

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-307

Complainant: No. 1140310087A

Judge: No. 1140310087B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The issues raised are legal or appellate in nature.

The commission is not an appellate court and cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: March 23, 2007.

FOR THE COMMISSION

Executive Director

Copies of this order were mailed to the complainant and the judge on March 23, 2007.

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

DEC 13 2006

CJC-06-307

12/11/06

Commission on Judicial Conduct

1501 W. Washington Ave. #229

Phoenix, Az. 85004

Dear Sir or Madam:

This is being sent to you again regarding our situation and occurrences, because we are financially devastated.. This again is a follow up of events occurring. Attorney [] has fraudulently removed from our home of 14 years.

Most recently, on [] the actions of [] Justice Court Judge [] Before the hearing on [] a change of judge was filed against him. On [] Judge [] denied the change of judge. This was beyond his authority to do anything in this matter, especially with other matters pending. Rule 10 in the criminal rules of conduct states that when a change of judge is filed, it must be ruled upon by the presiding judge, not the judge from which you are asking a change from.

In the interim, no other matters can be heard by the judge the change is being requested from. In violation, Judge [] has denied the appointment of an attorney, striking the tardy pleading of deputy prosecuting attorney []

Judge [] has also denied me the right to a criminal attorney knowing that I am in bankruptcy and the A.R.S. statute for this violation quotes jail time incarceration. This is a constitutional right, not a matter of arbitrary abuse of discretion by Judge []

The prosecuting attorney agreed to give 4 weeks continuance and Judge [] again in a arbitrary and capricious manner ordered for matters to be heard on [] only 14 days later. This gives me little time to get an attorney and no time to prepare for any trial, to depose, call, or subpoena any witnesses.

Also Judge [] denied the motion to strike the pleading of deputy prosecuting attorney [] This pleading was filed over 40 days late, which the rules of court are quit clear that she only had 10 days.

Both [] Judge [] have been informed of the change of judge request and Judge [] actions.

On [] a change of venue was denied by Protemp Judge [] yet a change of judge was approved on [] This was a request of [] only, not [] in her criminal matter in the [] Justice Court.

Somehow by coincidence due to the actions of Judge [], Justice court administration schedules [] criminal matter is transferred to [] Justice Court on [] and [] [] criminal matter transferred without request to [] Court on [] at the same time of 9 a.m..

At the same time there is a forcible detainer matter case number [] that is supposed to be in [] and has a appeal filed since [] that has never been sent up by justice court administration to Superior Court.

Now that I have filed bankruptcy this stops any further action to occur in this civil matter without relief of the bankruptcy court automatic stay and I have been noticed by the Superior court to pay a filing fee for a bond that I already have a waiver on.

[1] This is regarding, at the very least, immoral, unethical and possible criminal conduct of people that act as Justice Court Judge. This is Justice Court Judge [] and [] [] appointed to case no. []

the hearing wrongfully occurred with Superior Court Commissioner [] presiding in this matter. ON [] WE RECIEVED THE JUDGMENT FOR THE HEARING OF [] FROM THE FORCIBLE DETAINER.

WE WERE TOLD BY [] AND THE COMMISSIONER THAT WE WOULD BE CALLED ON FRIDAY [] TO BE INFORMED OF THE JUDGMENT RENDERED.

WE WERE NOT CALLED. I CALLED THE COURT AFTER 4:30PM TO DRIVE UP TO THE COURT TO GET A COPY OF THE JUDGMENT.

THE WRIT TO REMOVE US WAS FOR [REDACTED]

A LOT OF GOOD WHEN THE COURT DID NOT MAIL OUT THE JUDGMENT TILL THE DAY THE WRIT WOULD BE EXECUTED ON [REDACTED]. THAT IS TOTAL IMMORAL AND UNETHICAL ACTIONS, WHEN ON [REDACTED] TOLD ME THAT SHE HERSELF MAILED OUT THE JUDGMENT ALREADY, WHICH IS A BOLD FACED LIE.

IF WE HAD TO WAIT FOR THE JUDGMENT, WE WOULD HAVE LOST OUR HOME WRONGFULLY DUE TO [REDACTED] NEGLIGENCE.

THESE ACTIONS ARE NOW MALICIOUS, EGREGIOUS ACTS BY [REDACTED] AND POSSIBLY THE TRIER OF FACT.

LET US NOT FORGET COURT ADMIN PERSON [REDACTED] MAKING THE FRAUDULENT CLAIM THAT I THREATENED JUDGE [REDACTED]

ALTHOUGH JUDGE PRO TEMP [REDACTED] GRANTED A CHANGE OF JUDGE, THERE WAS NEVER A JUDGE APPOINTED OR ANY FURTHER HEARINGS REGARDING CHANGE OF VENUE THAT HAS NOT BEEN RULED UPON SINCE [REDACTED]

IT IS NOW PAST THE TIME LIMITATIONS OF A SPEEDY TRIAL IN A CRIMINAL ISSUE AND THIS CASE SHOULD OF NEVER BEEN FILED.

THE SUMMONS HAS NEVER BEEN SERVED AND THIS IS TO DEAL WITH A STOP PAYMENT OF A CHECK, NOT AN NSF CHECK.

The same is true for the criminal matter regarding [REDACTED]

Judge [REDACTED] ordered a bench warrant in the criminal matter against [REDACTED] as a retaliatory act, being that on [REDACTED] Judge [REDACTED] recused himself in the forcible detainer matter that [REDACTED] was present for. Judge [REDACTED] claimed that [REDACTED] was basically a flight risk. [REDACTED] was never served

a summons by the constable or otherwise regarding the criminal matter. This matter is far beyond the limitations of a speedy trial and should have been dismissed.

Although the issues are in a criminal & civil matter that Commissioner [] was appointed, it may involve Judge [] criminal conduct of making a false claim of retaliation against us [] [] that should reflect in his ability to be an officer of the court or any other position concerning the law and the general public.

Judge [] has an abuse problem by making a fraudulent claim that I threatened him and fraudulently issuing a bench warrant against []

[] was arrested on [] coming home from the pharmacy after being released from the hospital hours before. Because of Judge [] abuse of discretion to issue a warrant [] almost died. [] has serious medical issues. Only hours before her arrest [] was in the [] Hospital being treated for PULMONARY EMBOLISMS-BLOOD CLOTS ON HER LUNGS.

[] also has a serious heart condition. In spite of this and [] police officer being aware of [] condition, she was wrongfully arrested for a misdemeanor check claim that was fraudulently filed on or around [] **more than a year before** and taken to the [] jail in handcuffs, where [] could of hemmoridged and bled to death.

It is clear that this challenge is rampid within the Court.

We know from reliable sources of his abuse problem. from his associates.

On [] Tuesday morning after 10am I went to the justice court to pay for the supercedeous bond from case number []

There was an error that [] came up to deal with. A cd of the hearing was purchased on [] The clerk [] had told me that it would take 30 days to get a copy, as misinformed by [] over the phone. [] came up to deal with the refund issue for the cd since the cd was included in the filing fee for the appeal. [] came up and was difficult and vague concerning the [] refund for the CD. Suddenly, behind me was 2 deputies, with [] falsely claiming that I had threatened Judge

[redacted] then stated that I was no longer to come back to the court... I was then escorted out of the building.

I have only seen Judge [redacted] when the hearing was transferred. I had never seen him before this, including the criminal matter [redacted] Justice Court.

I suppose Judge [redacted] retaliation is due to the fact that a judicial conduct complaint has been filed against him due to his actions and negligence. There is a criminal matter [redacted] that a decision had not been taken care of since [redacted] more than [redacted] months ago.

As per the Arizona constitution, article 6, section 21, a judge has only 60 days to render a decision, otherwise his paycheck can be withheld.

This case [redacted] was transferred to Judge [redacted] after we asked Judge pro temp [redacted] to recuse himself, since Judge [redacted] was not in to preside in this matter as scheduled.

On a moments notice, Judge [redacted] did recuse himself and knowingly brought in Superior Court Commissioner [redacted] Commissioner [redacted] has no administrative orders to preside as a justice court judge pro temp. As a superior court commissioner [redacted] has no authority to rule in property matters.

Although this was a forcible detainer action, the issue is of title, not rent, which commissioner had no business dealing with.

Judge [redacted] forced us to come in for a hearing on [redacted] that Commissioner [redacted] heard without any preparation..

We were supposed to have a hearing in the Judge [redacted] court 2 days before,, that was continued till [redacted] thereby violating the automatic stay of the bankruptcy stay, just as had been done in a previous hearing , after we had filed bankruptcy, but was not given a case number for the appeal initially. The petition was stamped and conformed by the bankruptcy court.

Because I do not have an attorney, we have been treated with contempt from the moment [redacted] became involved.

There has been total biased letting the defendants lawyer slander us and not giving us the opportunity to speak or defend ourselves.

We were refused to let our witnesses testify and have no affidavits or evidence submitted.

Our constitutional rights have been violated and trampled.

It is clear that we have definitely been denied due process of the law, by not being given our judgment in case number [] in the superior court []

In error,

During the end of the hearing on [] in the forcible detainer [] [] we were told by [] that we would be called on [] regarding the outcome. It was 4:30pm on [] and I called the court because we had not heard with anyone from the court.

[] claimed the judgment was mailed out. Immediately, I drove to the court to get a copy of the judgment.

Today, [] the judgment against us was still not been received in the mail from the court.

HOW IS IT ACCEPTABLE FOR A JUDGE TO MAKE FALSE CLAIMS OF THREATS AS A RETALIATORY ACTION.?

HOW IS IT ACCEPTABLE FOR A COURT [] TO BRING OUT THIS FRAUDULENT CLAIM AND KEEP ME OUT OF THE COURT.

A CHANGE OF VENUE TO ANOTHER COURT OFFICE IS REQUESTED TO STAY AWAY FROM MORE IMPROPRIETY.

We know that Judge [] has gone further to retaliate.

It seems that these are conspired acts by Attorney [redacted] to further harass us. Judge [redacted] has fraudulently issued a bench warrant against [redacted]. It seems this case was filed in [redacted] over a year ago. The summons was never served by the constable, yet the constable tried to serve [redacted] [redacted] for the same issue in [redacted]. [redacted] was never served or given any notice regarding this criminal matter. This is the same issue that [redacted] was dealing with of a fraudulent claim of a stop payment check for negligent actions. This was not a NSF check and a warrant should have never been issued against [redacted].

