

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-055

Complainant: No. 1414110530A

Judge: No. 1414110530B

ORDER

The complainant alleged that a justice of the peace was biased because he may have known the opposing party from a previous case. He further alleged the judge made erroneous rulings, did not provide sufficient notice that he granted the opposing party's motion, and did not give him an opportunity to present his defense. After reviewing the allegations and listening to the recording of the hearing, the commission found no evidence that the judge was rude or biased. Whether the judge ruled correctly is a legal issue outside the jurisdiction of the commission. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: May 31, 2011.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on May 31, 2011.

This order may not be used as a basis for disqualification of a judge.

To Commissioner:

On September 27, 2010 I had an eviction case (case no. CC 2010-) with my landlord Simon Estephan in which the Honorable Judge presided. The case took place in the North Valley Justice Court in Surprise, AZ. I won that case because Simon Estephan filed a false eviction case five days after a breach in the lease was filed. According to AZ Landlord Tenant Act I have Ten days to cure any breach in a lease. Arizona Revised Statutes; A.R.S § 33-1368 as explained in The Landlord Tenant Act; Noncompliance with rental agreement by tenant; failure to pay rent; utility discontinuation; liability for guests; definition. Except as provided in this chapter, if there is a material noncompliance by the tenant with the rental agreement, including material falsification of the information provided on the rental application, the landlord may deliver a written notice to the tenant specifying the acts and omissions constituting the breach and that the rental agreement will terminate upon a date not less than ten days after receipt of the notice if the breach is not remedied in ten days. At the end of the trial, Simon Requested immediate inspection and Judge granted it. I protested and stated a new two day notice must be issued. Judge still granted it. #1, AZ Landlord Tenant Act § 33-1343. Access D. The landlord shall not abuse the right to access or use it to harass the tenant. Except in case of emergency or if it is impracticable to do so, the landlord shall give the tenant at least two days' notice of the landlord's intent to enter and enter only at reasonable times. Simon Estephan should not have been granted immediate inspection without two day notice.

On October 20, 2010, there was an eviction trial took place for case no. CC-2010- with my Landlord Simon Estephan and once again Judge presided. # 2, When Simon Estephan was on testifying on trial, Judge asked about an email that was used in the previous case that I won and allowed it as evidence, see **Exhibit 1**. Before and during the trial the inspection that was held on October 7th 2010 was mention several times. The police were called at this inspection to do a civil stand by. I had my girlfriend call the police because Simon Estephan was opening drawers and cabinets violating my private and personal stuff. It was invasion of privacy. I lost the case because Judge did not rule in favor of the law. I am supposed to

have a full ten day cure. I only had 9 days to cure. #3, Judge
hear say.

did not rule in favor of the law and ruled on

I appeal the case. During this appeal process, Simon has tried to do illegal inspections. I did not allow these inspections to occur because we are in the appeal process, they were not a full two notice, and they were times where I was going to be at work. See **Exhibit 2 & 3** I have took too much time off work already and the last time I allowed the inspection, I had to call the police to do a civil standby because Simon was going through personal stuff. . On November 4th, 2010, Simon Estephan filed motion to inspect and was granted on November 12, 2010 and mailed out on November 15, 2010. See **Exhibit # 4**. The court or Simon Estephan never notified me of the motion filed. My lawyer from the trial wrote me a letter stating he never received any motion from Simon Estephan or the court. See **Exhibit 5. # 4**, It offends me that Judge grants the motion on knowing that the plaintiff searches personal belongings and picks times when I am at work. The judge knew I had no time I could take off work because he had to sign a time clock when I went to court on October 18, 2010. See **Exhibit 6**. On November 18, 2010, I received a notice in the mail that Simon Estephan motion to do inspections was granted. I checked my email and Simon notify me of the illegal inspection. Simon emailed me at 7:00 pm on November 17, 2010 that inspection would be at 5:00 PM on November 19, 2010. That is not a full two day notice. I took my last two hours of personal time from work to go to court to see how this could have happen. I filed a motion to stop inspections. See **Exhibit #7** I was notify that motion must have a ten day hold. I had no choice but to go home and refuse inspection until my motion was heard from Judge . I did not allow the inspection because I filed the motion and it was not a full two day notice. I was fired from my full time job because of the events that occurred on November 19, 2010. I am presently still unemployed. On November 22, 2010, Simon Estephan file Contempt of Court. See **Exhibit 8**. On November 23, 2010 Judge submits an order entry and orders me to show cause. See **Exhibit 9**.

The first paragraph in exhibit 8, Judge states himself, AZ Landlord Tenant Act § 33-1343. Access D. The landlord shall not abuse the right to access or use it to harass the tenant. Except in case of emergency or if it is impracticable to do so, the landlord shall give the tenant at least two days' notice of the landlord's intent to enter and enter only at reasonable times. Simon Estephan should not have been granted immediate inspection

without two day notice. Most of his inspections are less than a two day notice. It was mention the plaintiff motion that was file on November 22, 2010. He does not mention my motion that I file on November 19, 2010(exhibit #6). I am order to go to court on December 06, 2010 to show cause.

I showed up to court on December 06, 2010 to show cause like I was order to do so. I had u exhibits #2, 3, 4, 5, 6, 7,8 and 9 as evidence. Judge asked If I had allowed inspections. I said no. The judge reminded me about the verbal approval on inspections. I reminded him that was from a previous case. He immediately got angry and would not see my evidence or hear anything else I had to say. He tells me that if I don't allow him the inspection that I will be in thrown into jail indefinitely. #5, Judge calls me into court to show evidence and I was not allowed to defend myself or was given the opportunity to show evidence.

On December 06, 2010, judge submitted minute entry findings of indirect civil contempt and order. See **Exhibit 10**. Judge list six different findings. On finding # 3, Judge brings up the verbal order from the previous case. On Findings four and five of exhibit 9, I admitted to follow court order and fail to comply. On Exhibits 8 and 9, Judge never mentions anything on my motion Exhibit 6. Everything that Judge did on December 6, 2010 was bias and prejudice.

On December 08, 2010 Simon Estephan came over to do the inspection. I left a few minutes early before inspection time to get a drink from Circle K that was a half mile away down the road. My girlfriend stayed at the house just in case he showed up early. Simon did show up early. My girlfriend answer the door and told Simon he can do the inspection, but he just have to wait a few minutes for me to comeback from Circle K. Simon threw a big fit and started yelling and running across the street to neighbors saying that inspection was deny. He hurries back to his car and takes off. I came back seconds later and just missed him. I called and left a voicemail and I call Phoenix Police Department to do a civil Stand by. Police went to Simon Estephan house. Simon told the Police that he did not want to do the inspection because it was too late and that I fail to comply with court order. The next day, December 09, 2010 I called Simon Estephan several times and left several messages on the misunderstanding that happen yesterday. Simon Estephan filed a motion for my arrest because I failed to comply court order. See **Exhibit 11**. I was outside around 7:00 PM and he stopped at the house ask me why I was calling

and that he just came from the Doctor Office. I told him to do the inspection. He wanted a quick look inside. I allowed it. He told me that he would do a full inspection the next day and I said okay. He came over on December 10, 2010 to do a full inspection at 5:00 PM. My parents and _____ were there as witnesses. My dad videotaped the inspection. Simon had a list of things that I need to get done and wanted me to sign it. I refused to sign it. It was prewritten and he mailed it to me days later. See **Exhibit 12**. The Next day December 11, 2010, the police from the court came to the house to arrest me. Simon Estephan. #6, Simon Judge _____ issued the warrant for my arrest without calling me or hearing my side of the story.

I would like to point out that Simon Estephan and Judge _____ had four previous cases with each other with different defendants. See **Exhibit 13, 14, 15 and 16**. I am also submitting my appeal memoranda and my appeal memoranda reply as **Exhibits 17 and 18** for any small details that I might have left out.

I list six different findings and included several evidence that shows Judge _____ impartially and unfairness, bias and prejudice. I lost my job and much more. I am asking you, the Commissioner, please carefully and respectfully look at this case and take appropriate action. Thank you for your time.

Signature _____

Date _____