

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-430

Judge:

Complainant:

ORDER

April 12, 2024

The Complainant alleged a justice of the peace failed to explain a ruling in an injunction against harassment and failed to timely distribute the ruling.

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 April 12, 2024.

2023-430

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.

BACKGROUND

At the end of _____, I uncovered a widespread case of defamation perpetrated by so-called leaders within my social groups colluding together that had been going on for years, leading to multiple cases of harassment and threats against me, and so on. As such, I've petitioned the Court for multiple Injunctions Against Harassment which were all granted and served. Several have been challenged as well. Some individuals have even retaliated with Injunctions of their own against me, based on lies, however, which I've subsequently challenged. One of my petitions and subsequent challenge by the defendant includes the matter before you, with

Thus, a Contested Order Hearing took place on _____ (____). At the conclusion of the hearing, _____ did not make a ruling and instead took the case under advisement. No further contact from _____ was received. I figured the Injunction remained in place, until _____ contacted me around _____ to tell me the Injunction had been dismissed. I followed up with the _____ via e-mail to _____ I requested copies of all files generated after the hearing and for clarification regarding my right to appeal. _____ Court in _____ County by _____ Incident # _____ was created.

The clerk replied with the attached Hearing Order and informed me the deadline to file a notice of appeal had passed. As can be seen in the order, _____ apparently decided, _____ days after the hearing, to dismiss my Injunction Against Harassment. Further, the certificate of transmittal alleges that a copy of this order was mailed to both the defendant and me the same day it was issued,

Yet, this was the first time I (and apparently _____ as well just a couple days prior) had received this order. I followed up with further que _____ ding notifications & correspondence sent by the court. The clerk informed me there was no mail returned undeliverable in this matter. I followed up with further questions, which went unanswered and, after _____ days of silence, the Incident was abruptly marked " _____ on _____

Based on my introduction, as you might imagine, all of these cases have generated a significant amount of correspondence with the court, most of which is via e-mail. A search on _____ yields _____ results, _____ of which were sent to me containing attachments, several containing final orders such as the one before you. Yet, until my inquiry with the court on _____, no such documents were received regarding this matter, via e-mail nor US mail. Neither did the defendant receive any notice of such orders via e-mail nor US mail.

COMPLAINT

There is a major discrepancy here with the reality and the court's records. For example, the order indicates copies were mailed to both myself and _____, yet neither of us had received anything nearly _____ months after this mailing apparently too _____ this day, I still have not received this order in the mail. The clerk further confirmed no mail had been returned.

The only conclusion, then, that I could draw from this, is the order was and continues to be lost somewhere within the US mail system, an extremely rare thing to happen, especially nowadays. Yet, something even more rare has occurred here, with 2 separate yet related mail pieces both apparently lost somewhere within the US mail system at the same time, an occurrence I'd venture to say is next to impossible. Add to that the fact no e-mail correspondence was received by either party when, in every other similar case with this court, there was e-mail correspondence received, and you have an incident that is surely impossible. The more likely explanation, now, however, is repugnant, appearing to be some sort of deliberate attempt to not inform the parties of the final orders in this matter.

Further, no explanation, grounds, nor basis for the order's dismissal was provided nor exists, the clerk telling me I'd have to file a motion requesting such. _____ (Cont'd next page) ->

CONFIDENTIAL

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

FOR OFFICE USE ONLY

COMPLAINT AGAINST A JUDGE

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VIOLATIONS

This incident represents a due process nightmare. It has led to violations of multiple cornerstones of our honorable judicial system and our democracy itself that we take for granted, yet many around the world envy and yearn for, even risk their lives to obtain. Bless our Veterans who have fought and died for such rights.

Rights such as those enshrined by the Sixth Amendment, although specific to criminal prosecutions, are generally held to apply to civil cases as well. This can be seen in the rules for contested order hearings, in which each side may cross examine the witnesses against them.

The right to be informed of the nature and cause of the charges and proceedings is upheld by my obligation to serve the defendant with my complaints. This right to be informed never ceases throughout the entirety of a case, through appeals, and so on, and includes not only my accusations, but the answers to such by the other party and the judgments and orders from the court as well. This right to be informed has been violated herein.

We can see why being informed is so critical: because of this previous violation, my further right to appeal has been violated and now denied and lost.

On top of that, even if none of these previous violations occurred, _____ has failed to provide any grounds or basis for the dismissal of my injunction. Were the margins on my pleadings too narrow? Or was it something more substantial? This also goes to my right to be informed. Yet, the clerk tells me I could file a motion to be informed? It's supposed to go without saying, nor request, and we can see _____ has, in fact, violated the rules for contested order hearings: "At the conclusion of the hearing, the judicial officer **must** state the basis for continuing, modifying, or revoking the protective order." 17B A.R.S. Rules Protect. Ord. Proc., Rule 38(g)(4) (emphasis added)

Plaintiff v. Defendant	Case No. _____ State Case No. _____	HEARING ORDER <input type="checkbox"/> Order of Protection <input checked="" type="checkbox"/> Injunction Against Harassment <input type="checkbox"/> Injunction Against Workplace Harassment Issued Date: ___/___/___
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The request for:

- A protective order is granted denied withdrawn. Reason: _____
- A hearing is denied.
- A motion to continue is denied.
- A motion to modify is denied.

- The court continues the hearing to ___/___/___ (date).
- The court cancels the hearing set for ___/___/___ (date).
- At Plaintiff's request, the court dismisses the protective order listed above.

At time of hearing:

Plaintiff: Appeared Failed to appear but did not have notice Failed to appear but had notice
 Defendant: Appeared Failed to appear but did not have notice Failed to appear but had notice

- The court dismisses the protective order listed above.
- A protective order is denied.
- A protective order is granted. Brady applies (18 USC § 922(g)(8)).
- The protective order listed above remains in effect. Brady applies (18 USC § 922(g)(8)).
- As attached, the court modifies the protective order listed above. Brady applies (18 USC § 922(g)(8)).

Date _____

Judicial Officer _____

CERTIFICATE OF TRANSMITTAL

Copy mailed provided personally to Plaintiff on ___/___/___ by _____
 Copy mailed provided personally to Defendant on ___/___/___ by _____