

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-032

Complainant: No. 1140310520A

Judge: No. 1140310520B

ORDER

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

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

Dated: February 28, 2007.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed
to the complainant and the judges
on February 28, 2007.

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

January 24, 2007

FEB 01 2007

Commission on Judicial Conduct

CJC-07-032

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 [redacted] has fraudulently removed us from our home of [redacted] years.

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

On Friday, [redacted] at around 4:30 pm we asked the court clerk for the docket calendar of [redacted] for the [redacted] Justice Court to have for our case as evidence. The only tangible documentation was the docket for 6 arraignment hearings occurring at 1:30 pm on [redacted]

The clerk claimed there was nothing more, knowing that we were there on that day for a hearing on [redacted] with protemp Judge [redacted] at 3 pm. The clerk claimed there was nothing more in the computer showing. This hearing had to do with the appeal filed on the wrongful judgment from the forcible detainer [redacted] The appellants memorandum was filed on [redacted] and no appellee's memorandums response was filed till [redacted] by Attorney [redacted] without permission from the court. This hearing on [redacted] with Judge [redacted] [redacted] claimed that he never received the Appellants memorandum even though the certificate of service showed otherwise, as well as licensed process server delivered a copy to [redacted] personally on or around [redacted]

The hearing wrongfully occurred with Superior Court Commissioner [redacted] presiding in this matter on [redacted]

ON [] WE RECEIVED 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 ON [] TO DRIVE UP TO THE COURT TO GET A
COPY OF THE JUDGMENT.

THE WRIT TO REMOVE US WAS FOR []

A LOT OF GOOD WHEN THE COURT DID NOT MAIL OUT
THE JUDGMENT TILL THE DAY THE WRIT WOULD BE
EXECUTED ON []. THAT IS TOTAL IMMORAL AND
UNETHICAL ACTIONS, WHEN ON [] 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 []
NEGLIGENCE.

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

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

ALTHOUGH JUDGE PRO TEMP []
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 [] IN THE CRIMINAL MATTER
[]

IT IS NOW PAST THE TIME LIMITATIONS OF A SPEEDY
TRIAL IN A CRIMINAL ISSUE AND THESE CASES 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. ANOTHER CASE WAS FILED AGAINST []

[REDACTED] WHERE THE SUMMONS WAS NEVER SERVED, DELIVERED OR MAILED, THAT JUDGE [REDACTED] ISSUED A BENCH WARRANT FOR [REDACTED] ON OR AROUND [REDACTED] MORE THAN A YEAR LATER, AFTER THE CASE WAS FILED.

THE WAS AN ACT OF RETALIATION BY JUDGE [REDACTED] FOR RECUSING HIMSELF ON [REDACTED] IN THE CIVIL FORCIBLE DETAINER [REDACTED] BECAUSE OF THE CRIMINAL MATTER [REDACTED]

[REDACTED] WAS THEN FALSELY ARREST ON [REDACTED] AROUND 11 P.M. BY [REDACTED] POLICE OFFICER [REDACTED] OFFICER [REDACTED] WAS INFORMED OF HER EXTREME MEDICAL CONDITION OF HAVING A SEVERE HEART CONDITION AND PULMONARY EMBOLISMS [BLOOD CLOTS] ON HER LUNGS, THAT SHE HAD JUST BEEN RELEASED FROM THE [REDACTED] HOSPITAL EARLIER THAT DAY ON [REDACTED]. [REDACTED] WAS ON HER WAY HOME FROM THE PHARMACY GETTING HER MEDICATION.

OFFICER [REDACTED] COULD OF JUST WRITTEN A TICKET INSTEAD OF ARRESTING [REDACTED] AND TAKING HER TO JAIL FOR A FRAUDULENT CLAIM. [REDACTED] WAS HANDCUFFED AND MANHANDLED BY OFFICER [REDACTED] [REDACTED] WAS ON BLOOD THINNERS AND COULD OF HEMMORAGED AND DIED BECAUSE OF OFFICER [REDACTED] ACTIONS.

Although the issues are in a criminal & civil matter that Commissioner [REDACTED] was appointed, it may involve Judge [REDACTED] criminal conduct of making a false claim of retaliation against us [REDACTED] 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 [REDACTED] has an abuse problem by making a fraudulent claim that I threatened him and arresting [REDACTED] more than a year later as an act of retaliation. After [REDACTED] was arrested on [REDACTED] she appeared in front of Judge [REDACTED] with [REDACTED] per the clerk [REDACTED] instruction.

We believe that the court admin for the justice court is being directed by Judge [REDACTED] to cause our cases to be transferred to outside of this court. We also believe that the forcible detainer [REDACTED] appeal

has been held up due to Judge [] actions. It was more than 80 days before Attorney [] filed the response memorandum without permission of the court. [] only had 10 days. [] filed the forcible detainer fraudulently on [] and knew that we posted a bond on [] that was paid.

After [] [] was notified this was matter was transferred to [] Court without her request, again as a retaliatory act by Judge []

It is clear that this challenge is rampant 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 [] on Friday [] 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 \$17 refund for the CD. Suddenly, behind me was 2 deputies, with [] falsely claiming that I had threatened Judge [] [] 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 [] when the hearing was transferred. I had never seen him before this, including the criminal matter [] in the [] Justice Court.

I suppose Judge [] 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 [] that a decision had not been taken care of since [] more than [] 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 [] was transferred to Judge [] after we asked Judge pro temp [] to recuse himself, since Judge [] was not in to preside in this matter as scheduled.

On a moments notice, Judge [] did recuse himself and knowingly brought in Superior Court Commissioner [] Commissioner [] has no administrative orders to preside as a justice court judge pro temp. As a superior court commissioner [] 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 [] forced us to come in for a hearing on [] that Commissioner [] heard without any preparation..

We were supposed to have a hearing in the Judge [] court 2 days before,, that was continued till [] 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 [] 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.

AZ ST S CT RULE 81 CJC R. 81, References and Annotations

Rule 81. Arizona Code of Judicial Conduct

Canon 1. A Judge Shall Uphold the Integrity and Independence of the Judiciary

Canon 2. A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All of the Judge's Activities

Canon 3. A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently

Canon 4. A Judge Shall So Conduct the Judge's Extra-Judicial Activities as to Minimize the Risk of Conflict With Judicial Obligations

Canon 5. A Judge or Judicial Candidate Shall Refrain From Inappropriate Political Activity

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.

[] 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 [] to further harass us. Judge [] has fraudulently issued a bench warrant against [] on or around [] It seems this case was filed in [] over a year ago. The summons was never served by the constable, yet the constable tried to serve []

[] for the same issue in [] [] was never served or given any notice regarding this criminal matter. This is the same issue that [] 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 []

We need to address the actions of Commissioner [] in the [] Superior Court who continues to act in an arbitrary and capricious manner. His latest minute entries from [] make no sense. These entries are cryptic and unconscionable. Commissioner [] called a hearing on []

that we received notice on [] We asked for a continuance that Commissioner [] denied.

Commissioner [] has wrongfully dismissed our case with prejudice that we originally filed in [] where we have not been paid our wages of over []

You are to be reminded that these are all conspiratory acts orchestrated by Attorney [] Although this commission has no authority, you should be aware.

Because of you previous actions to do nothing, we have hesitated to make any complaints.

We need to inform you of the actions of Judge [] in the [] Superior Court. It seems that Judge [] has issued an order wrongfully finding us in contempt, claiming that we are practicing law without a license. This is a retaliatory act by Attorney [] whos client [] is incompetent. []

[] has been threatening and harassing us, but the police or any government agency will do anything. [] got Judge [] to create and issue this order of contempt as well as threaten my wife [] and our friend []

A petition for appointment of a Guardian/ Conservator to find [] incompetent was filed on [] by myself [] requesting [] to be appointed her guardian / conservator.

We appeared for a hearing on [] with a Commissioner [] who would not let us speak or do anything, claiming that [] and my wife [] had no standing and we were not parties to the lawsuit. This statement was entirely wrong, being that [] filed the petition and [] paid for it.

JUST BECAUSE WE FILED THE PETITION FOR GUARDIAN/ CONSERVATOR DOES NOT MAKE US TO BE FOUND IN CONTEMPT FOR PRACTICING LAW WITHOUT A LICENSE. THERE HAS BEEN A WRONGUL JUDGMENT ISSUED AGAINST US WITH THOUSANDS OF DOLLARS IN FINES AND JUDGE []

[] TRIED TO THREATEN US WITH JAIL. THESE ACTIONS OF JUDGE [] IS A VIOLATION OF THE CONSTITUTION.

[] HAS DONE NOTHING MORE THAN A FAVOR FOR US TO BE APPOINTED GUARDIAN CONSERVATOR. [] FEELS BAD BECAUSE IN THE TIMES THAT HE HAS MET [] HE CAN SEE [] IS INCOMPETENT.

