

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 21-071

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Judge:

Complainant:

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**ORDER**

July 7, 2021

The Complainant alleged a superior court judge ignored his evidence and allowed the opposing party to trespass on his property.

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 Denise K. Aguilar, Christopher W. Ames, Joseph C. Kreamer and Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on July 7, 2021.

2021-071

**COMPLAINT AGAINST A JUDGE**

Name: \_\_\_\_\_ Judge's Name: \_\_\_\_\_

I am the owner of a \_\_\_\_\_ acre parcel of land

I advised the neighboring property owners of my intention on \_\_\_\_\_ I will close that portion of \_\_\_\_\_ Lane that they were using that is on my property (Exhibit A).

On \_\_\_\_\_, notice was received about Court Case \_\_\_\_\_ Neighbors objected to closing that portion of \_\_\_\_\_ Lane that was on Plaintiff's property. The Plaintiff Attorney, \_\_\_\_\_ submitted exhibits and an email dated \_\_\_\_\_ from \_\_\_\_\_ District \_\_\_\_\_ Chief that were intentionally false and misleading. They claimed \_\_\_\_\_ Lane was impossible for ingress and egress to the Plaintiff's property and claimed their lives were at risk because emergency vehicles could not use it (Exhibit B). The Defendant submitted photos of large trucks including garbage trucks to the Court that were able to travel all of \_\_\_\_\_ Lane even with the Impediments installed, which proved it was not impossible to use. The Judge apparently considered the Plaintiff letters truthful and reacted accordingly.

On \_\_\_\_\_ a Hearing was held before Judge \_\_\_\_\_ and was given the Defendant documents and photos proving the Plaintiff's claims were false and erroneous. These Photos provided proof that such emergency and large vehicles could use all of \_\_\_\_\_ Lane even when the impediments were installed (Exhibit C), thus there was no reason to remove them. The Plaintiff's deed gives him the right to use \_\_\_\_\_ Lane through a deeded easement. He simply did not maintain it which caused a minor wash which has been repaired. The Judge ignored the Defendant's evidence and ordered the Plaintiffs to trespass upon the Defendants Property and remove them. The impediments were not located in any easement. That action amounts to criminal trespass upon private property. Judge \_\_\_\_\_ needs to explain this.

It further needs to be corrected and resolved. Judge \_\_\_\_\_ gave permission to the Plaintiff's to illegally remove the " \_\_\_\_\_ ' signs and other " \_\_\_\_\_ " that were on Defendant's property. That action was totally unnecessary and improper since there was unimpeded access for ingress and egress to their property. The Judge's decision to give permission to commit a criminal offense is improper and is a serious breach of the Code of Judicial Conduct. Judges are to uphold the law, not to violate it. The Plaintiff's authority to trespass continues and is used whenever they desire (Exhibit D) and for other reasons such as theft of my personal property. The Plaintiffs have been given the right to trespass by the Judge.

A

I am the owner of the \_\_\_\_\_ acre Parcel \_\_\_\_\_ that is \_\_\_\_\_ of \_\_\_\_\_ Lane. There has been illegal trespass upon my property which is a criminal offense in Arizona. Apparently there is a misunderstanding about the trespassing that needs to be explained.

There is a \_\_\_\_\_ foot dedicated and recorded easement that separates our properties along \_\_\_\_\_ Lane. That easement is for a roadway and utility services. \_\_\_\_\_ Lane is not in that easement. Instead it is located entirely upon my property and is considered by \_\_\_\_\_ County as a private drive on my property. \_\_\_\_\_ Lane needs to be relocated to the dedicated easement if the roadway is needed for access to \_\_\_\_\_ Street or \_\_\_\_\_ Street. I have no use for this private drive and will close the road that is on my property. If \_\_\_\_\_ Lane is not relocated to its easement and access is denied to my property, then you may need an alternate route for access to \_\_\_\_\_ Street or \_\_\_\_\_ Street perhaps by using \_\_\_\_\_ Way.

I have given notice that my property is private and not to trespass. That notice is being ignored. I will be taking action to prevent trespass on my property and will file criminal trespass charges to violators.

Sincerely,

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**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.**