

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 12-158

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Complainant: No. 1444100316A

Judge: No. 1444100361B

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**ORDER**

The complainant alleged that a small claims hearing officer improperly rushed his case, accepted the false testimony of the defendant and his witness, and was disrespectful to his spouse.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the hearing officer engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing all of the information provided by the complainant, the hearing officer's response, and the recording of the hearing, the commission found no evidence of ethical misconduct and concluded that the hearing officer did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of the hearing officer's rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: November 15, 2012.

FOR THE COMMISSION

/s/ George Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on November 15, 2012.

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

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY****2012-158****COMPLAINT AGAINST A JUDGE**

Your name: FLOYD L. MAXWELL Judge's name: J. KENNEDY Date: 5-24-12 DAY OF CASE

**Instructions:** You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

THE JUDGE RUSHED THROUGH THE CASE BECAUSE HE WAS RUNNING LATE ON CASES THIS DATE. HE SAID HE HAD A FUNERAL TO ATTEND IN CORNVILLE LATER THAT DAY. HE ACTED ANXIOUS AND IN A BIG HURRY TO GET RID OF US. WITHOUT PROPER FOUNDATION OR REASONING HE DISMISSED THE \$400<sup>00</sup> CLAIM FOR PERSONAL PROPERTY STILL BEING HELD BY THE DEFENDANT THAT BELONGS TO ME AND MY WIFE, KIM MAXWELL. THE JUDGE SIMPLY STATED TO THE DEFENDANT THAT HE ASSUMED THE DEFENDANT WOULD RETURN THE ITEMS IF HE STILL HAD THEM. I DON'T FEEL THE JUDGE HAS THE RIGHT TO "ASSUME" ANYTHING IF THERE IS A POSSIBILITY THAT THE DEFENDANT WOULD LIE ABOUT THE ITEMS IN QUESTION. I HAD IN MY POSSESSION SEVERAL WRITTEN DOCUMENTS THAT PROVED THE DEFENDANT & HIS WITNESS, EMILY (MY GRAND-DAUGHTER) WERE BOTH LYING UNDER OATH. THE JUDGE WOULD NOT ALLOW ME TO ENTER THE DOCUMENTS AS EVIDENCE. HE NEVER ONCE WARNED THEM ABOUT NOT TELLING THE TRUTH WHILE UNDER OATH. I HELD DOCUMENTS THAT COULD PROVE THE DEFENDANT LIED ON HIS ANSWER TO THE COMPLAINT ON 2 ITEMS. ALSO THOSE DOCUMENTS COULD PROVE HE AND EMILY WERE LYING AT LEAST TWICE WHILE GIVING TESTIMONY. HIS ENTIRE CASE WAS BASED ON LIES.

THE MAIN TRAVESTY IN THIS CASE IS THAT MY GRANDAUGHTER, EMILY, GOES AWAY FROM THIS JUDICIAL FIASCO THINKING IT IS "OK" TO LIE IN COURT & UNDER OATH. THE SO-CALLED JUDGE IS GUILTY OF MIS CONDUCT AND GUILTY OF GIVING THIS 14 YEAR OLD GIRL THE WRONG IMPRESSION OF OUR JUDICIAL SYSTEM. SHE NOW KNOWS (IN HER MIND) THAT YOU CAN GET AWAY WITH LYING IN COURT & UNDER OATH!

(Attach additional sheets as needed)



THE ONLY OTHER THING I HAVE TO MENTION IS THAT IT IS MY OPINION THAT KENNEDY WAS CONDESCENDING AND RUDE TO MY WIFE, KIM MAXWELL. HE AVERTED HIS EYES AWAY FROM HER TWICE WHEN SHE WAS TESTIFYING. HE DID NOT SHOW HER RESPECT THAT SHE DESERVES BY LOOKING HER STRAIGHT IN THE FACE AND KEEPING EYE CONTACT.

SINCERELY,  
Floyd I Maxwell  
6-7-12

THE JUDGE COST US APPROXIMATELY \$1,100<sup>00</sup> BY ALLOWING THE DEFENDANT & WITNESS TO LIE SEVERAL TIMES UNDER OATH. HOW MANY TIMES DOES ONE GET TO LIE BEFORE HIS OR HER CREDIBILITY BECOMES QUESTIONABLE? IN JUDGE KENNEDY'S COURT I SAW THAT IT DID NOT MATTER TO HIM. JUSTICE WAS DEFINITELY NOT SERVED THAT DAY!