

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-176

Complainant: No. 1289910281A

Judge: No. 1289910281B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge.

The complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: November 8, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on November 8, 2006.

This order may not be used as a basis for disqualification of a judge.

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

FOR OFFICE USE ONLY

CJC-06-176

COMPLAINT AGAINST A JUDGE

Your name: [redacted] Judge's name: [redacted] Date: 2/5/08

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

THREE ARE TWO SEPARATE HEARINGS CITED IN THAT THE FIRST HEARING BEFORE JUDGE [redacted] LED TO THE SECOND HEARING BEFORE THE SAME JUDGE ON [redacted]

IT WAS EVIDENT TO ME AND THE LISTEN WITNESSES DURING THE FIRST HEARING WHICH ACTUALLY ENTAILED THREE SEPARATE INJUNCTIONS OF HARASSMENT AGAINST ME BY OUR RESIDENT AND TWO EMPLOYEES OF THE [redacted] THAT THE JUDGE APPEARED EXTREMELY BIASED AND PREJUDICED AGAINST ME AND FOR THE PLAINTIFFS. LITTLE TWO OF THE PLAINTIFFS INJUNCTIONS WERE DISMISSED. [redacted] MANAGER [redacted]

SAID [redacted] WAS UPHOLD. IT APPEARED DURING HER TESTIMONY THE JUDGE VERBALLY COAXED THE CIRCUMSTANCES FROM HER TO WARRANT THE SEEMINGLY ALREADY DECIDED JUDGEMENT HE WISHED TO REACH. THIS DECISION WAS MADE DESPITE DENIAL OF THE CIRCUMSTANCES BY ME, NO WITNESSES OF THE ALLEGED EVENT AND BY TESTIMONY OF [redacted] THAT THE EVENTS DESCRIBED BY [redacted] WERE NOT TRUE

(SEE RETYPED ATTACHED STATEMENT)

(Attach additional sheets as needed)

7-5-06

Narrative Attachment, Judicial Complaint

CJC-06-176

[redacted]

There are two separate hearings cited in the first information page. These hearings are brought forth together in the complaint in that the first hearing, before Judge [redacted] [redacted] substantiated and supported the second hearing on [redacted]

First it was extremely evident to me and the attached referenced witnesses, that the judge appeared extremely biased and prejudiced against me and for the plaintiff in his vocal reflections, statements and physical mannerisms.

One of my witnesses at the hearing, one [redacted] had an active [redacted] complaint against one of the plaintiffs, [redacted] [redacted] and the judge allowed one of the [redacted] Police enter the courtroom right prior to the proceeding taking place and intimidate and threaten my witness with arrest for making a false police report regarding the [redacted] incident and the judge himself verbally said, wait a minute maybe we will have to arrest someone. I felt this was extremely inappropriate treatment of a witness in a hearing. And I felt an inappropriate comment for the judge to make toward one of my witnesses. It appeared as though, that the whole event was staged for its effect on my witness and the hearing. And I was then denied additional witnesses by the judge.

In the first hearing it involved three Injunctions of Harassment filed against me by [redacted] [redacted] These Injunctions were filed against a backdrop of complaints I had made to the appropriate Federal Authorities for violation of my civil rights, overseeing the [redacted] due to its federal funding. A copy of those complaints are attached. Currently the matter is under review and investigation by the Arizona State Attorney Generals Office of Civil Rights, United States Office [redacted] of Civil Rights and the United States Department of [redacted] Office of Civil Rights.

While two of the injunctions were dismissed, filed by [redacted] and one [redacted] [redacted] the third was upheld for [redacted] [redacted] It appeared during her testimony, that the judge verbally coaxed the circumstances from her during her testimony, to substantiate a decision and judgment he already wished to make. This decision made by him was made despite denial of the circumstances by me, no witnesses of the alleged event told by [redacted] and by sworn testimony of [redacted] that the events told by [redacted] were not true.

The upholding of this judgment allowed the [redacted] to immediately file a summons Forcible/ Special Detainer against me which is the second hearing cited.

The same judge in this hearing verbally appeared to take great offense at my asserting my federal rights and making federal issue of the case, twice threatened me with arrest while I was trying to explain the federal circumstances involved in the case and believed I was in a

position to talk, as I was operating in ProPer for myself, appeared to berate me for standing up for my federal rights, and again appeared to me and the cited witnesses as having already determined the outcome of this hearing as well.

Prior to this hearing I asked for a continuance citing medical need, having documents before me to show the judge, I am a totally disabled person, a copy of that certification attached, that in the last week I had been in Urgent care and the day before in Emergency care at the local hospital for my condition and was under heavy medication and the judge in what appeared to be a very callous and vindictive tone denied this request stating you are not dead, no one has ruled you incompetent and you are not in the hospital now.

Also during this hearing, the opposing counsel made special attention to me being [redacted] and asserting my federally protected rights to practice my traditions, customs and beliefs and I had to make an impassioned defense before the court of my religious rights as an [redacted]. And while again I placed witnesses before the court to substantiate my claim I had done nothing wrong and the management continuously harasses tenants it wishes to for whatever reason, the judge again ruled in the plaintiffs behalf and then went so far as to give me twenty-four hours to remove myself from my apartment. Since this has occurred I have recently found out the [redacted] complex is under consent decree with the State of Arizona Attorney Generals Office of civil rights for other past civil rights violations of its tenants.

In summary, [redacted] the judge in both of these hearings appeared to me and my witnesses to be prejudiced and predisposed to making rulings in favor of the plaintiff regardless of what information or testimony to the contrary was put before him. His motivation behind this seemingly predisposed attitude is in question and I have also called for a review of these hearings by the State of Arizona Attorney Generals Office of Civil Rights and if possible will ask to expand my Federal Civil Rights investigation to include these hearings.

Upon notifying one of my witnesses today of my complaint, [redacted] he brought up an observation, that while he was observing the courtroom proceedings he constantly saw Judge [redacted] appearing to fidget with something next to him, and [redacted] wondered if he was tampering with the recording device of the hearings.

[redacted]

c.c.
[redacted]