

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-255

Judge:

Complainant:

ORDER

October 22, 2020

The Complainant alleged a municipal court judge improperly dismissed her protective order and limited the methods by which she can communicate with the court.

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 Commission Rules 16(a) and 23(a).

Commission member J. Tyrrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 22, 2020.

appeal

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▾ Show all 9 attachments (5 MB) Download all

TO whom it may concern

On [redacted] there as an emergency situation in which an injunction of harassment needed to be immediately put in place

[redacted] at the [redacted] assisted me [redacted] who does this all of the time both orders of protections and injunctions of harassment

I spoke to the judge soon after she submitted my request

I communicated to the judge details with various questions answered that wasn't on the petition

She granted the order obligation fulfilled

[redacted] contested the order with no reason stated

A hearing was granted which took place yesterday

Judge [redacted] dismissed the injunction against harassment

He said it didn't have enough incidents listed but the previous judge had already granted the order

An obvious discrepancy

[redacted] had already violated the order on [redacted] and was already served with the injunction against harassment disclosed by [redacted] on [redacted] when she came out to the residence

The injunction of harassment should NOT have been DISMISSED it was already approved hopefully the telephone call was taped

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2020-255

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.

The Injunction of Harassment
Order against

was dismissed on
when it shouldn't

have been. ^{Added} ^{had already} violated

The Judge I spoke to on ^{the order} ^{of} ^{Protection}
told me I fulfilled
the incident obligation discussed
with questions answered
It was an Emergency

Plaintiff	Case No:	Declaration of Service
Vs		OP/IAH/IAWH Issue <u>Date:</u>
Defendant		

**USE THIS FORM ONLY IF YOU ARE AUTHORIZED TO SERVE LEGAL PAPERS
UNDER ARCP 4 OR ARS § 13-3602(K).**

The undersigned, being first duly qualified by law, swears or certifies that a copy of the following was served upon
 Plaintiff Defendant on ___/___/___ at ___ a.m. / p.m.
(Date) (Time)

(Address where defendant was served)

- | | |
|--|---|
| <input type="checkbox"/> Petition and Order of Protection (OP) | <input type="checkbox"/> Modified OP, dated ___/___/___ |
| <input checked="" type="checkbox"/> Petition and Injunction Against Harassment (IAH) | <input type="checkbox"/> Modified IAH, dated ___/___/___ |
| <input type="checkbox"/> Petition and Injunction Against Workplace Harassment (IAWH) | <input type="checkbox"/> Modified IAWH, dated ___/___/___ |
| <input type="checkbox"/> Notice of Hearing | |

Plaintiff has been advised of service Yes No

Declarant is a: registered process server peace/correction/detention officer authorized by the Court

Print: Name _____ Agency _____ Identification No. _____
Charges*: Services \$ _____ Mileage \$ _____ Fees Paid \$ _____ Total \$ _____
* No charges/fees of any type for IAH that arises from a dating relationship or any OP.
I declare under penalty of perjury that the foregoing is true and correct pursuant to ARCP 80(i)

Signature of Person Serving Document (Declarant) Date

Defendant Description:

Sex	Race	DOB	HT	WT	Eye	Hair	Driver's License#	State

DO NOT SERVE THIS FORM ON THE DEFENDANT. DESTROY WHEN SERVED.

Notice: This form will be used by the agency that will serve your court documents. Be accurate and complete when filling out this form.
Without this information, your documents may not get served.

THIS FORM IS CONFIDENTIAL AND WILL NOT BE GIVEN TO THE DEFENDANT.

Plaintiff _____ v. _____ Defendant _____	Case No. _____ Date Issued _____	SERVICE OF PROCESS INFORMATION FORM
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Your name _____ Email _____
Address _____ Main phone _____ *Cell _____
City, State, ZIP _____
*Will you accept text messages on this cell or at another number?
 Yes No Alternate number _____

DEFENDANT'S INFORMATION (person you want to be served)

Defendant's name _____	Birthdate _____ <input checked="" type="checkbox"/> Actual <input type="checkbox"/> Estimated
Address _____	Does Defendant need an interpreter? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, language needed _____
City, State, ZIP _____	Does Defendant live with you now? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Apartment complex name _____	

Sex	Race	Height	Weight	Eye color	Hair color	Driver license #	State	Expiration date

Defendant's ethnicity is: _____
Company/work name _____ Work phone _____
Work address _____
City, state, ZIP _____

Work hours _____	Normal days off _____
Best time at work _____	Best time at home _____

Other places Defendant goes _____
Days/times most likely to be there _____

Vehicle year/make/color _____	License plate/state _____
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Distinguishing features, scars, tattoos, marks (and location): _____

Is Defendant violent toward police drug user heavy drinker mentally ill
 on probation/parole — Probation officer name/phone/ us _____

Does Defendant *carry* a gun a knife? | Don't Know
Does Defendant *have* a gun a knife? | Location of weapons now _____

INJUNCTION AGAINST HARASSMENT

Amended Order

Dating relationship/Sexual Violence-No Service Fee

Case No.

Court ORI No.

County State **AZ**

PLAINTIFF

First Middle Last Suffix

PLAINTIFF IDENTIFIERS

Date of Birth of Plaintiff

And/or on behalf of minor family member(s) and other Protected Person(s): (List name and DOB.)

V.

DEFENDANT

First Middle Last Suffix

Defendant/Plaintiff Relationship: OTHER - Landlord

Defendant's Address : _

CAUTION: Weapon Alleged in Petition

DEFENDANT IDENTIFIERS

SEX	RACE	DOB	HT	WT
EYES	HAIR	<i>Arizona Prohibits Release of Social Security Numbers</i>		
DRIVER'S LICENSE #		STATE	EXP DATE	

Estimated Date of Birth

WARNINGS TO DEFENDANT: This Injunction shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. § 2265). Crossing state, territorial, or tribal boundaries to violate this Injunction may result in federal imprisonment (18 U.S.C. § 2262). Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. § 922(g)(8)). **Only the Court, in writing, can change this Injunction.**

This Injunction is effective for one year from date of service.

THE COURT HEREBY FINDS THAT:

It has jurisdiction over the parties and subject matter.

Defendant received actual notice of this Hearing and had an opportunity to participate.

THE COURT, finding reasonable evidence of harassment or that great or irreparable harm would result if this injunction is not granted before Defendant can be heard in opposition, and there are specific facts attesting to efforts to give notice to Defendant or there are reasons why notice should not be given,

HEREBY ORDERS:

NO CRIMES. Defendant shall not commit any act of harassment (A.R.S. § 12-1809(S)) or sexual violence (A.R.S. § 23-371) against Plaintiff or Protected Persons.

NO CONTACT. Defendant shall have no contact with **Plaintiff** except through attorneys, legal process, court hearings, and as checked: Phone Email/Fax Mail Other:

NO CONTACT. Defendant shall have no contact with **Protected Person(s)** except through attorneys, legal process, court hearings and as checked: Phone Email/Fax Mail Other:

**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.**