

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-117

Complainant: No. 1441610569A

Judge: No. 1441610569B

ORDER

The complainant alleged that a superior court commissioner treated him unfairly by berating and yelling at him during a hearing. He further alleged the commissioner allowed improper testimony and made an erroneous ruling.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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 reviewing the information provided by the complainant and the recording of the proceeding, the commission found no evidence of ethical misconduct and concluded that the commissioner did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of the commissioner's ruling. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: August 21, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed
to the complainant and the judge
on August 21, 2012.

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

ON MAY 2, 2012 I (THE DEFENDANT) AND (THE PLAINTIFF) HAD A HEARING AT 8:30 A.M. IN COURTROOM 101 OF COMMISSIONER THE REASON FOR THE HEARING WAS BECAUSE THE PLAINTIFF FILED AN ORDER OF PROTECTION AGAINST ME, AND I EXERCISED MY RIGHT TO REPLY TO THE ORDER OF PROTECTION. AFTER WE WERE SWORN IN, JUDGE BEGAN TO READ THE STATEMENTS THAT THE PLAINTIFF LISTED IN SAID COMPLAINT. AFTER READING THE COMPLAINT JUDGE BEGAN TO LOOK AT ME IN A MANNER THAT MADE ME VERY UNCOMFORTABLE. HER LOOK WAS ONE OF DISGUST AND DISDAIN. SINCE THE PLAINTIFF FILED THE ORIGINAL ORDER JUDGE INFORMED SAID PLAINTIFF THAT THE BURDEN OF PROOF WAS ON HER, AND THE PLAINTIFF WAS ALLOWED TO GIVE TESTIMONY FIRST. AS THE PLAINTIFF BEGAN TO TESTIFY JUDGE ABRUPTLY AND LOUDLY CHASTISED ME AND ACCUSED ME OF DISRESPECTING HER COURTROOM. SHE STATED THAT I WAS FIDGETING MUCH TO HER DISCOMFORT. AND WHEN I ATTEMPTED TO EXPLAIN WHY I WAS FIDGETING (IN HER WORDS), SHE STILL CONTINUED TO BERATE AND YELL AT ME. I EXPLAINED TO JUDGE THAT THE CHAIR I OCCUPIED HAD MICROPHONE CORDS THAT WERE IN THE WAY. I WAS SIMPLY TRYING TO KICK THE CORDS AWAY FROM ME SO THAT I COULD REST MY FEET COMFORTABLY ON THE FLOOR. ALSO I HAVE A TENDENCY TO SHAKE AND FIDGET WHEN I AM NERVOUS. AND BEING IN A COURTROOM MAKES ME NERVOUS TO SAY THE LEAST ESPECIALLY WHEN I AM THE DEFENDANT TRYING TO PROVE MY CASE. THE PLAINTIFF WAS GIVEN GREAT LATITUDE WHILE SHE TESTIFIED WHICH INCLUDED ALLOWING TESTIMONY FROM A PREVIOUS ORDER OF PROTECTION THAT WAS DISMISSED BY HONORABLE JUDGE ON DECEMBER 9, 2011 IN THE SAME LOCATION AS COMMISSIONER (SEE ATTACHED ORDER OF PROTECTION) PLAINTIFF WAS ALSO ALLOWED TO TESTIFY ABOUT MY PAST CRIMINAL HISTORY. THE PLAINTIFF SUBMITTED UNTRUE FACTS FOR WHICH LAW ENFORCEMENT HAS NOT CONTACTED ME IN REGARDS THAT I HAVE BEEN ALLEGED TO HAVE DONE. ALL THE WHILE THE PLAINTIFF WAS GIVING TESTIMONY COMMISSIONER STILL CONTINUED TO LOOK AT ME WITH MORE AND MORE DISGUST AND DISDAIN. I FELT COMMISSIONER ALREADY MADE A PRECONCEIVED JUDGEMENT ABOUT ME BEFORE I OFFERED MY TESTIMONY. I WAS GIVEN LITTLE OR NO LATITUDE, AND WAS FORCED TO ONLY GO FAR BACK AS APRIL 6, 2012 IN REGARDS TO THE COMPLAINT, WHILE AS I STATED ABOVE THE PLAINTIFF WAS GIVEN GREAT LATITUDE. THIS DECISION LIMITED ME TO AN UNFAVORABLE OUTCOME. AFTER I FINISHED MY TESTIMONY THE PLAINTIFF AGAIN WAS ALLOWED TO OFFER MORE TESTIMONY AND IN ATTEMPTS TO REBUT COMMISSIONER STATED NOTHING I SAID WAS GOING TO MATTER BECAUSE SHE WAS KEEPING THE ORDER OF PROTECTION IN PLACE. IN ONE LAST FINAL ACT OF ABUSING HER AUTHORITY COMMISSIONER HAD ME ARRESTED IN HER COURTROOM. IN THE ORDER OF PROTECTION THAT WAS SERVED ON ME IT STATES THE EMAILS BETWEEN I AND THE PLAINTIFF ARE TO BE KEPT TO A MAXIMUM OF 75 WORDS OR LESS, AND NO MORE THAN 2 EMAILS PER DAY. THE PLAINTIFF HAD EMAILED ME ON APRIL 23, 2012 STATING THAT SHE CHANGED HER EMAIL ADDRESS. IN MY RESPONSE I WENT OVER THE MAXIMUM ALLOWABLE BY 22 WORDS. MY RESPONSE WAS NON THREATENING AND NON INTIMIDATING, SO I FELT COMMISSIONER COULD HAVE EXERCISED A LITTLE DECORUM AND RESTRAINT AND EXCUSED THE OVERSIGHT. I PLEADED WITH THE COURT BUT IT DIDN'T MATTER. COMMISSIONER ORDERED THE DEPUTY TO TAKE ME INTO CUSTODY AND STATED THAT I VIOLATED THE ORDER OF PROTECTION. AGAIN I PLEADED WITH YOUR HONOR BUT TO NO AVAIL. THANKFULLY I HAD AN UNDERSTANDING DEPUTY, FOR HE WALKED ME OUT OF THE COURTROOM IN PINK HANDCUFFS BUT 20 MINUTES LATER RELEASED ME WITHOUT CITATION. IN SUMMATION I HAVE NO DOUBT THAT COMMISSIONER ABUSED HER AUTHORITY AND HER ACTIONS TOWARD ME WERE DESPICABLE AND DEPLORABLE AND IS ABOVE REPROACH. I KNEW FROM THE MOMENT I WAS SWORN IN I DIDN'T HAVE A CHANCE TO SUCCEED, BECAUSE I WAS GUILTY BEFORE I SAID A WORD. MY GIRLFRIEND THE PLAINTIFF, AND TWO COURT DEPUTIES WERE WITNESSES TO COMMISSIONER ABHORRENT BEHAVIOR. SINCE COURT PROCEEDINGS ARE IN FACT RECORDED I ASSUME THE COURTS WOULD HAVE NO TROUBLE REVIEWING THE RECORDINGS TO DETERMINE IF COMMISSIONER ACTIONS WERE UNCALLED FOR AND UNWARRANTED.