

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-248

Judge:

Complainant:

ORDER

October 16, 2019

The Complainant alleged a municipal court judge was biased against her and made improper rulings in a protective order proceeding.

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 Rules 16(a) and 23(a).

Commission member George H. Foster, Jr. did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 16, 2019.

2019 - 248

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.

On _____ Judge _____ issued Order of Protection # _____ Judge _____ failed to follow Arizona law 13-3602. Judge _____ is an appointed judge for the _____ court of _____ Arizona.

_____ requested an order of protection from _____, her mother. There was no act of domestic violence committed by _____. The request clearly stated the reason for the request was _____ had filed a dependency action _____ in _____ court which involved the minor children included in the order of protection.

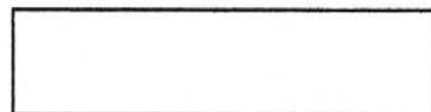
Judge _____ violated AZ 13-3602, rule 23 a, e and g and rule 34 by issuing an order of protection which included;

1. _____ on the same order, _____ and _____ did not meet the criteria for an order of protection because he had no relationship to _____. _____ failed to meet the criteria for the order of protection because there was no instance of domestic violence, ever, and she was a party to an open dependency case with the defendant.
2. Judge _____ failed to interview _____ as required by law. _____ failed to appear at any hearing for the contested order of protection.
3. The Hearing for the contested order of protection was set for _____. Judge _____ allowed a continuation filed by the petitioners lawyer. The hearing was rescheduled for _____. Attorney _____ informed Judge _____ of the jurisdictional issues. Judge _____ refused to acknowledge the jurisdiction of the _____ County Court _____. The case was continued _____ and finally set for _____. Judge _____ was again presented with evidence of her error in issuing the order of protection. Attorney _____ informed Judge _____ of the rule of law 13-3602 and a copy of the _____ Court website which states _____ Court will not issue an order of protection when the defendant and the petitioner are both parties to an open dependency case. Attorney _____ argued effectively for Judge _____ to transfer the order of protection to _____ County Court _____ to be heard by Judge _____. Judge _____ was biased towards _____ treating her with disdain. Judge _____ stated, with no evidence, that she was unwilling to let the case go because she felt there was a danger to the petitioner _____. Judge _____ also _____ with witnesses present that she did not like the rule requiring her to yield to the _____ and was going to have the _____ the statement advising the public of the rule.

CONFIDENTIAL

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

FOR OFFICE USE ONLY



COMPLAINT AGAINST A JUDGE

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4. Judge [redacted] failure to direct the petitioner [redacted] to the proper court to request the order of protection had serious and detrimental effects on the defendants and the petitioner. The defendant was denied contact with her grandchildren, the ability to attend the church she had attended for [redacted] denying her the right to practice her religion. Because Judge [redacted] refused to acknowledge the jurisdiction of [redacted] County court the attorney fees for both parties was substantial. This created a negative view of the judicial system for the defendant.

5. Upon finally accepting the jurisdiction of [redacted] County Court [redacted] the [redacted] Court failed to transfer the case within [redacted] or notify the [redacted] Police department of the transfer to [redacted] County. On [redacted] County Court Judge [redacted] directed her clerk to request the case transfer from [redacted] Court and she set the hearing for [redacted]. On [redacted] after testimony and reviewing multiple police reports and police body cam video she ruled that their was no reason the order of protection should have been issued and she found the witnesses non-credible.

Judge [redacted] is required to know and uphold the laws of the State of Arizona. Despite multiple chances to correct her mistake she failed to act appropriately to correct her failure to acknowledge the jurisdictional issues. Judge [redacted] failed to provide a fair and unbiased hearing causing a negative view of the judicial system. The emotional and financial harm was substantial. Her actions smeared the reputation of a retired member of the law enforcement community.

The failure to acknowledge the limits of her jurisdiction caused [redacted] Police Officers to be present for court on multiple occasions wasting the resources of the [redacted] Police department.

I am requesting that Judge [redacted] be investigated and if found to be in violation that she be disciplined. I am also requesting that she reimburse the excess attorney fees caused by her refusal to acknowledge the jurisdiction of the [redacted] County Court [redacted].



WHAT IF THE ORDER OF PROTECTION INVOLVES A MINOR?

Any petition for an Order of Protection sought against a person who is less than twelve (12) years of age shall be filed in the Court and in those cases in which the defendant and the plaintiff are both parties to an open dependency case.

ADDITIONAL QUESTIONS? PLEASE CONTACT:

- Court -
- Court -
- Court
- Court -
- Court -

GENERAL PETITION DOCUMENT

- Application and Guide Sheet for Protective Orders



Order of Protection

Case no. _____

~~modification~~ request **to DISMISS**

- _____ submitted false and or misleading information to the court. I am requesting that the Oder of protection be removed as having no merit.
- _____ has had a previous order of protection issued in _____ to protect minor child from _____ who had held _____ and the minor child _____ The order was issued by _____ enforcement case : _____
- _____ year daughter, _____ refused to leave her grandparents home on _____ stated to police officer she was afraid to go home with her mother. Per the information contained in the police report _____ (attached as exhibit #1) _____ submitted false information by stating that _____ and _____ unlawfully detained my granddaughter.
- _____ deliberately created a police contact situation by failing to inform _____ and _____ that _____ was to pick up the minor children at school. Per police report _____ (attached as exhibit #2) _____ stated she had not informed _____ and _____ of the change in her child care plan. _____ had been picking the minor children up from school for approximately _____ before the _____ incident.
- _____ call made at the end of the the police contact per the advice of police officer _____ Per AZ law 13-3620 any person acting as a child caregiver is required by law to report suspected child abuse.
- _____ to current. _____ sent _____ messages asking to give the children their _____ informing _____ we loved her no matter what happened her, and asking to take the children to church. _____ and, or never entered _____ home without permission and never stole anything. Per the attached statement from _____ (attached exhibit #3) _____ gave permission to enter the home, care for her dog and remove warm clothes for

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**