

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-156

Judge:

Complainant:

ORDER

August 28, 2019

The Complainant alleged a superior court commissioner improperly dismissed her order of protection and implied the commissioner was biased against her.

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 August 28, 2019.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

19-156

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.

Please see attached court documents for this complaint.

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RE: Citizen Complaint Regarding Case #

Judge

To Arizona Commission on Judicial Conduct,

On there was a hearing regarding Orders of Protection that my husband and myself had filed against each other. Despite overwhelming evidence that I presented in court including my testimony, statement from an eye-witness and a written statement by another witness, photographs of text messages, phone calls, transliterations of voice mails left by my husband before and after the domestic violence incident occurred in my home on , his Honor Judge ruled that my Order of Protection dismissed while upholding my husband's Order of Protection. My husband, is a and in the US Reserve. My husband had a lawyer represent him. I represented myself.

Order of Protection Case #
Order of Protection Case #

The Honorable Judge verdict has caused me to have great concern for many reasons:

Since reporting the incident to the police citation # by Officer on I have been staying in a shelter for victims of domestic violence. I feel that I am currently in extreme danger for my personal safety from a very sick and dangerous man without any protection from the police or the Court here I understand that this complaint will not change the outcome of the case but it is my civic duty to report Judge unethical misconduct and would like the Arizona Commission on Judicial Conduct to be aware and investigate the ruling of this case.

On I filed a citizen complaint with the City Police the complaint via Chain of Command to Police Chief against Officer escalating for misconduct in his investigation as he issued a second citation (#) later on citing me as the suspect and my husband as the victim. This second citation, my criminal record for disorderly conduct and a DUI no doubt had some influence on Judge verdict.

I am on standard probation for a DUI and my Probation Officer has already approved for me to travel to for my daughter's graduation in My plane tickets have been purchased in anticipation of this trip. If charged I may not be able to go to this very important event.

As a in the State of I will have difficulty with my past convictions retaining my licensure.

I request that the investigation into this matter is taken seriously by the Arizona Commission on Judicial Conduct with a reasonable conclusion of misconduct. I pray that corrective action is taken so this Judge does not make gross mistakes in the future when presented with the evidence that I provided during the hearing for Orders of Protection where one party has past convictions and the other party is an

‘ ” citizen with a lawyer.

I attest that my above statements are true and accurate to the best of my knowledge.

PRESS HARD - YOU ARE MAKING 5 COPIES

FOR BEST COPIES - REMOVE FROM BOOK AND WRITE ON A HARD SURFACE

VICTIM REQUEST FOR, OR WAIVER OF, PRE-CONVICTION AND / OR PRE-ADJUDICATION RIGHTS

This form opts you in as a victim because there is probable cause that a crime has been committed against you. Opting in does not mean you are "pressing charges." Please keep this form for future reference regarding your case.

1 <<FORM USE>>

Initial Contact By Phone/Mail DATE: _____

Victim-Initiated Change(s) In Person

2 <<CASE IDENTIFYING INFORMATION>>

REPORTING AGENCY: _____ Phone #: _____

Reporting Officer(s): _____ Complaint/Report/Citation #: _____

Location: _____ Report/Citation Date/Time: _____

Offense/Type of Crime: _____

Felony Misdemeanor Petty Offense Domestic Violence Issue

3 <<ARREST / DETENTION STATUS>>

<input type="checkbox"/> SUSPECT NOT IN CUSTODY <input type="checkbox"/> UNKNOWN <input type="checkbox"/> KNOWN _____ ADULT _____ JUVENILE SUSPECT #1 _____ _____ DOB _____ SUSPECT #2 _____ _____ DOB _____ If an arrest/detention in this case is made, you will be notified at the earliest opportunity. If you are not notified of an arrest/detention within 30 days, you may obtain case status information by calling the law enforcement agency indicated in Box 2 above.	<input checked="" type="checkbox"/> SUSPECT CITED AND RELEASED / REFERRED ADULT <input checked="" type="checkbox"/> JUVENILE _____ SUSPECT #1 _____ _____ DOB _____ SUSPECT #2 _____ _____ DOB _____ COURT: _____ DATE: _____ TIME: _____ If a citation is issued, the accused may appear at any time prior to the date and time shown.	<input type="checkbox"/> SUSPECT IN CUSTODY - ADULT INITIAL APPEARANCE: SUSPECT #1 _____ _____ DOB _____ SUSPECT #2 _____ _____ DOB _____ COURT: _____ DATE: _____ TIME: _____ CUSTODIAL AGENCY: _____ The adult suspect in custody will appear in court for an Initial Appearance within 24 hours of arrest.	<input type="checkbox"/> SUSPECT IN CUSTODY - JUVENILE DETENTION HEARING: SUSPECT #1 _____ _____ DOB _____ SUSPECT #2 _____ _____ DOB _____ DETENTION CENTER: _____ The juvenile suspect in custody will appear for a Detention Hearing at the county Juvenile Court or Detention Center within 24 hours of detention, but may be released at any time prior to this hearing.

4 <<VICTIM OR VICTIM'S LAWFUL REPRESENTATIVE>>

A. Who was the crime or offense committed against?
 Victim: _____ Sex: M F Birth Date: _____

B. Lawful Representative: _____ Sex: M F Birth Date: _____ Relationship to Victim: _____

If lawful representative, check (one) of the following which applies:

The victim has designated me as his/her lawful representative. The victim is incapacitated or deceased and I am an immediate family member.

The victim is a legal entity (corporation, partnership or business). The victim is minor child and I am a parent, an immediate family member or legal guardian.

The victim is a vulnerable adult & I am the legal guardian.

C. How can you be contacted? What is your language preference? English Spanish _____

Name: _____

Mailing Address: _____ Apt: _____

Home Address (if different): _____ Apt: _____

City: _____ State: _____ Zip Code: _____

Telephone: (Primary) _____ (Alternate/Message) _____

Email: _____

D. REQUEST my rights in this case. OR I WAIVE (DECLINE) my rights in this case.

I understand that I must keep my mailing address and phone number current with the agency or court responsible for providing my rights. Failure to do so can mean that my rights are waived. I also understand in order to make any changes to the information supplied on this form, I must contact the appropriate agency or court.

Victim or Lawful Representative Signature: _____ Date: _____

(FOR REPORTING AGENCY USE ONLY)

REQUEST / WAIVER exception per A.R.S. § 13-4405(B) and § 8-386(B)

NOTES / COMMENTS:

**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.**