This is a complaint of judicial misconduct against Justice of the Peace Karen Slaughter of the Salome Justice Court.

This complaint arises out of several violations of the Arizona Code of Judicial Conduct from *Winslow v. Roth*, Case No. HR2011-00019, where, by her own admission, Judge Slaughter issued a baseless ex parte civil Injunction against Harassment against a defendant. (Per Slaughter, "the Injunction against Harassment does not conform to Arizona statute or case opinion." Please jump to Exhibit F.)

In support of this complaint is the paperwork served on the defendant and a CD copy of the audio from petitioner's ex parte hearing, the latter as posted on YouTube.

As brief background to set the stage, per the National news report enclosed (Exhibit A), this is the famous case of Michael Roth, whose Second Amendment right was unlawfully revoked by Judge Slaughter for calling Quartzsite Town Councilman Joe Winslow a "turd." Calling your elected official a name, while impolite, is an honored American tradition, protected by the Constitution. On its face, then, Mr. Roth engaged in First Amendment protected speech. So there was never any cause to issue an Injunction against Mr. Roth. It follows then, that there was similarly no cause to revoke Mr. Roth's Second Amendment right. You don't need to be a judge to know this and Americans were outraged and the Arizona judiciary ridiculed over Judge Slaughter's actions.

With that background in mind, Judge Slaughter violated Rules 1.1 when she entertained Councilman Winslow's petition (Exhibit B) because the petition was defective on its face at several places.

First, Winslow did not check the box for the type petition he was seeking. Traffic tickets are thrown out for such defects.

Second, Winslow lists Mr. Roth as a "political agitator." That, by itself, should have alerted Judge Slaughter that this was a frivolous petition, infringing on the First Amendment right to free speech. Impolite political speech has routinely been upheld by the U.S. Supreme Court as "protected speech." See the landmark case of *Cohen v. California*, where the U.S. Supreme Court upheld the right to vulgar political free speech. ("F" the Draft!, 469 U.S. 879; 105 S. Ct. 243;83 L. Ed. 2d 182; 1984 U.S.)

Third, Winslow lists only ONE instance of alleged harassment. But A.R.S. § 12-1809 requires a "series of acts" and the Arizona Rules of Protective Order Procedure define a "series" as "two." (ARPOP 6.E.1) Consistent with this, A.R.S. § 12-1809(C)(3) requires "A specific statement showing events [plural] and dates [plural] of the acts [plural] constituting the alleged harassment." Winslow did not do this.

Thus, Winslow's petition did not meet the minimum legal standards at three places. Judge Slaughter acknowledges this in the audio CD and should have been summarily dismissed. By

issuing the Injunction anyway, Judge Slaughter violated the law and Rule 1.1.

Turning to the audio of Winslow's ex parte hearing, Judge Slaughter continued to violate the Code of Conduct.

She begins the proceeding by reading some computer printouts Winslow has provided, screen shots from a blog. See Exhibit C. Winslow has scribbled "Postings by Michael Roth (Ima Freeman)" on the last page of his printouts.

Scribbling your opinion (or Quartzsite Police Chief Jeff Gilbert's opinion) that "Ima Freeman" is Michael Roth is not evidence. It is hearsay. And speculation. There is no way to prove the defendant wrote the posts. (Anyone can sign a name to a post on an Internet blog.)

But even if it could be proved at an ex parte hearing that the defendant wrote certain posts, these posts, even if allowable evidence, constitute protected speech. Winslow supplied posts from "The Daily Paul." As in "Ron Paul," Congressman and Presidential candidate. You don't have to be a judge to know that postings in "The Daily Paul" constitute political speech. Thus, Judge Slaughter demonstrates gross incompetence in her knowledge of basic law, invoking Comment 1 of Rule 2.5.

One cannot help be aware of the infamous Westboro Baptist church and its right to free speech. In March 2011, the U.S. Supreme Court ruled 8-1 that "Speech is powerful. It can stir people to action, move them to tears of both joy and sorrow, and—as it did here—inflict great pain. On the facts before us, we cannot react to that pain by punishing the speaker. As a Nation we have chosen a different course—to protect even hurtful speech on public issues to ensure that we do not stifle public debate." (Quoting Justice Roberts in *Snyder v. Phelps*, et al. 562 U. S. ____ (2011)) This famous ruling was months before Judge Slaughter ruled in this incident.

On the same day Judge Slaughter issued the injunction, the Ninth Circuit reversed a criminal conviction of a man who blogged about 50 caliber bullets and a presidential candidate. Ostensibly real, serious "death threats." But as Chief Judge Kozinski wrote, "Taking the two message board postings in the context of all of the relevant facts and circumstances, the prosecution failed to present sufficient evidence to establish beyond a reasonable doubt that Bagdasarian had the subjective intent to threaten a presidential candidate . . . given any reasonable construction of the words in his postings, those statements do not constitute a “true threat,” and they are therefore protected speech under the First Amendment." *United States v. Bagdasarian*, 2011 WL 2803583 (9th Cir. July 19, 2011)

So even if there were anything in the blogs directed at Councilman Winslow (and there was not, per Judge Slaughter, below[1]), taking the blog posts in the context of all of the relevant facts and

[1] In fact, the discussion was about the flagrant false arrest of Jennifer Jones in Quartzsite, that had gone viral on YouTube, when Jones was arrested for speaking during a Call to the

circumstances, given any reasonable construction of the words in the postings, the statements in the blog do not constitute a “true threat,” and they are therefore protected speech.

Eventually Judge Slaughter realized these blog pages wouldn't be enough to hang Mr. Roth, so she let Councilman Winslow verbally add to the petition. This is wrong. The law requires the court to "review the petition and any other pleadings on file and any **evidence** offered by the plaintiff" to support the petition. Adding to a petition after it is served is a violation of the defendant's right to due process. How can a defendant defend against something new for which there's no discovery? A defendant is expected to defend the allegations listed against him **in the petition**. Not afterthoughts. Strict adherence to the rules is required to ensure a defendant's due process rights, so a defendant can defend against the charges as noticed at petition. Thus, Judge Slaughter violated the defendant's Fourteenth Amendment right, violating Rule 1.1 and 1.2.

Now, at 3:00 in the audio, Judge Slaughter asked Winslow "Is there anything specifically in these documents that are going to point directly at you?"

Winslow: "In those two, I don't believe so."

This answer from Winslow should have ended the ex parte hearing. Even if calling someone a "turd" could be called harassment, there were no other acts by Mr. Roth against Winslow. But Judge Slaughter let Winslow go on.

At 5:00 Judge Slaughter acknowledges that whatever she's looking at cannot be correlated to the defendant. By continuing the hearing beyond this point, Judge Slaughter continues to violate the defendant's constitutional right to due process.

At 07:00 Judge Slaughter states “Ummm . . . you list the one item. Usually with harassment injunctions we need more than one incident and I know you're sittin' there telling me this, that and the other, but you are not giving me anything specific he's done towards you.”

USUALLY with harassment injunctions? The law ALWAYS requires more than one incident and specific "acts directed at a person." Judge Slaughter admits she knows the law but isn't going to comply with it. How is the public supposed to have confidence in a law breaking judge? She violated Rules 1.1, 1.2, 2.2, 2.3, 2.4 and 2.5.

In answering Slaughter, Winslow says, "I can't do that because it hasn't happen until now." By admitting there is only one incident, Winslow admits there is no basis for an injunction.

But instead of gaveling the hearing over, Judge Slaughter lets Winslow ramble on for another 15 minutes about political uprisings in an attempt to make his case, adding beyond what was written in the petition. This favoritism gives the appearance that Judge Slaughter harbors a bias toward

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Public, criticizing the Town Council. It was Councilman Winslow who "ordered" her arrest.

Councilman Winslow and against Mr. Roth, in violation of Rules 1.2 and 2.2.

At 8:32 Winslow states, “I’m not a psychologist or psychiatrist, but I have been involved with…. uh . . . I have been diagnosed with PTSD and I am a member ... member of DAV [apparently "Disabled American Veterans"] . . ." and goes onto say that he, Winslow, is concerned that HE may react violently to the defendant.

This raises the question of "soundness of mind" for an Injunction. A.R.S. § 12-2202 says "Persons who are of unsound mind at the time they are called to testify shall not be witnesses in a civil action." Mr. Winslow admitted to JP Slaughter that he is suffering from PTSD. According to Quartzsite Town Attorney Martin Brannan, in a press release of his, PTSD is a "mental illness." (Mr. Brannan also admitted to suffering from PTSD in his Press Release.) This was a civil action. Arguably Winslow is not of sound mind and not allowed to testify. Based on his ramblings to the judge, he arguably suffers from paranoia too. In addition to all the other reasons for stopping the proceeding, Judge Slaughter should have stopped the proceeding until the results of a Rule 35 mental examination would be available. Thus, JP Slaughter failed to uphold the law.

Despite this, Judge Slaughter leads the witness in an attempt to find something to hang the defendant. When Winslow says he may react without thinking, Slaughter offers "It's a possibility that's on your mind." (9:03) So now an Injunction is to stop the crazy petitioner from going crazy?

Then she solicits testimony from Winslow in an attempt to make his case for him, asking "Has he gotten in your space?" (9:15) What is she doing? Judges are not to make a case for a litigant.

After Winslow offers one silly allegation of Mr. Roth getting in his space, Judge Slaughter asks if there were other times. Winslow cites something from three or four months before, that the defendant was "glaring" at him, but had not said anything to him. (10:00) "Glaring" at someone does not constitute "an act of harassment. . . directed at a person." In fact, Winslow says that he (Winslow) was the one who established contact with the defendant in that prior incident.

These two solicitations from Judge Slaughter, where she leads a witness to make a case, are prejudicial. She is fishing on behalf of Winslow, trying to make Winslow's case for him. Such prejudicial behavior does not promote public confidence in the judiciary. (Violates Rule 1.2, 2.1, 2.2 and 2.3.)

Winslow then perjures himself before Slaughter at 12:06. Winslow testifies under oath that the defendant has had injunctions against him before. Yet in his verified (sworn) written petition, he says he doesn't know if the defendant has had any injunctions before. Judge Slaughter did not charge Winslow with perjury.

Winslow repeatedly asks that the defendant be prohibited from possessing firearms. Initially Judge Slaughter got it right and told Winslow at 17:50 "I know if this was a domestic violence thing, I

could take away the firearm." This is colloquially known as a "Brady Disqualification."

Judge Slaughter was correct here and would have done well to stay with law. Only under criminal domestic violence law, A.R.S. 13-3602(G)(4) can a judicial officer can prohibit firearms. There is no provision in Arizona law allowing a judicial officer to prohibit firearms. The words "firearm" or "weapon" do not appear in A.R.S. § 12-1809. Nevertheless, Judge Slaughter unlawfully issued a civil Injunction which prohibited the defendant from possessing firearms. (Exhibit D.)

Upon information and belief then (verifiable with the La Paz county sheriff's office), Judge Slaughter issued an ex parte Brady disqualification against the defendant, putting his name on the FBI's National Crime Information Center database as "Brady Positive." (The Injunction paperwork prohibited the defendant from owning firearms, ordered him to turn firearms over to the La Paz County Sheriff, and the Order vacating indicates the paperwork was faxed the Sheriff, presumably to inform the Sheriff to remove defendant's name from the NCIC.) But, quoting Judge Ronan, chair of the CIDVC, pursuant to 18 U.S.C. § 922(g)(8), "Brady cannot apply to an ex parte hearing." (See Judge Ronan's comment in the Supreme Court's public forum in the matter of R-09-0045, posted in the spring of 2010.) Nevertheless, Judge Slaughter apparently applied Brady unlawfully to an ex parte hearing.

When taken as a whole, Judge Slaughter's violations appear biased and politically motivated. The on-going feud between Quartzsite Town officials and a few vocal citizens is well known in La Paz County. Mr. Roth was recently named a "self-styled" activist, per a Quartzsite Press Release. (Exhibit E) A judge whose decisions are biased and politically motivated violates Rules 2.2, 2.3 and 2.4 and is not independent nor impartial.

While it's true that Judge Slaughter dismissed her wrongful injunction sua sponte-ish after this particular case made national headlines (but ONLY after Mr. Roth hired an attorney to challenge the Injunction), her wrongful action violated the constitution and irreparably harmed the reputation of the defendant. (Exhibit F)

Worse, when she denied Mr. Roth's application for attorney fees, Judge Slaughter did not allow Mr. Roth to present evidence. Instead she merely ASSumed evidence.

To wit, in Exhibit G, Judge Slaughter details how the court served notice on Mr. Roth of the Injunction hearing. What Judge Slaughter didn't know (or may not have wanted to know)—because she failed to let Mr. Roth tell his side of the story—is that Councilman Winslow purposely waited until Mr. Roth was out of town for a week before Winslow filed his petition.[2] Thus, Mr. Roth reports he did not know he had been served.

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[2] Quartzsite is a small town where everyone knows everyone else's business. Winslow knew Mr. Roth would be out of town for a week and Winslow purposely waited until July 19, almost three weeks after the alleged one incident on July 1, before filing for an Injunction. (Exhibit H)

Judge Slaughter made this ruling a week after being thoroughly humiliated in the National press. (About a week after vacating her unlawful order.) So again Judge Slaughter violated Mr. Roth's constitutional right to due process. It's reasonable to believe she did it for revenge.

Your rules do not provide for the "eye for an eye" justice God calls for, and the Commission would probably say it isn't interested in justice—it's only interested in standards for judges. Nevertheless, the Commission should punish judge Slaughter to the fullest extent of the rules in an effort to restore public confidence in the judiciary. Especially in this nationally reported news story.