

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-283

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace made improper rulings in a protective order proceeding.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Commission member Gus Aragón did not participate in the consideration of this matter.

Dated: November 23, 2016

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on November 23, 2016.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2016-283

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.

See ATTACHED

1. Letter of REASON(s) for Judge's wrongdoing.
2. Copy of Protection Order
3. Copy of
4. Copy of
in
5. Copy of text messages of me telling her
to come the at to pick
up her mother's things.
6. Copy of hearing where protective order
remains in effect even after I presented
evidence & witnesses of. Lies.

September 27, 2016

The reason[s] that I am filing a complaint against the judge:

This in regards to me being served an Order of Protection on _____ and giving someone _____ with no legal interest in the property " _____ ' at _____

There was no legal basis for the original order. I am the sole owner of the property with a Joint Tenancy Deed with rights of survivorship (attached). That is my permanent residence. I have lived there for about _____, the _____ made many false statements to receive the Order of Protection. She actually is a resident of _____ and does not reside at the property in question, _____ The property is vacant but I still can't enter it. _____ had no legal right to enter my property as she did on _____ or to remove items from my property. Again, on _____ There was no will or probate in progress. How do we know her mother left her her personal items without there being a will or probate?

Me being the owner of the property and her having no legal right to enter my property without my permission or to remove her mother's items without a will or probate, should have been enough to vacate the Order of Protection.

I had no problem leaving the Order of Protection in place regarding _____ protection. But, since she is a convicted drug user, I really have/had a problem with giving her exclusive use and sole possession of the property. I am _____ and basically homeless due to the Order of Protection regarding my residence. Attached is a record of the Case Details for her criminal cases in _____ One of them shows she is on probation for _____ years. I am not sure she should have even been out of State. I am sure that everything of value has already been removed from the home regardless to whom it belonged to.

_____ lied to the judge when requesting the order of protection. Starting with _____ and I are not related, never were related. She was the daughter of my deceased roommate. We NEVER had any kind of relationship. She was always jealous of the relationship her mother and I had. And for the last _____ years, I took care of her mother, both financially and physically as she had _____ surgeries and was very sick for that period of time.

The judge issued a no contact order or _____ of the Order of Protection. But the judge also ordered exclusive use and possession of the residence to _____ Now – that's what I have a problem with. That has been my only residence for over _____ does not even live in Arizona. _____ was granted this Protection Order on the basis that I was her " _____ ' but had moved out of the house. I do not know where she got this information. I am the legal owner of the property and left the residence or _____ to go to _____ to visit _____ like I do once even _____ weeks. Her mother and I had a Joint Tenancy deed with rights of survivorship. I have

been making the total house payment for over _____ years _____ had no income except for which amounted to a little over \$ _____ a month.

_____ stated that I had moved back in the residence and would not release her mother's personal items. _____ and her brother _____ entered my house without my permission sometime during the night of _____ and removed their mother's personal items from the house. That is the reason I refused them entrance on the _____. I had made arrangements with them to come on the _____ to pick up their mothers things. Instead I am served with the Order of Protection and given _____ to vacate the house.

I have NEVER heard of anyone being made to leave their house that they have bought and paid for for _____ years. If anyone should have been given a time limit to pick up items out of the house with police escort it should have been _____

The hearing on _____ was also prejudicial against me by the judge. Why the judge thought she needed to uphold the Order of Protection is beyond me. Did she really think a _____ woman had to be afraid of someone _____ with _____. And I lived with her mother _____. We shared most everything. If her mother had any _____ " I wasn't aware of them. Besides _____ and _____ already removed every thing of value out of the house when they entered it without my permission on the _____

I scheduled a hearing on _____ to rescind the order and even though I brought up the facts stated above to the judge, the judge found for the plaintiff and paid no attention whatsoever to the lies that were told in order for _____ to get the Order of Protection in the first place.

I did seek legal advice prior to the hearing to rescind the order and was told that since I had a Joint Tenancy Deed with rights of survivorship, the judge would rule in my favor for that reason alone. I went into the hearing with confidence that I would be able to move back in my house. Now, since this order remains in effect for a year, the house will sit vacant and deteriorate. I have filed an appeal but since I am a senior citizen and on a fixed income, I cannot afford to hire an attorney, so I am sure I will lose that also.

I do think the judge should be reprimanded for making such a mistake. I am sure Orders of Protection are important when there is actual fear and bodily injury involved, but someone who can just walk in off the street who is not even a resident of Arizona without showing any proof they were entitled to the property or the items in question can basically have a senior citizen uprooted, I feel the judge erred very badly. Because of this, everything I have worked for for my retirement and everything _____ and I worked for will be lost. I cannot reside in my house to live or conduct _____ or _____ have a peaceful retirement. Instead, I am living _____ with a few items of clothing and sleeping in a bunk bed. Somehow, that doesn't seem right to me or anyone else I have discussed this with. With one bang of the gavel – it is all lost.