

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-270

Judge:	No. 1074314787A
Complainant:	No. 1074314787B

ORDER

The complainant alleged a pro tem superior court judge has failed to follow the law for years in her domestic relations case.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge 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 review, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission cannot intervene in the case and does not have jurisdiction to review the legal sufficiency of court rulings or other alleged legal errors. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: December 12, 2013.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on December 12, 2013.

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

Complaint against Judge

Though your Handbook suggests not sending copies of court records with a Complaint, I am sending copies of a few documents to you with this Complaint, because I have included in two Motions a request that the Commission On Judicial Conduct intervene to help me get justice. I believe my request for intervention is valid and permitted by the Petition Clause of the First Amendment that is incorporated into the Fourteenth Amendment and by the Arizona Constitution, Article II, Section 5. Copies of a few key documents are also included herewith as evidence to support my allegations against Judge [REDACTED] as being well grounded in fact to comply with Rule 11, Ariz.R.Civ.P., and that Judge [REDACTED] has been repeatedly presented with legal authorities to support my arguments to him, but he persistently violates the written laws.

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County. Respondent chose to be dishonest and tried repeatedly to get out of paying his share of child support, including by reducing his reported income to below minimum wage, except in when he decided to retire but asserted to be disabled and requested his child support obligation be reduced to nothing. Through the years there have been many Judges and Commissioners assigned to my litigation, but they commonly failed to learn the facts of the case or to correct injustices that have been made.

In or the case was assigned to Judge Judge misconduct stems from a variety of problems that were pending when the case got assigned to Judge over three years ago, and most are still pending, including the following:

(1) refusal to do his duty to get issues resolved within the sixty day limit set by the Arizona Constitution, Article VI, Section 21;

(2) refusal to carry child support judgments into execution;

(3) refusal to include interest on judgments in Petitioner's favor, and now ordering Respondent to obtain a knowingly fraudulent statement from a licensed physician to support the continuation of refusing to include interest on judgments favorable to Petitioner while striking Petitioner's

Motion to remove Petitioner's arguments on the issue from the record;

(4) modifying child support by standards contrary to the evidence and in violation of several laws that are supposed to control child support modification procedures; thereby, reducing child support by many thousands of dollars;

(5) refusal to comply with the laws regarding disclosure and discovery requirements and instead keeps letting Respondent testify and submit documents into evidence while Respondent is allowed to fraudulently withhold crucial information and documentation from Petitioner

(6) refusal to correct injustices from prior Judges and/or Commissioners or those Judge and/or Mr. imposed thus violating the Arizona Constitution, Article II, Sections 11 and 32 and the Fourteenth Amendment and Establishment of Justice Clause of the Preamble of the U.S. Constitution;

(7) trying to extort silence from Petitioner with an "admonition" that documents would be struck from the record if Petitioner argued that Judge and/or Mr. action were criminal, and then Judge at Mr.

request, struck at least one document that does not make any allegations of criminal conduct against Judge nor Mr. and Judge struck the document based on a rule not applicable to a family law case;

(8) imposing punishment against Petitioner for exercising her Constitutional and statutory rights by not even having a hearing for up to six months at a time while issues remain pending and unresolved that have been pending for years while Petitioner continues to suffer major financial problems from Respondent being protected from paying his share of child support obligations;

(9) imposes very different standards of proof for Petitioner compared to Respondent and/or Mr.

(10) persistent failure or refusal to resolved the issue of a credit of on the Child Support Clearinghouse records that Mr. gave to the Respondent without any Judge ordering such a credit to be given.

Facts Supporting Allegations (1) and (2)

Petitioner trying to get Respondent to pay his share of child support obligations has been an ongoing problem almost from the beginning of the litigation. The Court's records show Respondent being found in contempt of court and jailed until a purge amount was paid as follows:

Orders p.2 - Orders p.2 - purge;
Orders - Respondent always paid the purge amount the same day to avoid one night in jail; so he had the money. On Respondent was ordered to reimburse Petitioner for medical costs for the children or file an objection to the costs within thirty (30) days of receiving a copy of the medical bills or he would be found in default and the amount of costs would be added to the child support obligations. Respondent did not file any objection and paid only a very small portion of the medical costs. Judges have refused to comply with the Orders or to enforce payment of much of the medical costs. Though Respondent was in arrears for monthly child support obligations and over for medical child support obligations for that were reduced to four written judgments on Judge allows Respondent to only pay by wage assignment from part-time work, but refuses to find Respondent in contempt of court or to send Respondent to jail until obligations are paid.

Judge refuses to comply with laws requiring the court to take steps to enforce payment of child support obligations, such as the following:

"The court shall cause the judgment to be carried into execution."
Rule 81(B), ARFLP.

"On a showing that an income withholding order has been ineffective to secure the timely payment of support and that an amount equal to six months of current support has accrued, the court shall require the obligor to give security, post bond or give some other guarantee to secure overdue support." A.R.S. § 25-503(B).

"[T]he mandatory 'shall,' . . . normally creates an obligation impervious to judicial discretion".

According to Black's Law Dictionary,
Fifth Edition, p.510:

"Execution upon a money judgment is the legal process of

enforcing the judgment, usually by seizing and selling property of the debtor."

For over a year, well over the sixty day limit, and with judgments he signed and filed, Judge [redacted] has refused to enforce payment of medical costs from Respondent, despite Petitioner [redacted] repeated efforts to get enforcement and despite Petitioner putting the Court on notice of the financial hardships she is trying to deal with while Judge [redacted] continues to do nothing toward correcting judgments to include interest or to enforce payment of the medical child support obligations.

Nobody can honestly assert that Respondent [redacted] does not have the money to pay everything he owes for the medical costs for the children for through [redacted] On [redacted] Judge [redacted] granted Petitioner [redacted] request for the Court to take judicial notice of documents on file with the Court in this case. Pursuant to the 2011 version of Rule 201(f), Ariz.R.Evid., "In a civil case, the court must instruct the jury to accept the noticed fact as conclusive." Since a judicially noticed fact is conclusive for a jury, it is equally conclusive for the Court and the litigants. The Court's own minute entry documents that Respondent [redacted] said he can pay the medical costs as soon as he gets a copy of the bills.

"The Respondent requests that the medical bills that the Petitioner receives be sent to him as soon as she receives them; Respondent states that as soon as he receives the medical bills, he can reimburse her. **SO ORDERED.**"

The above quoted Order has been repeatedly brought to Judge [redacted] attention (if Judge [redacted] actually reads Petitioner's documents), but Judge [redacted] refuses to give Petitioner's evidence any consideration, much less full or fair consideration, even when the written law makes the evidence conclusive and it has been unopposed. If the State had paid the children's medical costs, the State of Arizona would spare no expense or effort making Respondent pay everything, including the costs of collection. See A.R.S. §§ 46-133(D), 46-401, 46-403, 46-407, and 46-408. The issue of enforcing payment of child support obligations has been pending for years, despite the sixty day limit set by the Arizona Constitution, Article VI, Section 21.

Based on the Statement Of Charges against Judge [redacted] Commission case number [redacted] Judge [redacted] violations of the sixty day limit far exceeds the violations of Judge [redacted] Unless Judge [redacted] has gone over three years without a paycheck, each affidavit he has signed asserting to not have any issue pending over sixty days is false and should be a crime of perjury (A.R.S. § 13-2702), unless he asserts he did not know that his affidavits are false; but that would show he wasn't reading Petitioner's documents (e.g. Petitioner [redacted] Reminder Of Long Pending Issues) that repeatedly argued that issues were left pending for years. Judge [redacted] false affidavits might also be fraud (A.R.S. § 13-

2310), as well as, violations of judicial conduct addressed in the case. Judge Mr. and D.E.S. have been more concerned with enforcing Respondent's and Mr. requests to avoid payment and reduce monthly child support than enforcing payment of child support. Since Judge has been assigned to Petitioner's case, the only enforcement of payment by Respondent that has been used is a wage assignment from part-time employment, and illegally reducing Respondent's arrearages by illegally posting a credit to the Clearinghouse records and illegally reducing child support with illegal modifications back to

When Respondent requested proof of the youngest child still being in school, the Arizona Department of Economic Security made repeated requests for information from Petitioner to prove the youngest child was still in school. Petitioner timely provided the requested information each time it was requested. However, to enforce disclosure from Petitioner, the government warned of stopping enforcing and collecting current support. Evidence of this was explained by Petitioner in the following:

"The letter goes on to state that: 'We will stop enforcing and collecting current support for your child unless we receive the required information by . All unpaid arrears payment for past due support will continue to be collected.' The letter goes on with: 'IF WE DO NOT RECEIVE THE STATEMENT REGARDING SCHOOL ATTENDANCE, CURRENT CHILD SUPPORT ENFORCEMENT AND COLLECTION WILL BE STOPPED.'" Petitioner's Response To Respondent's Motion To Emancipate And Petitioner's Motion For Sanctions, And Notice Of Errors In Records Of Department Of Economic Security p.7.

This type of enforcement was imposed against Petitioner who has always provided information when requested, but no enforcement by jailing Respondent or seizing property and selling it. This is an example of the double-standards imposed against Petitioner and Petitioner argued that point in her Response, but to no avail.

Other issues that Judge kept pending for far more than sixty days was Respondent's Petition For Modification Of Child Support that was not ruled on until and then violated many laws and procedures as addressed more fully below; Petitioner still pending requests to abide by the disclosure and discovery requirements instead of letting Respondent withhold critical information and documents from Petitioner and letting Respondent continue to testify and submit documents into evidence without first providing a copy to Petitioner; correcting judgments to include interest; Orders requiring the State to provide Petitioner with an item by item accounting of payments into and out of the Child Support Clearinghouse in Petitioner's case; and striking illegal orders for Petitioner to give permission for medical facilities to

release information about the children after the children were each eighteen (18) years or older, because the orders violate the Federal HIPPA law and were signed without Petitioner being given a copy first or being allowed to object to the proposed order before it was signed (see Petitioner's Objection).

Facts Supporting Allegation (3)

In a written Objection of Mr. tried to prevent interest from being included with judgments based on A.R.S. § 44-1201(D), which is not applicable to a child support case. It took many years and Petitioner having to incur the costs of repeatedly supplying copies of numerous pages of medical bills to various Judges before Judge finally ruled that the Court would enter judgment for medical costs when Petitioner provided the figure for the Court (Orders) and that the medical receipts speak for themselves.

Orders p.2). However, though Petitioner provided the court-ordered figure in a document dated , Judge did not enter judgment until for one judgment that he changed on to exclude interest, and signed and filed a total of four judgments dated without any interest included. Mr. and Judge ; relied on A.R.S. § 25-510(F) as an excuse to exclude interest. After Petitioner timely argued that A.R.S. § 25-510(F) is not applicable to her case, but A.R.S. § 25-510(E) is applicable and requires interest to be added to child support judgments (Petitioner

First Rule 82(B) Motion To Amend Findings, And Make Additional Findings And To Amend Judgments Accordingly), and there was no Response filed; at the hearing, Judge and Mr. seemed to agree with Petitioner that interest is required. The Minute Entry states that "The State is directed to contact the Petitioner and prepare the appropriate amendments regarding the interest and submit said amendments to the Court for review and signature." They still have not corrected the judgments to include interest, and it has been far more than sixty days since Petitioner filed her Reply by mail on , and more than sixty days since Mr. was ordered to prepare and submit amendments to the judgment to include interest. Hearings have been conducted on : and without resolving the issue of correcting the judgments to include interest or to enforce payment of the judgments. Mr. has not even submitted the court-ordered amendments.

Instead, in a Motion, Mr. relies on A.R.S. § 25-327(D) to want interest suspended. As explained in Petitioner's Motion For Declaratory And Injunctive Relief, that Judge ordered struck from the record on A.R.S. § 25-327(D) applies only "for the period of time that the petitioner is incarcerated or physically or mentally disabled to the extent that the person is unable to maintain employment." Mr. was the "petitioner", not Respondent and Respondent has not been incarcerated more than a couple of hours and is not "disabled to the extent that the person is

unable to maintain employment." The Court's record has abundant evidence of Respondent working full-time until he retired in and starting asserting to be disabled without any evidence of disability, and then Respondent has been working two or three days per week since On Judge ordered Respondent to work forty (40) hours per week. However, Judge seems determined to get "evidence" to impose A.R.S. § 25-327(D) to suspend interest on judgments.

On , Respondent was ordered to:

"bring a doctor's statement evidencing total disability and a total inability to work to the next hearing including length of disability. Documentation must be signed by a licensed physician." (See

CHILD SUPPORT HEARING ESTABLISHMENT/ MODIFICATION

p.2).

Respondent cannot produce such a document that is honest, because Respondent has been working part-time for years after asserting to be disabled; and a letter from Respondent's employer documents that Respondent is working part-time, and the letter is referred to in the Court's Minute Entry. Judge has instructed and ordered Respondent to commit fraud with the help of a licensed physician by getting a written statement of "total disability and a total inability to work" signed by a licensed physician, even though it would be a knowingly fraudulent statement. Mr. wants interest suspended to help Respondent, and Judge intends to do that, even though it will require a conspiracy to commit fraud. If any doctor signs such a statement, that doctor should lose his/her license and face criminal charges of helping to try to defraud Petitioner To protect the public, including Petitioner , from this type of dishonesty, Judge should be removed from the bench, and Judge and Mr. should be permanently disbarred for their dishonesty, and they should face criminal prosecution. Only time will tell if any government officials are willing to apply the law equally to protect Petitioner rights.

Facts Supporting Allegation (4)

Respondent filed for modification of child support or but no Judge would conduct a hearing to resolve the issue until and then Judge did not enter a Judgment until . However, despite Petitioner repeated objections, the methods used to modify child support violated numerous laws, and the seventeen modifications were not based on the evidence supplied by Petitioner . Petitioner Motion To Resolve Issues That Have Been Kept Unresolved For Years submitted herewith addresses these many problems on pages 4 through 10. Instead of burying the Commission with that much information twice, Petitioner incorporates the document by reference. In short, the Modification Judgment is unconstitutional and void;

therefore, the issue of modification of child support and the amount of Respondent monthly child support arrearage amount is still pending over six years after modification was requested, and Petitioner continues to be cheated out the child support she and her son and daughter should have received years ago. If the modifications had been based on Respondent full earnings capability evidenced by his own Federal Tax Returns, W-2's, and affidavits showing spending habits, and not give credit for paying for insurance when he did not pay for years; monthly child support would have gone up drastically to between and per month for instead of going down to as low as per month.

Facts Supporting Allegation (5)

Judge like Judges and Commissioners before him, has granted Respondent a special privilege and immunity from having to file a disclosure statement or respond to discovery requests while still being allowed to testify at hearing after hearing and submit documents to the Court without first providing a copy to Petitioner and sometimes without ever providing a copy to Petitioner. Special privileges and immunities are unconstitutional under the Arizona Constitution, Article II, Sections 13 and 32. Additionally, the U.S. Supreme Court made clear that there must be equal application of the laws. ; **also see State Ex Rel.**

, citing Giving Respondent a special privilege is not equal application of the laws, so all orders and judgments based on the unconstitutional conduct are also unconstitutional, null, and void leaving the issues still pending.

Respondent was represented by attorneys when he petitioned for modification or but no disclosure statement has ever been filed by or on behalf of Respondent Rules 49 and 91(P), makes the filing of a disclosure statement mandatory. Petitioner provided disclosure statements and supplements on

Petitioner attempted to conduct discovery with interrogatories and requests for production of documents on interrogatories on and interrogatories and requests for production of documents on On Commissioner issued orders that Respondent and his attorneys "shall reply to Petitioner's Discovery Requests within 20 days of this date." That Order has never been enforced, despite Petitioner's repeated requests. (e.g. Petitioner's Motion For Sanctions; Petitioner's affidavit attached to her Rule 85 Motion; Renewed Motion For Sanctions). Judge made this much worse when he stated that he did not consider such disclosure or responses helpful to a case, but limited Petitioner to asking for information from Respondent only during hearings. Judge issued orders on that "The Court

directs the Respondent to provide to the Petitioner all copies of front and backs of cancelled checks that total , but that did not happen, or at least the checks produced did not add up to . On Judge ordered Respondent to respond to Petitioner's discovery requests. Respondent only responded to the interrogatories and then with evasive answers. In the Orders of Respondent was ordered to provide a current Affidavit of Financial Information before the hearing. That affidavit was never provided nor was any enforcement imposed to provide such an affidavit.

According to the law, "an evasive or incomplete disclosure, answer, or response is to be treated as a failure to disclose, answer, or respond." Rule 65(A)(3), ARFLP. Sanctions can be imposed for failure to disclose, or for giving false or misleading disclosure or untimely disclosure.

"A party who fails to timely disclose information required Rule 49 or 50 shall not, unless such failure is harmless, be permitted to use as evidence at trial, at a hearing, or on a motion, the information or witness not disclosed, except by leave of court for good cause shown. A party or attorney who makes a disclosure pursuant to Rule 49 or 50 that the party or attorney knew or should have known was inaccurate or incomplete and thereby causes an opposing party to engage in investigation or discovery, shall be ordered by the court to reimburse the opposing party for the cost, including attorneys' fees, of such investigation or discovery. * * *." Rule 65(C)(1), ARFLP.

Judges refuse to award Petitioner the costs mandated by Rule 65(C)(1). Sanctions could include whatever is just, such as various facts addressed in the discovery requests being taken as established in favor of the party obtaining the order; an order being issued disallowing the disobedient party to support or oppose designated claims or defenses or to introduce designated matters into evidence; and/or an order being issued striking pleadings or entering default judgment against the disobedient party. Rule 65(B and C), ARFLP. Judge

impose this type of sanction on the issue of Petitioner moving out of Arizona and Respondent opposed the move but also refused to cooperate in discovery. Other Judges, including Judge keep violating the discovery and disclosure rules and allow Respondent to testify about anything he wants to testify about and submit documents to the Court without providing a copy to Petitioner. Petitioner has repeatedly argued that cases are often shaped, if not won or lost, in the discovery phase. See

"Mutual knowledge of all the relevant facts gathered by both parties is essential to proper litigation. To that end, either party may compel the other to disclose whatever facts he has in his possession."

; also see

Judges not abiding by the disclosure and discovery

laws is just another method used to cheat Petitioner out of dollars due for child support.

Facts Supporting Allegation (6)

Judge issued orders that: "[T]he Court will not revisit the motion or change the orders made by prior courts regarding the Motion to Correct Unconstitutional and Fraudulent Orders." Refusal to correct injustices is a violation of the U.S. and Arizona Constitutions, as well as, Judge oath of office to support the Constitutions. Refusing to change orders made by prior courts regarding a request to correct unconstitutional and fraudulent orders should be a conclusive showing that the Judge has no intention of administering justice or correcting injustices. That should violate a number of the Canons of Judicial Conduct. Petitioner repeatedly argued that: "If a trial judge realizes that an erroneous ruling has been made, he must act to prevent a miscarriage of justice. [citation omitted]. and order a new trial."

Apparently Judges in Arizona feel completely free to violate any and all laws they want to violate to manipulate the outcome of cases. There needs to be accountability for all misconduct by Judges and attorneys so that justice has an opportunity to prevail. Perhaps if Judges and attorneys started losing their careers and faced criminal charges and prison time, litigants would not be so victimized by misconduct and dishonesty by officers of the courts.

Facts Supporting Allegation (7)

Judge tried to silence Petitioner from exposing criminal misconduct in her litigation. Every citizen has a right, and some times a duty, to try to defend themselves and/or others by reporting crimes, even when the crimes are committed by government officials. (See Ninth Amendment; 18 U.S.C. § 4). Judge tried to extort silence from Petitioner by issuing an "admonition" or censor to not make any more allegations of crimes being committed by Judge or Mr. However, one U.S. Supreme Court Justice opined that:

"The danger that citizens will think wrongly is serious, but less dangerous than atrophy from not thinking at all. * * * [I]t is the function of the citizen to keep the Government from falling into error. We could justify any censorship only when the censors are better shielded against error than the censored.

concurring & dissenting
in part).

In various documents Petitioner filed with the Court, she tried to give the

Court the opportunity to correct injustices by arguing that many rulings were unjust and not supported by the evidence and/or violated various laws, so the rulings were illegal to the point of being unconstitutional, fraud on the court, and criminal at times. Petitioner documents are well grounded in fact with citations to the record and are warranted by existing law based on legal authorities quoted and/or cited in her documents, similar to this Complaint. Nobody has shown nor even argued that Petitioner's arguments of crimes being committed against her are anything but completely true, accurate, and supported by the evidence. Each litigant is supposed to have the right to due process by being allowed to present his/her version of the facts so that the truth can be decided. If a litigant does not raise an issue in the trial court, the litigant is then barred from raising the issue on appeal.

("This court will not consider issues and theories not presented to the court below. [citation omitted]."); also see

Striking documents can violate a litigant's rights in an appeal, so striking documents should be used only when appropriate to the administration of justice, not because a judge dislikes what litigant presents.

The Arizona Constitution, Article II, Section 6 provides that:

"Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right." (also see U.S. Constitution, First Amendment and Fourteenth Amendment, Sec. 1).

Article II, Section 32 makes Section 6 mandatory. Nobody presented any law that states that it is an abuse of the constitutional right of freedom to speak, write, or publish if doing so exposes crimes in the course of litigation.

Judge striking Petitioner's motion is retaliatory for Petitioner daring to stand up for her rights when doing so includes arguing about illegal actions of Judge and to remove Petitioner's argument about interest on her judgments, so Judge can continue to protect Respondent and deprive Petitioner of many thousands of dollars in interest. Rule 14, Rules Of The Commission On Judicial Conduct provides in part that:

"A judge against whom a complaint is filed shall not directly or indirectly engage in any act of retaliation against any person who files a complaint, ***. The commission or disciplinary counsel may, at any time, file a petition with the supreme court for an order prohibiting, at the risk of sanctions for contempt, conduct of a judge that is or appears to be retaliatory in nature."

Petitioner's prior documents filed in the Court do not constitute a complaint filed with the Commission, but the principle of a prohibition against retaliation by a Judge should still apply in court proceedings.

The Canons of Judicial Conduct include the following:

"A judge shall respect and comply with the law and shall act at all time in a manner that promotes public confidence in the integrity and impartiality of the judiciary." Canon 2(A).

"A judge shall be faithful to the law and maintain professional competence in it." Canon 3(B)(2).

"A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law." Canon 3(B)(7).

"A judge who has knowledge or who receives reliable information that another judge has committed a violation of this code shall take or initiate appropriate action." Canon 3(D)(1).

"A judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct should take appropriate action. A judge having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects shall inform the appropriate authority." Canon 3(D)(2).

Surely each litigant, even Petitioner is allowed to put a Judge on notice that the Judge and/or a lawyer is violating laws, even criminal laws. If any Judge is allowed to strike documents because the Judge doesn't agree with or doesn't like what a litigant puts in a document, then there is no integrity or impartiality in the judiciary, and there is no justice or due process. As a Judge, Judge should have known about these requirements. However, Judge has not reported violations by other Judges, himself, or attorneys.

Courts have held that:

"This Court has never suggested that the policy considerations which compel civil immunity for certain governmental officials also place them beyond the reach of the criminal law. Even judges, cloaked with absolute immunity for centuries, could be punished criminally for willful deprivation of constitutional rights on the strength of § [footnote omitted] the criminal analog of § 1983. [citations omitted]."

"[T]he trial court must be given the opportunity to correct any errors at the trial court level before an appeal is taken."

"We recognize that where one party injects improper or irrelevant evidence or argument, the 'door is open,' and the other party may have a right to retaliate by responding with comments or evidence on the same subject. [citation omitted]. However, nothing justifies going outside the record to suggest that there are facts not in evidence refuting the other side's remarks. [citation omitted]." State
also see

"Our supreme court has also held that, if a trial court excludes essential evidence, thereby precluding a [litigant] from presenting a theory of [his case], the trial court's decision results in a denial of the [litigant's] right to due process that is not harmless. [citations omitted]."

Petitioner has a right to preserve on the record that rulings are unjust and the reasons therefore. If a Judge can simply strike documents he/she doesn't like, the Judge can manipulate the litigation and impose a form of immunity for himself/herself by eliminating portions of the record that expose the Judge's misconduct.

Mr. interjected improper assertions of fact and proposed judgments not supported by the evidence or law and his actions were under color of law that were violating Petitioner's Federal rights; and 18 U.S.C. § 242 makes such conduct a Federal crime. Respondent interjected knowingly false testimony to get child support reduced and payment not enforced, and Judge furthered the misconduct with his rulings which were issued under color of law and violated Petitioner's Federal rights. Petitioner was and still is justified in refuting the other side's and the Court's remarks, assertions, and rulings. Striking a document that the Judge and/or opposing attorney dislikes is a dishonest method of excluding the evidence and arguments not only from that Judge's rulings, but any future Judge that might preside over the case, and there have been many changes of Judges in Petitioner's litigation. It could also be seen as a scheme or artifice to defraud by obtaining the benefit of covering up dishonesty and depriving a person of the intangible right of honest services of a Judge and Deputy County Attorney, which is a class 2 felony according to A.R.S. § 13-2310. Perhaps if the Commission On Judicial Conduct and/or the Arizona Supreme Court and/or a Grand Jury indictment explains that to Judge he will accept it better than coming from a non-attorney pro se litigant that he, at times, treats as too stupid to understand the facts or law of the litigation.

Judge did not like that Petitioner put on a public record that Judge and Mr. actions were illegal, even criminal. By comparison,

Judge would likely scream foul and criminal misconduct if he was deprived of his paycheck until everything in Petitioner case is resolved, plus then he continued to be deprived of his paychecks for years, like he and other Judges and Commissioners helped Respondent | deprive Petitioner of payment for reimbursement of medical costs that Respondent was ordered to pay within thirty (30) days of receiving a copy of medical bills and Respondent not paying all monthly child support. Add to this illustration that, when Judge starts receiving paychecks again, maybe he will be entitled to a pay raise, but instead, his paychecks might be drastically reduced in amount without justification, like he and Mr. drastically and illegally reduced monthly child support amounts through the Modification Judgment, and then maybe records will show that Judge was actually overpaid by thousands of dollars, so the overpayment will be taken out of future payments, like he and Mr. included in the Judgment that Respondent had supposedly overpaid child support to take away from what Petitioner is to get paid. Through this, add more problems for Judge of losing an employment opportunity by revoking his license to practice law, instead of being disabled like Petitioner was disabled when she seriously injured her knee and had to have multiple surgeries and lost her second job for being unable to do the miles of walking necessary for that work; and then have Judge also lose his job as a Judge, like Petitioner lost her primary job when she was laid off, so that Judge finances are put into such a situation that he struggles to make house payments, buy groceries, or pay other bills, and has to delay medical treatment for his family members, including children, because of having no medical insurance and no money to pay for medical treatment; all while others taunt and harass him and ignore his requests for corrections of shorting his paychecks, like Judge and other Judges and Commissioners, Mr. and Respondent have done to Petitioner for years. Let all that happen to Judge and Mr. and see if they don't make allegations of criminal misconduct.

Judge harassment includes that he tried to extort silence from Petitioner To avoid false allegations about Petitioner's use of the word "extort", Petitioner relies on that defines "extort" as:

"To compel or coerce, as a confession or information by any means serving to overcome one's power of resistance, thus making the confession or admission involuntary. To gain by wrongful methods; to obtain in an unlawful manner, as to compel payments by means of threats of injury to person, property, or reputation. To exact something wrongfully by threats or putting in fear. The natural meaning of the word 'extort' is to obtain money or other valuable thing either by compulsion, by actual force, or by the force of motives applied to the will, and often more overpowering and

irresistible than physical force."

Judge threatened to strike Petitioner's documents if she dared to exercise her right to argue that the actions of Judge and/or Mr. have been criminal. Judge did this in Orders that provide that:

"The Court admonishes the Petitioner that if she files any more accusations regarding criminal acts committed by the State or the Court, the Court will order the Clerk of the Court not to accept future pleadings. Petitioner acknowledges her understanding of the admonishment."

Petitioner's document filed with the Court after that "admonishment" do not allege crimes by Judge or Mr. but Mr. asserted that Petitioner's Motion made allegations of crimes by Judge and/or Mr. The CHILD SUPPORT HEARING ESTABLISHMENT/ MODIFICATION states that: "Petitioner's Motion is addressed & NCP's response as well as States Responses. Petitioner's Motions are stricken as to 12-F of rules of civil procedures". It refers to the State's "Responses", plural. However, Petitioner only received one response that was actually a motion to strike, so Mr. must not have provided Petitioner with a copy of his other response(s); but he did inform the Court that he would file another response if requested to do so. The document also states that "Petitioner's Motions are stricken", which means more than one Motion, and the document fails to state what Motions are stricken. Did Judge strike every Motion ever filed by Petitioner? According to the "admonition", Judge has no intentions of letting Petitioner file any more documents in her litigation. Hopefully, whomever at the Commission On Judicial Conduct reads this Complaint will understand why Petitioner has stated that Judge and Mr. conduct has been illegal, even criminal.

Rule 32(E), ARFLP provides for striking from pleadings "any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." However, this Rule does not provide for striking an entire document if only part is susceptible to being struck. There was no finding that Petitioner's document presented an insufficient defense, was redundant, immaterial, impertinent, nor scandalous, so there was no justification to strike the document. However, because Mr. wanted it struck, Judge ordered Petitioner's Motions struck from the record. Judge however, relied on Rule 12, Ariz.R.Civ.P. as his only stated basis for striking Petitioner's Motions. That is illegal, because of the following:

"These rules govern the procedure in the Superior Court of Arizona in all family law cases, * * *." Rule 1, ARFLP

"The Arizona Rules of Civil Procedure apply **only** when incorporated by reference in these rules." Rule 2(A), ARFLP (bolding and underscoring added).

Petitioner does not find anything incorporating Rule 12, Ariz.R.Civ.P. by reference into the Arizona Rules Of Family Law Procedure. Judge is prohibited from supplementing, superceding, or annulling rule making powers of the Arizona Supreme Court. Arizona Constitution, Article VI, Section 5;

Petitioner's Motions that have been struck from the record need to be put back on the record and resolved.

How many ways and times is a Judge permitted to violate the laws and deprive a litigant of justice before it is determined to be intentional and/or criminal? The Arizona Supreme Court previously held that:

"Evidence of previous, similar acts alters the probability that the conduct in question was unintentional; the more frequently an act occurs, the more probable it is intentional. * * *
[W]hether the defendant intended to injure the plaintiff or consciously disregarded the plaintiff's rights may be suggested by a pattern of similar unfair practices. [citations omitted].

With the many times that Judge violated Petitioner rights by refusing to enforce payment from Respondent, avoided resolving issues for years, made rulings unsupported by the evidence and in violation of various laws; Petitioner is certain Judge actions and inactions were intentional to protect Respondent without any consideration to the hardships imposed upon Petitioner and her family, including two children who the litigation was supposed to ensure received support from both parents.

Facts Supporting Allegation (8)

Judge has repeatedly imposed punishment against Petitioner for exercising her rights protected by the U.S. and/or Arizona Constitutions and/or statutes. Striking Motions, as addressed above, is not the only punishment imposed by Judge.

When Judge did not like Petitioner's arguments, Judge scheduled hearings as much as six months into the future, all the while leaving Petitioner to continue suffering the financial hardships of not getting the child support payments Respondent is required to pay on a timely basis. For example, a hearing was conducted on and the next hearing was scheduled for

On Petitioner filed by mail five Rule 82(B) Motions, and on filed an Objection to the State's proposed Modification Judgment. The hearing was rescheduled to due to a scheduling conflict

for Mr. Judge did not like Petitioner's documents of _____ so, on _____ without a hearing, Judge denied the Rule 82(B) Motions as supposedly being "without merit" and rescheduled the hearing to _____ six months later, and seven months after the prior hearing that was conducted on _____. This half year delay occurred with several issues pending for years already.

Punishing Petitioner for exercising her rights by striking a document, scheduling hearings months apart, and denying Petitioner's Motions based on false assertions of being without merit is unconstitutional, as provided by the following:

"If a law has 'no other purpose * * * than to chill the assertion of constitutional rights by penalizing those who choose to exercise them, then it [is] patently unconstitutional.'

"To punish a person because he has done what the law plainly allows him to do is a due process violation 'of the most basic sort.'

In a series of cases beginning with _____ culminating in _____ the Court has recognized this basic--and itself uncontroversial--principle. For while an individual certainly may be penalized for violating the law, he just as certainly may not be punished for exercising a protected statutory or constitutional right.⁴"

"4. '[F]or an agent of the State to pursue a course of action whose objective is to penalize a person's reliance on his legal rights is "patently unconstitutional."

"[W]hen the constitution speaks, all rules of the common law and all statutes which violate that document are utterly void and nugatory."

Since Judge _____ and Mr. _____ don't act like Petitioner _____ as anything intelligent to present, perhaps the Commission On Judicial Conduct and the Arizona Supreme Court can change their attitudes by agreeing with Petitioner's arguments and hold Judge _____ and Mr. _____ accountable to the written laws, including submitting the matter to the Arizona Attorney General and/or F.B.I. and U.S. Attorney for investigation and criminal prosecution.

Facts Supporting Allegation (9)

Judges, including Judge _____ have been imposing double-standards of proof that provided a special privilege and immunity to Respondent _____ at the expense of Petitioner _____ rights, but that is unconstitutional. (Arizona Constitution, Article II, Sections 13 and 32). Commonly, no amount nor quality of evidence, not even what the law holds as conclusive evidence, was good enough for many issues addressed by Petitioner _____. However, mere assertions known to be false were sufficient "proof" to help Respondent _____. Judges refuse to correct the injustices.

For the modification in _____ asserted to have income below minimum wage, but did not have to prove it. _____ income was attributed at the lowest rate of pay for his type of work, _____ per hour for full-time work _____ despite Respondent having years of experience and telling _____ that the top pay rate would be about \$ _____ per hour, and despite _____ having had an income of about twice _____ per hour for each year in _____. Years after support was modified in _____ Mr. _____ revealed that in _____ he had income of much more than he reported for the modification in _____.

_____ from self-employment
_____ from working for _____
_____ from working for _____

_____ total

Mr. _____ false assertion of earning below minimum wage, and Judges going along with that, when in fact Respondent _____ later disclosed that his income was actually about _____ per hour for the year _____ (more than twice the amount used for modification), reduced child support from _____ per month in _____ in _____ (Report p.2). Petitioner has tried to get these types of injustices corrected. However, Judges refuse to correct injustices imposed by other Judges, and often times their own injustices. Petitioner _____ has had to prove the amount of her income using documents showing the income. Respondent has been allowed to simply tell the Court what his gross income supposedly was for each year. Even when Petitioner _____ presented documents to disprove Respondent's assertions, the Judges, including Judge _____ refused to consider Petitioner's evidence which was generally Respondent's own documents of W-2s, Federal tax returns, a letter from the I.R.S. to Respondent regarding his income, and Respondent affidavits stating Respondent's spending habits that more than once showed he was spending about three to four times his gross reported income for just monthly expenses, plus much more to pay off huge debts.

Petitioner _____ had to produce documentation repeatedly to prove her

financial allegations of medical costs incurred. Respondent has made financial allegations that he made less than minimum wage for years, but never had to produce income statements, balance sheets, or general journals from his self-employment to prove his allegations, nor did he have to produce a premium notice to prove his allegation of paying per month for medical insurance, nor produce anything but his own self-serving affidavit of his supposed lack of assets, his debts, or his spending to support his allegations of inability to pay child support obligations.

When Judge ordered Petitioner to appear personally in court, Petitioner argued that she had previously been granted leave to appear telephonically at all hearings after moving to Colorado, and that she could not appear in person due to a disability. A letter signed by a physician and x-rays were provided to prove the disability. Judge did not accept that as sufficient to prove disability. Petitioner then submitted another signed letter and more copies of x-rays after a second surgery was performed and various metal plates, pins, and/or screws were implanted into her knee. The metal showed very clearly in those x-rays, so Judge finally accepted that as proof of the disability and allowed Petitioner to appear telephonically. If Respondent is "disabled" then he must have a multitude of receipts for the medical examinations and treatment he would have received if actually disabled. Instead of requiring Respondent to produce receipts for the medical examinations and treatment that he would have received if he had been disabled, or x-rays showing disabling problems as Petitioner was required to do, Judge instead orders Respondent to get a current statement signed by a licensed physician to support an allegation of disability, though Respondent's allegation of disability alleges an initial date of over seven years ago. Even if Respondent did not keep his receipts, he could get copies from doctors, if he had actually been getting medical treatment. Since Respondent lied about being disabled, he has been unable to produce documentation to support his allegations. However, Judge and Mr. did not let that stop them from attributing only minimum wage to Respondent for modifying child support seventeen times from through instead of using Respondent's failure to produce any evidence of disability as proof that Respondent voluntarily reduced his reported income to unjustly reduce child support obligations and stop enforcement of payment.

Two Justices of the U.S. Court understood such dishonestly by deadbeat parents when they wrote:

"That some fathers subject to a child support agreement report little or no income 'does not mean they do not have the ability to pay any child support.' Dept. of Health and Human Services, H. Sorensen, L. Sousa, & S. Schaner, Assessing Child Support Arrears in Nine Large States and the Nation 22 (2007) (prepared by The Urban Institute) (hereinafter Assessing Arrears). Rather, **many 'deadbeat**

dads'[Footnote 5] **'opt to work in the underground economy' to 'shield their earnings from child support enforcement efforts.'** Mich. Sup. Ct., Task Force Report: The Underground Economy 10 (2010) (hereinafter Underground Economy). **To avoid attempts to garnish their wages or otherwise enforce the support obligation, 'deadbeats' quit their jobs, jump from job to job, become self-employed, work under the table, or engage in illegal activity.'**[Footnote 6] See Waller & Plotnick, Effective Child Support Policy for Low-Income Families: Evidence from Street Level Research, 20 J. Pol'y Analysis & Mgmt. 89, 104 (2001); Assessing Arrears 22–23." (emphasis added) Turner v. Rogers, 564 U.S. ____ (2011, J. Thomas and Scalia dissenting at Part III).

When Petitioner provided Respondent's W-2 from _____ to establish Respondent's full earning capability or child support modifications, Respondent's mere assertions of much lower income was allowed to defeat Petitioner's evidence, so child support was reduced again and again for Respondent. The _____ Expedited Services Report/Recommendations History of child support amounts and subsequent Orders, after deducting for medical insurance payments, show child support amounts as follows:

These reductions in child support for Respondent, due to Respondent's voluntary reduction in income, were imposed while Petitioner was increasing her income, at times by working two or three jobs at a time. Respondent was never required to prove that he was doing his best to provide for his son and daughter.

In the Enforcement Judgment And Order signed on _____ by Commissioner _____ it is documented that:

"Obligor states the following reason(s) for his/her non-payment of support: He has not been able to work more hours due to weather conditions near the creek where he lives."

The State's own documents are evidence of Respondent _____ giving a reason other than disability for not working, unless Respondent wants to assert that an Arizona Assistant Attorney General falsified the document regarding what Respondent said.

Mr _____ has been allowed to make assertions to the Court that were

simply accepted as true, without any evidence to support Mr. [redacted] assertions. Mr. [redacted] is an attorney for the State, and the State is a party. As a party to the litigation, the State should not be given a special privilege or immunity from having to prove its allegations by the same standards imposed on Petitioner. For example, despite four medical child support judgments being signed and filed on [redacted] for a total of more than [redacted] the [redacted] Child Support Modification Judgment And Order prepared by Mr. [redacted] and signed by Judge [redacted] asserts that Respondent [redacted] was overpaid by [redacted]. However, the State's own records from the Division of Child Support Enforcement showed that on [redacted] Respondent was in arrears by [redacted] and that balance might not have included allowable statutory interest or fees. The State's records then showed that or [redacted] the arrears balance for Respondent was [redacted].

On [redacted] the State was ordered "to provide Petitioner with the 'item by item accounting' which is addressed in paragraph six of Ms. [redacted] pleading Affidavit Of Respondent's Third Non-Compliance To Make All court-Ordered Payments p.12]. Ms. [redacted] is entitled to that documentation and the Court can see no reason why the documentation cannot be provided to her." That documentation was never provided.

Mr. [redacted] made sure that a credit for [redacted] was posted to the Child Support Clearinghouse records that saves Respondent that much in arrears and saves him having to pay it or the interest on it. Nobody ever proved that Respondent was entitled to the credit, and no Judge Ever ordered the credit to be posted to the State's records. Before any direct payments can be legally credited to the State's records, "The court shall make specific findings in support of any payments or credits allowed." A.R.S. § 25-510(G). "Any credit against support arrearages, other than by court order, shall be made only by written affidavit of direct payment or waiver of support arrearages signed by the person entitled to receive the support or by that person and the person ordered to make the support payment." A.R.S. § 25-510(H). Judge [redacted] had already denied Respondent's request for reimbursement of monies supposed owed by Petitioner or supposedly paid but not credited to Respondent, so Mr. [redacted] violated both of the above quoted legal requirements, for Respondent's benefit. Judge [redacted] refuses to correct that injustice also.

Mr. [redacted] on behalf of the State of Arizona, did not have to prove anything about the assertions in his worksheets or the Modification Judgment. Judge [redacted] simply ruled that Respondent's income would be allocated at only minimum wage, and that Respondent would get credit for paying [redacted] per month for insurance that even though Respondent said he stopped providing any insurance in [redacted] and produced documentation to prove he stopped providing the court-ordered insurance. It did not matter that Petitioner [redacted] had provided a copy of Respondent's [redacted] Federal income tax return showing income of over [redacted] and Respondent's [redacted] Request stating that Respondent had not worked since [redacted] so his entire [redacted] income was from [redacted].

only six months. It did not matter that Respondent testified at a hearing that he is currently earning over _____ per hour and did not have to prove that he was only working part-time by choice, so minimum wage was still what Judge _____ attributed to Respondent to lower the amount of child support and lower Respondent's share of child support. There was generally no evidence of a substantial and continuing change in circumstances required for modifications done less than three years apart. Nobody had to prove that Respondent was not reporting less than minimum wage due to a voluntary reduction in reported income or choice to be idle instead of industrious or doing his best to provide for the children. That violated the standard of proof set forth in _____ and A.R.S. § 25-511(B) ("Inability to furnish reasonable support is not a defense if the defendant voluntarily remained idle, voluntarily decreased his income or voluntarily incurred other financial obligations."). Respondent never had to prove that he could not be working full-time or that he could not be earning as much as he did in _____ when he earned over _____ per month (over \$ _____) for the first six months of _____ and then started asserting to be disabled with no evidence to support the assertion of disability. The State's worksheets addressed the self support reserve test under Rule 15, Arizona Child Support Guidelines, but always reduced the amount without considering, much less proving, the financial impact that such reduction would have on Petitioner and the children. Mr. _____ Respondent, and Judge _____ did not have to prove that what was being done was in the best interests of the children instead of in Respondent's best interests and desire to harass Petitioner and cheat her and the children out of substantial child support.

Facts Supporting Allegation (10)

This issue over Respondent seeking a credit for \$866.16 that he supposedly did not get credit for paying originated due to conflicting reports from the Department Of Economic Security. The exact amount in question has varied slightly due to errors, but the issue about whether Petitioner got paid \$868.96 for child support shown on a Department Of Economic Security report was addressed in 2008 in part as follows:

"1. * * * The internet report does not show the \$868.96 payment shown on the mailed report for October 2006, but instead shows a payment of \$486.00. Which report, if either, is supposed to be correct? * * *

7. The State's records show payments of \$868.96 in October 2006 and \$827.69 in November 2006 (See Exhibit #5 p.2). Petitioner received the \$827.69 payment, but not the \$868.96 payment." Petitioner's 11/04/2008 Court-Ordered Disclosure And Notice Of Correction Of Amounts Owed (p.2-4).

The confusion was due largely to the fact that the State's records show a payment of _____ in _____ but it was not paid as a single payment. Instead it included payments that appeared to be monthly child support payments, instead of a combination of current support and arrearages and other transactions. Respondent _____ then began asserting that he made payments directly to Petitioner _____ but that Respondent did not get credit for the payments.

As stated in Petitioner _____ Hearing Memorandum (p.44), the written law on this issue provides that:

"B. Unless the court orders that support or maintenance be paid directly to the party entitled to receive it, all orders for support shall direct payment of support or maintenance through the support payment clearinghouse. All orders that specify payments through the clerk of the superior court shall be deemed to require payment to the support payment clearinghouse after a notice to the obligor is issued. * * *.

H. Payment of any money directly to an obligee or to a person other than the support payment clearinghouse shall not be credited against the support obligation unless the direct payments were ordered by the court, or made pursuant to a written support agreement by the parties." (emphasis added) A.R.S. § 46-441 (B and H).

"G. Any direct payments not paid through the clearinghouse or any equitable credits of principal or interest permitted by law and allowed by the court after a hearing shall be applied to support arrearages as directed in the court order. The court shall make specific findings in support of any payments or credits allowed." (emphasis added) A.R.S. § 25-510(G).

Respondent _____ argument has been that he supposedly paid the _____ directly to Petitioner _____. However, there is no explanation of why Respondent would pay monthly child support or child support arrearages directly to Petitioner, instead of through the Child Support Clearinghouse. The written law forbids the State, including Judge _____ Mr. _____ Ms. _____ or anybody else, from giving Respondent credit on the Clearinghouse records for payments not made through the Clearinghouse and not court ordered to be made directly to Petitioner, or not including the specific findings in support of any payments or credits allowed by the Court. The _____ Orders do not include the required "specific findings", so posting the credit was and is illegal and must be corrected. Judge _____ refuses to address this issue any more, much less resolve the issue that has been pending for over a year.

Petitioner _____ attached, as Exhibit :

Memorandum, pages showing the conflicting information. The [redacted] was a payment from the [redacted] seizing Respondent's tax refund. Respondent's Letter of [redacted] Petitioner attached as Exhibit #22 to her 2/02/2012 Hearing Memorandum) states that:

"The dates of the checks are

*

The money was intended for medical bills per several Court Orders, not child support. The Court was never advised of these payments either by Petitioner [redacted] or Respondent [redacted] and consequently Respondent [redacted] was never credited. * * * As a consequence of the double payment of the Judgments and the payments to Petitioner [redacted] for the same medical bills, Respondent [redacted] is entitled to reimbursement in the amount of [redacted] plus at the legal rate of [redacted] per annum until paid in full, by Petitioner [redacted]

As explained in Petitioner [redacted]

Hearing Memorandum (p.38):

"Respondent's [redacted] letter asserts that he never got credit for the checks he mailed directly to Petitioner for medical costs, so he wants reimbursement in the amount of [redacted]. The copies of checks Respondent supplied with his [redacted] letter total [redacted]. Another overstatement by Respondent to his own self-serving benefit.

The reason the State never gave credit for the checks mailed directly to Petitioner is that some of the judgments for medical costs, and then subsequent medical costs that were not part of any judgments were not ever added to the State's records of money owed through the child support clearinghouse. Judge [redacted] Orders of [redacted] make clear that a judgment for [redacted] in medical costs was entered, and Respondent was to pay [redacted] per month directly to Petitioner. Those Orders also made clear that:

'Respondent/Father is advised by the Court to retain proof of payments in a form that the Court is able to determine that the payments have, in fact, been made, and shall not be mixed in with other items.'""

By the [redacted] court order, checks paid directly to Petitioner [redacted] for the [redacted] medical costs judgment and other medical costs were not to be mixed in with payment for other items. What Respondent paid directly to Petitioner was not anything toward what was on the State's Child Support Clearinghouse records, so no credit could honestly be posted to the Clearinghouse records for the payments made directly to Petitioner, but [redacted] was illegally posted, and Judge [redacted] refuses to correct it.

Respondent has never been required to present any evidence of paying to the Child Support Clearinghouse or directly to Petitioner and not getting credit for paying it. Respondent was previously ordered to provide the proof, but he did not do it. Exhibits were attached to Petitioner Hearing Memorandum on this issue also:

"Discussion of the Court and parties re Respondent's claim that he paid directly to Respondent [s/b Petitioner] and did not receive credit for that amount. Respondent is directed to provide proof of that payment by way of canceled checks, front and back, as having been paid directly to Petitioner."

"The Court directs the Respondent to provide to the Petitioner all copies of front and backs of cancelled checks that total

The Orders, that Respondent and the State relied on for giving Respondent a credit of clarified that the payment was for child support, not medical costs. However, Respondent's Letter insisted that his checks were for medical costs, not monthly child support, and payment was directly to Petitioner, not the Clearinghouse. The Orders ruled that the payment was a child support payment, not a medical costs payment, so the Court indirectly also ruled that Respondent's assertions of making a payment directly to Petitioner and not getting credit were false, because all monthly child support payments and monthly child support arrearage payments were made through the Child Support Clearinghouse, not directly to Petitioner.

If the State is going to give Respondent credit for paying as the State has already done, then the State owes and must pay Petitioner that was never paid to Petitioner in Mr. simply argued to the Court that the credit was posted over a year later, because Respondent did not owe any arrearages in

The truth is that Respondent owed in medical costs dating back to that are still not paid. If Judges, including Judge had abided by the 1 Orders and found Respondent in default and added the medical costs to the arrearages, then the Clearinghouse records would have shown tens of thousands of dollars of arrearages. Judges and Mr. refuse to enforce payment to Petitioner from Respondent in a timely manner, but Mr. certain jumped on an opportunity to illegally give Respondent payment from Petitioner by having a credit of posted to the Clearinghouse records. Judge has persistently failed or refused to resolve the issue of Mr. giving the credit to Respondent without any Judge ordering such a credit to be given.

REQUEST FOR RELIEF

The Commission's Rule 5 provides that:

"The purpose of the judicial discipline and incapacity system is not to punish the judge, but to protect the public and to maintain high standards for the judiciary and the administration of justice. Any disciplinary remedy or sanction imposed shall be sufficient to restore and maintain the dignity and honor of the position and to protect the public by assuring that the judge will refrain from similar acts of misconduct in the future." Rule 5, Rules Of The Commission On Judicial Conduct.

I need and deserve protection from the injustices and dishonesty that has been repeatedly imposed on me and my family for years. Please intervene in every way you are permitted to help me. Stop Judge [redacted] from getting another paycheck until every issue in my litigation is resolved based on the evidence, including my evidence, and the written laws applicable to the case. If Judge [redacted] starts hurting financially, maybe he will start to understand the harm he and others have imposed on me and my family. Please get the Court to intervene.

When I wrote to [redacted] Chief [redacted] [redacted] wrote back in a letter dated [redacted] asserting that the Chief Justice is prohibited from helping me due to the Arizona Code of Judicial Conduct. I similarly got no help from [redacted] and Governor [redacted]. I don't know whether these elected and/or appointed officials ever got my letters, or did their staff members block my attempts to petition my elected and/or appointed officials. If the Commission On Judicial Conduct contacts the Arizona Supreme Court and/or other authorities, I would hope the officials' staff members will not block your notice.

Though I am no longer a resident of Arizona, I was for many years, and I am as equally entitled to justice as the most influential or famous person to ever be in Arizona or under the jurisdiction of the Arizona courts.

[redacted] noted that:

"It is clear from the legislative debates surrounding passage of [42 U.S.C.] § 1983's predecessor that the Act was intended to enforce the provisions of the Fourteenth Amendment 'against State action, . . . whether that action be executive, legislative, or *judicial*.' [citation omitted]. Proponents of the legislation noted that state courts were being used to harass and injure individuals, either because the state courts were powerless to stop deprivations or were in league with those who were bent upon abrogation of federally protected rights.
* * * 'If the State courts had proven themselves competent to

suppress the local disorders, or to maintain law and order, we should not have been called upon to legislate . . . ' [citation omitted]."

Will it take Federal intervention to get Arizona officials to do their jobs? I hope not. I also hope that I will not be forced to update the Petition for Special Action I already have prepared to include what has happened over the past few months and then incur the costs of copying and filing it, but if that is what it takes to get justice, then so be it. If I have to go to the news media and/or post copies of documents on the internet to create such public outrage that Arizona officials are pressured out of office and perhaps into prison, or at least to finally do their jobs to protect the rights of all people, including me and my son and daughter, then I will likely do that also.

Ask yourselves, how many other custodial parents and their children are struggling financially and being cheated out of child support by Judge and/or other Judges imposing similar injustices? Federal employees who have been furloughed for a couple of weeks now are reported as suffering financially due to Congress not doing its job. Consider the financial suffering my family and I have suffered for the many years that Judges and Commissioners have deprived us of enforcement of payment of child support obligations owed by Respondent even after Respondent told the Court he could pay the medical costs. Isn't it time for public servants to actually serve the public, not just political parties or those who give large campaign contributions?

I look forward to your help. Please do not provide Judge any additional time to respond to my Complaint. Additional time will only be another way to inflict unconstitutional delay. If you need any additional information from me, please don't hesitate to contact me at the address at the top of this letter. If this Complaint needs to be under oath, then please take it as being under oath.

Enclosures: