

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-072

Complainant: No. 1438010955A

Judge: No. 1438010955B

ORDER

The complainant alleged that a municipal court judge ignored the law and failed to give her an opportunity to present her case.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After review, the commission decided to dismiss this matter with a private advisory comment reminding the judge of his obligation to remain competent in the law. The case is dismissed pursuant to Rules 16(b) and 23(a).

Dated: May 31, 2012.

FOR THE COMMISSION

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on May 31, 2012.

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

State of Arizona

Commission on Judicial Conduct

1501 W Washington Street, # 229

Phoenix, Arizona 85007

March 15, 2012

RE: COMPLAINT ON JUDICIAL CONDUCT ON A JUDICIAL OFFICER

In reference to the above, (plaintiff) filed an injunction against harassment on me on May 31st 2011 out of spite because I broke off our relationship with him on this specific day in question. Bad words were said from both ends and I assumed it was over. He filed this injunction the same day – May 31st 2011 and I requested a hearing with the Tempe Municipal court as I disputed the facts that the plaintiff wrote as the reason for the injunction. I was granted a hearing on June 17th 2011 on this matter.

The plaintiff was not asked to provide proof of harassment and when I asked the Judge that to ask the plaintiff to provide proof that I harassed him, the Judge told me that is not what he is there to do. He denied me the right to defend myself and subsequently granted the injunction against harassment to the plaintiff. I tried to say something to the Judge and he dismissed me by telling me to go appeal my case outside and this can all be heard in the audio tape recorded by the courts.

This was a miscarriage of justice and the aftermath of this miscarriage of justice has been far worse than I could ever imagine. The plaintiff been stalking me at work, antagonizing me and has caused me a lot of grief to the point where I had to leave work and go on a leave of absence. I reported it to human resources, he was advised to stay away from me but he refuses to comply. I have suffered severe depression, anxiety attacks, panic attacks due to this and I have been out of work as I was unable to function due to his behavior.

It is everybody's right to be granted a fair trial as injustice anywhere is injustice everywhere. I believe the Judge was prejudice, either because I have an accent, or because I'm a female or whatever reason he treated me the way he did as I was not rude to him, I just wanted my side to be heard and he denied me that right.

I appealed the decision to the Superior courts and they vacated the Judge's judgment remanding the case back to Tempe court for the plaintiff to provide proof of harassment. I anxiously waited for the letter advising me of my new date in court and I never received one. Next thing I knew, I received a letter from the Tempe Court house advising me that I had a hearing on February 7th 2012 that I failed to show and the injunction was put back in place. I had been fighting this from the beginning and there is no way on this earth I would have missed that hearing on February 7th 2012. I live by myself, I am the only one that checks my mail and I never received anything from the Tempe court house advising me of a new hearing date scheduled.

I called the court house to advise them of this and they told me I have to write a letter and fax it in, requesting a new hearing. The representative I spoke with on the phone gave me specific fax #, stating the fax is directly to the Judge's office (Fax # _____). I faxed the letter and had a confirmation of the 3 pages of fax received on Feb 29th 2012. I called in two days later to see if I have been granted a court date and I was advised that the fax was never received. At this point, I thought it was more than a coincidence for me to not get a letter advising me of a hearing on February 7th 2012 and now they are telling me that my fax from me requesting to be granted a new court date. I have confirmation of the fax being sent and received. I re-faxed the same fax again on March 2nd 2012 and I advised the court house that I have a feeling somebody is sabotaging my case because of the appeal I filed with the superior courts.

On this same day, March 2nd, I also requested an address and phone # from the representative that I was speaking with at the Tempe Courthouse as to where I would file a complaint on the Judge and they told me it's the same address as their courthouse – 140 E 5th Street, Tempe, Arizona. I told her there has to be a different address and she refused to give it to me. When I threatened a lawsuit, that's when she put me on hold for over 10 minutes and came back with your address and your phone number. And you can subpoena the phone records to just so you can know this is what I went through and how I was treated by this court house.

I received a call on March 5th 2012 advising me that my court date has been set for March 19th 2012 and I have been granted a new Judge -Judge _____ of which I was thankful for. I just want a fair trial.

I am filing this complaint on Judge _____ because what he did was wrong, it was against the Law and I just want to make sure nobody goes through what I went through. It is every humans' right to get a fair trial. It is every human right to be heard by a judicial officer before making a ruling that can affect one's life. And he denied me the right to defend myself and took the plaintiff for his word – which were nothing but lies. He refused to see the proof that I had, contradicting the plaintiff's claims and dismissed me like I was a waste of his time.

I am a good citizen of this community and I didn't deserve how the Judge treated me, neither did I deserve how I was treated by the Tempe Court house hence reason for my complaint. It is my hope and prayer that something will be done about this as I believe in God and I still believe in the Justice system.

I have attached all the documents to support my claim, including my memorandum that I filed with the superior courts and also the request to be granted a new hearing. I have also attached the proof of the fax receipt that they claim they never received which I find hard to believe as it was a 3 page letter, typed out professionally and it will hard to miss.

Awaiting for your correspondence.

Yours Sincerely,