

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-447

Judge:

Complainant:

ORDER

April 12, 2024

The Complainant alleged a municipal court judge made an improper decision in a protective order 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 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.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023-447

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 (Case # []), on [] at [] at the [] Court. My experience at the [] Court was fair compared to my "hearing" at the [] Court. My "hearing" at the [] Court was disturbing, so much so, that I felt compelled to share my experience.

While at my hearing at the [] Court, Judge [] explained the process, allowed time, and allowed both, the defendant and plaintiff to cross examine each other, which was fair. This was my second hearing with [] as he was not satisfied with my Protective Order being (wrongfully) dismissed at the [] Court, so he took a Protective Order against me in retaliation at the [] Court which was baseless. I feel this would not happen, if my Protective Order against him wasn't dismissed. The judge gave him the green light to continue with his shenanigans.

I had a hearing (Case # [] at [] on [] On [] I was granted my Protective Order, while in court Judge [] advised me to speak to an advocate on the 2nd floor. While speaking to the advocate, I was told I would have about 1 hour (possibly longer depending on the circumstance) with that information, I was under the impression that I would be allowed time to present my case. Unfortunately, this was not my experience.

[] came to my apartment multiple times uninvited, leaving notes and other items each time. I kept all of said items and wanted to present these in court. [] also sent me a video of a funeral, which I found unsettling! I printed emails, text messages, photos, and had voicemails. I was prepared to demonstrate the reason I requested and needed the protective order. Judge [] didn't explain anything, which was not helpful, as this was my first court hearing. Prior to this hearing I was unfamiliar with courts. Judge [] was not interested in the evidence I had against the defendant.

The Judge focused on videos claimed to be in the possession of [], (which I knew nothing about and didn't consent to any videos) instead of [] threat to come to my place of employment where I cared for frail in-home patients. Which was the reason I petitioned for the Protective Order in the first place. I took legal action to protect my clients and myself. At that point the harassment was ongoing for months and continued after telling [] I didn't want any contact with him multiple times.

I don't believe the Judge read my statement. If he had, he would know that [] stated he " []", which I took seriously and believed and still believe that [] is dangerous! Judge [] was rude, unprofessional, and seemed indifferent (bothered to be at work). He was quick to dismiss anything I attempted to say. It seemed to me like he was making excuses and was helping [] navigate his lies. What is the point of raising your hand and swearing to any oath before a hearing if there is no consequences/penalty for perjury???

Judge [] was quick to end the "hearing" which lasted about [] minutes. I was informed that I had a right to Appeal the decision made by the Judge. When I asked how long I had to appeal, he stated 14 days, but continued to say " []" which was an insult, as this was not a hearing at all. I felt he was discouraging me from getting an appeal.

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What I experienced was not a "hearing". It was an injustice! My witness and I were confused with how the hearing was handled and didn't understand why my case was dismissed, as I had significant evidence and facts to support my Protective Order. I'm disappointed and now understand why people are losing faith in the "justice" system. I'm also concerned, if this injustice happened to me, how many others have faced the same treatment of injustice? The people who have authority to protect the public, are complicit in allowing criminals to continue causing disruptions and chaos with no consequences.

Judge _____ was willfully absent from his duties to hear, and render judgement fairly based on the evidence. Instead he was unprofessional, unethical, and seemed biased while aiding _____ perjury claims. Judge _____ is not fit for his title or his position. I support a call for an investigation into his judicial practices. If this is what I experienced, I can't imagine how many other people have experienced similar injustice. Based upon Judge _____ performance and the reviews on the Court, his actions warrants an investigation.