

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-050

Judge:

Complainant:

ORDER

The Complainant alleged a superior court commissioner improperly denied an injunction against harassment.

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.

After review, the Commission found that the judge failed to allow Complainant to cross-examine a witness. While this was improper under Rules 1.1 and 2.6(A) of the Code of Judicial Conduct, the Scope Section of the Code provides that not every transgression will result in the imposition of discipline. The Commission decided, after considering all the facts and circumstances, to dismiss the Complaint pursuant to Commission Rules 16(b) and 23(a), but to issue a warning letter to the judicial officer to allow each party an opportunity to cross-examine each witness, as stated in the applicable rules for protective order proceedings.

Commission member Roger D. Barton did not participate in the consideration of this matter.

Dated: November 22, 2024

FOR THE COMMISSION

/s/ Christopher P. Staring
Hon. Christopher P. Staring
Commission Chair

Copies of this order were distributed to all appropriate persons on November 22, 2024.

2024-050

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 filed and was granted an Injunction Against Harassment on _____
against _____ I filed it as an extension to the IAH from the previous year due
to continued harassment. The Defendant filed to object and Commissioner _____ dismissed the IAH On _____
My complaints are as follows:

- 1) Commissioner _____ did not allow me to object during the proceeding, even to object to issues such as misrepresentations (lies), statements made outside the one year limit imposed on me, lack of evidence, etc. She literally told me to be quiet.
- 2) Commissioner _____ did not allow me to cross examine at all, thereby denying me the opportunity to dispute untrue statements made by the Defendant and effectively prevent me from defending my case.
- 3) Commissioner _____ did not allow me to make a summary statement, thereby denying me the opportunity to dispute the Defendants misstatements and summarize my case.
- 4) The Commissioner allowed the Defendants two guests, seated in the front row of the gallery, to smirk and laugh at my statements. This was extremely upsetting and distracting as it was obviously intended to harass me. One would expect a judge not to allow this kind of behavior in the courtroom.
- 5) I did not receive the court instructions in a timely way. They were post marked _____ (I have the envelope) and I received them on _____. The Commissioner was very angry and initially stated she would not accept my exhibits, since I did not follow instructions. I filed my 4th copy with the Clerk of the Court as directed in the instructions, and then the Commissioner was angry that I did not have a 4th copy for her and accused me of delaying the hearing. She was disrespectful and unfair and I had the envelope to prove it was a court error, so it was unjustified to be angry with me. I also believe this biased her toward my case, as she was extremely rude to me. As a result of the court error, my exhibits were renumbered and completely confused my presentation. I found this to be very unfair. Especially since I had called in several times the week before asking for instructions and had spoken with her clerk.
- 6) The Commissioner allowed the Defendant to submit exhibits that had no relevance whatsoever to the IAH complaints, and did not give me an opportunity to dispute either the relevance or the truthfulness of those exhibits. And yet the Commissioner denied some of my exhibits even though they were directly related to the IAH complaints.
- 7) The Commissioner asked the Defendant and her two friends to stay after the hearing ended and told me to leave. She was speaking with them for at least 15 minutes afterwards. This seemed like an ex parte discussion, since I still had 10 days to appeal, I found this behavior questionable and potentially inappropriate.
- 8) The Commissioner dismissed evidence that the Defendant even admitted to. Ex.: I had surveillance video from my security camera showing the Defendant taking a picture of me from her car. The Commissioner stated she could not " see" the camera, even though it was obvious in the video. And the Defendant admitted it. There were a number of issues where the " preponderance of the evidence"

CONFIDENTIAL

Arizona Commission on Judicial Conduct
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FOR OFFICE USE ONLY

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7) The Commissioner dismissed evidence that the Defendant even admitted to. Ex.: I had surveillance video from my security camera showing the Defendant taking a picture of me from her car. The Commissioner stated she could not " see" the camera, even though it was obvious in the video. And the Defendant admitted it. There were a number of issues where the " preponderance of the evidence" was obvious and it is very concerning that the Commissioner ruled against the evidence. Another Ex.: I had pictures of the Defendant' s camera pointed straight at my bathroom window, a criminal offence under the ARSs. The Commissioner said to the Defendant ' ' and the Defendant responded ' ' . This was obvious she was putting words in her mouth, and when the evidence was to the contrary. Another Ex.: I showed 4 videos, date and time stamped, to show the Defendant went by my house 8 times within 4 minutes harassing and stalking me. The Defendant stated she forgot her hearing aids. If a judge ignores the video evidence and believes the Defendant' s statement that she went back for her hearing aids, then I believe this Commissioner has such terrible judgement and discernment that she should not be serving on the bench.

This Commissioner knew from my IAH complaint filed in that this person had been previously charged with multiple criminal acts. She also knew that the Defendant had already violated the current IAH. The preponderance of evidence I presented was overwhelming. I do not think this Commissioner has the ability to serve on the bench and I believe she has put me at risk of harm as the harassment by the Defendant has continued.