " ". Meaning, this is useless, I'm not getting any justice, just leave! I finally got frustrated with not being allowed to say what I wanted to say. I asked the judge if I could leave. As my wife and I were getting our stuff gathered to leave, she mumbled, " ". This comment sent the judge into a tirade where he started pounding his gavel so hard he broke it. During his tirade he said that he did not know the plaintiff's husband. Eventhough he mentioned him by name. It is my opinion that the husband of the plaintiff spoke to the judge and the judge was biased against me. This was obvious because of the things that the judge would not let me say. I have received a copy of the hearing transcripts, which have been HEAVILY edited to remove all of the things that the judge said to me and my wife. I ask, How can I prove that the plaintiff lied on a court document, but that document is allowed. This judge gave me NO justice! During this hearing, the judge insulted me, and never gave me any iota of justice!

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Per the courts own standards. None were met to get a Injunction Against Harassment(IAH)! The document that I have says the criteria to obtain a IAH is a series of acts(more than one). I proved that the plaintiff lied and fabricated a story on a court document to get this IAH. But this judge allowed it. Without any true evidence of a threat to anyone, and fabricated lies. Where is the justice when I prove Lies were told to obtain this order. This judge did not care about facts, only what he thought! A judge should not rule on opinion, but on facts. We look to the courts for true answers, but when a judge enters the courtroom talking about things that have not yet been discussed, that is being influenced before the trial. **BIASED!** I want to know, why were my rights disregarded during this hearing. Why did the judge mention things that were not "germaine" to this order? I received transcripts of this hearing from the courthouse! These transcripts have been heavily edited. Is that allowed? If so, why hide the truth! In my opinion, this judge spoke to someone(the husband of the plaintiff) about this case before the hearing. That is the only way this judge said what he said. Corruption has no place in court! We as citizens won't, and should not allow it. Why was the plaintiff already seated in a courtroom when the door was locked. Where did the plaintiff enter through and why? Why isn't the plaintiff being held accountable for fabricating a story to get this IAH? I got **NO** justice from the court! Why were so many of my Constitutional Rights violated? My 4th Amendment right when my property was snatched from me without my consent. My 1st Amendment right by not being allowed to say what I wanted to. My 5th and 6th Amendment rights violated by not having a impartial hearing/judge.

In summary: The points that I want to make. This judge walked in the courtroom with knowledge that had not been discussed nor yet made part of the hearing. He stated that it was his signature on the IAH, and that it would stand. Insinuating to me he had no intent to give me justice. He would not let me express myself during the hearing, denying me the ability to defend myself. His demeanor towards me and my wife was very hostile. At one point snapping at my wife and violently shoving a partition out of the way because he felt my wife was staring at him. After I was able to prove the plaintiff lied, and she even admitted to it, he still let her case have merit. Most of the hearing he acted as her attorney. His aggressiveness and insulting demeanor towards me is not what I expect in a courtroom by a judge. His blatant disregard for facts showed that. In the end, his tirade while beating his gavel(breaking it), telling my wife and I to get out shows who this judge really is. My wife and I fled that courtroom fearing that this judge was going to have us arrested. To this day, I still fear this judge will violate my rights. The blind scales of justice was not part of this court hearing. What shocks me is that the transcripts from that hearing have been so edited, that they do not show the true behavior of the judge towards me and my wife.