

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-287

Judge:

Complainant:

ORDER

December 23, 2020

The Complainant alleged a superior court commissioner influenced a witness, improperly issued a protective order, and had a conflict of interest.

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 members Barbara Brown, Joseph C. Kreamer and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 23, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2020-287

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 typed statement (5 pages).

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COMPLAINT AGAINST A JUDGE

Name:Judge:

This is a complex legal situation and this complaint against Judge _____ is the first in a series of complaints that I am filing with the Judicial Commission against several judges (per the Administrative Policies, 3 (a)(b)(c)(1)(2)(3) of the Arizona Code on Judicial Conduct.

I am filing these complaints by the date in which _____ filed for each court petition against me in each respective court in _____ County, as they were all retaliatory and inter-related. The impact of _____ petitions to the court and the subsequent response from the judges are at the very minimum a gross violation of Arizona's Code of Judicial Conduct, Rule 1.2 - *Promoting Confidence in the Judiciary, resulting in gross erosion of public confidence of the Judiciary*, but violate many other judicial rules and laws that the judicial officials are bound to and must adhere to, several of which constitute as a crime. These violations have caused severe hardship, loss and suffering in my life, when _____ is the party who has been found guilty and sentenced for his initial crime against me.

The misconduct of Judge _____ occurred on _____ This is the date on which _____ the plaintiff in case _____ petitioned the court for a restraining order against me, the Defendant, to which Judge _____ was assigned and approved in the _____ County Superior Court.

Background to this complaint:

_____ was arrested for threatening violence against me. Please see _____ Police Department report number _____. He was later found guilty and received sentencing for this charge in _____.

_____ - I obtained a restraining order against _____ which also removed _____ from his mother's residence - _____ (I _____). The judge for this restraining order also made the designation that gave me the exclusive possession and use of the residence. Upon receiving the restraining order, I immediately went to the _____ to speak with an _____ representative, as _____ resided in the house and was under the long-term care of the _____ and to which her son, _____ had power of attorney over her.

Due to the police not responding to my calls for consecutive days to have _____ served and removed from the house, _____ was not served and removed until _____.

After being removed from the residence on this date, the record shows that _____ then went to the _____ County Superior Court to apply for guardianship over his mother, for the purposes of evicting me as cited on the guardianship petition (which has been removed and replaced – not only was the original statement altered on the guardianship petition and replaced, the statement that he was only petitioning for guardianship, not conservatorship, was removed and replaced. Thus, implicating the _____ County Superior Court and _____ in tampering with evidence, obstruction

of justice - A.R.S. 13-2409 and A.R.S. 13-2809), as the court stated he did not have the legal authority to evict me with the designation of power of attorney, which he allegedly then had over his

The case number for the guardianship case is _____ with the _____ County Superior Court. _____ was granted temporary guardianship on _____ and a hearing was scheduled for permanent guardianship. According to the record with the _____ County Justice Court, a 5-day notice to vacate was also obtained on _____ and then the petition for eviction filed on _____ (_____. The eviction petition and approval are retaliatory and illegal based on A.R.S. 33-1491(A)(4) which states "the tenant has filed an action against the landlord in the appropriate court or with the appropriate hearing officer." (my restraining order against him - _____).

Based on the record, _____ also went to the _____ Court on _____ to request a hearing for this restraining order against him to be dismissed. During this hearing at the _____ on _____, the judge did not dismiss the restraining order, but modified my exclusive possession and use of the house. During this hearing at the _____ Court, the judge refused to enter my evidence against _____. Had the judge admitted the evidence, he would not have had any substantiation to modify the order against _____. After the hearing, on _____ immediately went to the _____ County Superior Court and petitioned the court for a restraining order against me. This is the basis for my judicial complaint against Judge _____

The restraining order against me was issued on _____ by Judge _____ of the _____ County Superior Court. The case number is _____

Before I detail the complaint against Judge _____ the following context must also be explained. _____ illegally took several retaliatory actions against me using the courts. The details of which are provided in the motions to each court. Many of the offenses against Judge _____ can also be found in my *Motion for Restitution*, filed with the _____ Court and which is currently pending - case no. _____

At the time of _____ arrest and restraining order against him, I was an employee of the _____ petition for this restraining order against me and its subsequent approval by _____ severely impacted my position with the _____ and was part of the reason for my termination from the agency. This restraining order was dismissed on _____ but the damage caused by it has literally been incalculable and I am still dealing with the ramifications of it as of the date of this filing with the Judicial Commission. As detailed in my *Motion for Restitution* to the _____ Court. _____ petition for the restraining order against me, should never have been approved by the court and Judge _____ is also stated by the Judge herself during hearing according to the audio files for hearing _____

This complaint against Judge _____ must be evaluated in conjunction with the audio files for the hearing that occurred on _____ case number _____, as this is the context for her actions and legal violations in the _____ County Superior Court.

In my *Motion for Restitution* to the _____ Court, I provide a detailed analysis of this hearing between Judge _____ and _____ [his includes my statements of fact regarding the events as they occurred. I will provide this section of the motion on this form, as well as provide the entire *Motion for Restitution* to accompany this complain against Judge _____

Upon listening to the audio file of the hearing for _____ it will be evident that Judge _____ is very obviously guilty of violating A.R.S. 13-2802. Influencing a witness. The statute states:

- A. A person commits influencing a witness if such person . . . confers or agrees to confer any benefit upon a witness with intent to:
 - 1. Influence the testimony of that person.

_____ in this petition and sworn testimony to the judge and court, is guilty of perjury and subordination of perjury. While this Judicial Commission only has jurisdiction over disciplinary conduct of judges, I discuss _____ violations as well throughout so the full extent of his manipulation and crimes are evident, in conjunction with the judicial authority for each case.

As will be evident upon listening to and evaluation the audio files from the hearing, Judge _____ violates Rule 611(a)(1) in conjunction with A.R.S. 13-2802 of influencing a witness. Arizona Rule 611 states:

(a)Control by the Court; Purposes. The court should exercise reasonable control over the mode and order of examining witnesses and presenting evidence so as to: **(1)** make those procedures effective for determining the truth;

Judge _____ not only violated this rule, she literally constructed a scenario that never occurred and then led to answer in a manner that was not only false but would provide her with the justification to approve a restraining order against me that unjustly and illegally removed me from the residence. _____, during the testimony, had already perjuriously falsified the context and events that never occurred.

This illegal fraudulence on behalf of Judge _____ and _____ have illegally impacted my life, employment, finances and personal and professional record from which I am still suffering.

I have very serious concerns regarding many of judicial representatives at the _____ County Superior Court as these complaints will show. I have several legal problems with _____. As stated above, _____ filed for adult guardianship over his mother for the purposes of evicting me as he could not do it with Power of Attorney. This was his incentive for filing for Guardianship over his mother. After researching Judge _____ I discovered the following article from _____

_____ recently was an _____

These connections and possible corruption with become evident with the subsequent complaints that I'm filing with the Judicial Commission. At the time that this restraining order was issued, I was preparing a report with evidence for the _____ of the _____. This was finalized and filed with the _____ on _____. I had no knowledge at that point that _____ had filed for Guardianship over his mother

**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.**