

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-201

Judge:

Complainant:

ORDER

August 30, 2024

The Complainant alleged a justice of the peace made improper rulings in an eviction case, pertaining to the amount of costs the court ordered and the time when the writ was issued.

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 Denise K. Aguilar did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on August 30, 2024.

2024-201

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.

I own a duplex apartment building with two adjoining units. I rented apartment 1 to the aforementioned tenants in; On they lacked of paying the agreed amount for rent and deposit. On they lacked of paying the agreed amount for rent and deposit. On told me (not asked) that I would have to wait until or any money when she got paid. arrived and no money was offered nor was there any money on On I filed case # which was heard on and was dismissed without prejudice by Judge I gave written Notice to the tenants that I wanted to inspect the property for maintenance and repairs on I discovered multiple violations of the lease agreement: piles of belongings inside and out, an undisclosed cat and a brand new stove filthy and damaged. As I took pictures to document the evidence became increasingly agitated and threatening forcefully shoving me away from the door hiding the cat. The patio was stacked with junk 21' 6" X 10' X 7' high blocking the bedroom window as a fire escape. I overheard tell someone on cell that the landlord had not fixed a leak or power problem. I called a plumber and left a message and called an electrician whom could come at the next day. I texted to advise her of the repairs. Next day I text the plumber had responded and texted her again he was on his way. She would not allow me to accompany the plumber into the unit. I called the Police and officers told her she couldn't keep me from my apartment. They told me she filed an assault charge against me the previous day but none of them came forward to take me one block for finger printing or a mug shot. At would not allow me to enter the unit with the electrician. The leak and power problem have not been repaired and both repairmen left the property with me paying them for uncompleted repairs. On filed an Injunction Against Harassment against me online at Justice Court. On I filed an Irreparable Breach against the tenants which was heard on and concluded by Judge in favor of granting of the requested for her costs. He gave the tenants to vacate and did not issue the required 12 to 24 hour Writ of Restitution. I had not accepted rent for or as doing so knowing the lease violations would prevent me from action to remove he tenants. The Judge gave the tenants another days to occupy my premises without any compensation to me whatsoever. The Court was aware from the filed documents that I had paid for several Court filing fees, several and Return Receipt Mail documents as proof of service to tenants, several Constable trips at to serve Court Notices, for 16 typing paper size color photographs copies of documents, for Writ of Restitution plus or Constable to serve the Writ and to change locks. For all the forgoing costs which it was known I was required to pay I was awarded a mere for my costs. Therefore, the Court was mandated in an IRREPARABLE BREACH case to issue a Writ of Restitution within 12 to 24 hours after the decision in the case on

CONFIDENTIAL

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

FOR OFFICE USE ONLY

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The Writ of Restitution was not issued and tenants were given _____ days to occupy my premises without compensation. The costs would not have been incurred but for the conduct of the tenants and by a preponderance of evidence the costs were incurred complying with directives required in a case to establish a complaint and serve notices to the tenants. The costs incurred were not unreasonable or contrary to customary expenses. The public expects Court's to consistently interpret legal rights and the application of law to foster trust in the judicial system. Inconsistency in rulings that are unpredictable cause confusion and result in decisions that are "anyone's guess" which reduces confidence in judicial legitimacy. Judges must follow Court policy so their decisions result in consistent outcomes including timely Writs of Restitution. Judges are not to be biased or engage in preferential conduct. .