

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-074

Judge:	No. 1072914908A
Complainant:	No. 1072914908B

ORDER

The complainant alleged a superior court judge had violated a number of state and federal statutes and rules of procedure in connection with his personal bankruptcy and dissolution proceedings.

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 does not have jurisdiction to review the legal sufficiency of court rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: April 9, 2014.

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on April 9, 2014.

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

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

COMPLAINT AGAINST A JUDGE

Your name

Judge's name

Date

On _____ Petitioner's counsel _____ filed a Motion to Compel Execution of Consent Decree which included an Order Abandoning the _____ and lifting the Automatic Stay. This Order was in _____ Chapter 7 Bankruptcy Case No. _____ and was dated _____ three (3) months prior to _____ counsel _____ submitting another Motion to Abandon. The next Motion was in my Chapter 7 Bankruptcy Case No. _____

On _____ Petitioner's counsel _____ filed a Motion to Abandon the _____ truck which at that time was still an asset of the Respondent's Chapter 7 Bankruptcy case.

On _____ Honorable _____ ordered a brief detailing what give the Court authority during a Bankruptcy Stay to enter a Decree of Dissolution and order for spousal support.

On _____ Petitioner entered a memorandum which clearly states (iv) for the dissolution of marriage, except to the extent that such proceeding seeks to determine the division of property that is property of the Estate. The _____ was still property of the Estate on _____. Nothing in the United States Federal Bankruptcy Court records is there an Abandonment Order abandoning the _____ from my Chapter 7 Bankruptcy case. The statement made by _____ is heresy as there is no documentation supporting the abandonment and Judge _____ still let the _____ out of the Chapter 7 Bankruptcy Case and the Dissolution Proceeding.

On _____ Honorable _____ signed the Decree which was not a Consent Decree signed by both parties allowing Petitioner to remove the _____ from Respondent's Chapter 7 Bankruptcy Estate without a signed Abandonment order from Honorable Judge _____ II of the United States Federal Bankruptcy Court.

On _____ Respondent, _____ filed an Objection to an Order in a Consent Decree.

On _____ transferred the _____ truck from my name to hers per the Divorce Decree.

On _____ Honorable _____ denied Respondent's Objection to an Order in a Consent Decree without any grounds or basis for the denial. Spousal maintenance payments should have commenced when the Divorce Decree was signed by Judge _____ and not before as the two parties were still married.

On Respondent, had Petitioner's counsel, served with a subpoena requesting a draft copy of the Consent Decree that Honorable signed on , Bar Date Notice of filing for the Abandonment Motion, Notice of Lodging of Proposed Form of Order for the Abandonment Motion, Certificate of Service and No Objection for same Abandonment Motion, and a signed Order of Abandonment and Lifting of the Automatic Stay from Honorable Judge II of the United States Federal Bankruptcy Court which Abandoned the and the which was awarded to Petitioner in the Rule 69 Agreement but was not listed in the Divorce Decree.

On Petitioner counsel, filed an Objection to the Subpoena stating that the requested documents could be obtained from the Bankruptcy Court, Bankruptcy Trustee, or from the attorney who had initially prepared his Bankruptcy. Respondent, filed his own Chapter 7 Bankruptcy on The case number is . He also stated that the requested documents were not in the family law file. submitted only two copies of "Draft Decrees" both of which were never filed with Court. He did not comply with the Subpoena and Judge sustained/affirmed the validity of the Objection that the two documents were the only ones was to produce. Without the signed Abandonment Order for the the is still an asset of my Chapter 7 case and should be liquidated to pay my creditors.

On Respondent, furnished with the Motion to Abandon filed on by

On removed himself as legal counsel for the Petitioner,

On Honorable entered a Minute Entry sustaining Objection with the that Mr. had attached the only documents to the Objection that was required.

On a Petition for Contempt was filed by the Petitioner, because Respondent had missed two full payments of and two partial payments. Honorable Judge set a return hearing for and then Respondent requested a Trial which was then set for

On a Pre-trial statement and Affidavit of Financial Information was submitted by Respondent, but Judge never read the documents or allow relevant documents to be entered as evidence for the Respondent Instead set a court date of for Respondent to appear at Accountability Court which deals with Child Support Arrears of or more along with Spousal Maintenance Arrears. Accountability Court has no jurisdiction to hear cases with Spousal Maintenance Arrears only.

On _____ Commissioner _____ vacated the hearing and sent the matter back to Judge _____ who then set another Trial for _____

On _____ I filed an Objection to the Trial set for _____ as Judge _____ has already granted Petitioner a finding of contempt, sent me to Accountability Court for no reason causing me to lose more time from my employment resulting in putting me further behind in my spousal maintenance payments.

Judge _____ has violated my Fifth Amendment Rights of the U.S Constitution in that the Fifth Amendment provides "No person shall....be subject for the same offence to be twice put in jeopardy of life or limb" with the following five policy considerations underpinning the double jeopardy doctrine:

1. preventing the government from employing its _____ resources to wear down and erroneously convict innocent persons;
2. protecting individuals from the financial, emotional, and social consequences of successive prosecutions;
3. preserving the finality and integrity of criminal proceedings which would be compromised were the state allowed to arbitrarily ignore unsatisfactory outcomes;
4. restricting prosecutorial discretion over the charging process;
5. eliminating judicial discretion to impose cumulative punishments that the legislature not authorized

Judge _____ has violated R.F.L.P. 83 (D) (E) in that setting this matter for a second Trial on _____ without any new Motion from either party or setting the second Trial within the timeframe of fifteen (15) days passing since entry of the Judgment on _____ to have me appear for Accountability Court on _____

Judge _____ has violated R.F.L.P. 92 (E) (F) in that Judge _____ signed a formal written Order on _____ granting the Motion for Contempt but not including a purge provision, incarceration, or a fine.

Judge _____ has violated Arizona Statute 12-864.01 by granting Petitioner a Judgment of Contempt against me for non payment of child support when this Court's Order from _____ was to pay spousal maintenance arrears to Petitioner.

Judge _____ has violated F.R.C.P Rule 45 (a) (4) (b) (4)(a)(1) fourth paragraph for Subpoenas in that he allowed the financial documents that Petitioner, _____ received without giving Notice to me before serving the Subpoena on the company that my _____ is leased to, no Proof of Service was filed with _____ Court of _____ County and that a party seeking additional production from a person subject to such a subpoena may serve an additional subpoena requiring additional production at the same time and place. All documents submitted as evidence for the _____ and the _____ Hearing and Trials should be stricken from the _____ Court's record.

Judge _____ has violated (b) (A)(iv) in that the Automatic Stay was still active to prevent him from determining the division of property that is property of the Estate. Judge _____ allowed the division of the _____ Ford _____ truck to be awarded to Petitioner without an Order from the United States Federal Bankruptcy Court under my Chapter 7 Bankruptcy case

On _____ Petitioner _____ signed on _____ forged my signature and used the Decree that Judge _____ to change the title into her name.

Judge _____ has violated F.R.B.P. Rule 6007 of the Federal Rules of Bankruptcy in that the _____ which as of this date has still not been abandoned from my Chapter 7 bankruptcy case and he allowed Petitioner _____ to be awarded the _____ and to transfer the title from my name to hers on _____

Judge _____ has violated the Arizona Code of Judicial Conduct Rule 81 (1.2)(5), (2.2) (1)(2)(3), (2.11)(A), and (2.15)(B).

Rule 81 1.2 (5)- Actual improprieties include violations of law, court rules, or provisions of this code.

Rule 81 2.2 – 1. To ensure impartiality and fairness to all parties, a judge must be objective and open-minded. 2. a judge must interpret and apply the law without regard to whether the judge approves or disapproves of the law in question. 3. however, a pattern of legal error or an intentional disregard of the law may constitute misconduct.

Rule 81 2.11- a judge shall disqualify himself or herself in any proceeding in which the judges impartiality might be reasonably questioned.

Rule 81 2.15 (B) - a judge having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct.

On _____ I filed an Affidavit of Direct Payment stating that Petitioner, _____ received by direct deposit a tax refund amount of _____ which is half of the actual amount of _____ that she received from illegally filing a Joint tax return. All I wanted was for this Court to account for that payment towards my spousal maintenance arrears. To the date of this complaint I have not received credit from Judge _____

Judge _____ and the _____ Court of _____ County have violated R.S. 25-510 (H) in that the information contained in the Affidavit of Direct Payment should have been entered directly into the statewide registry to update the Clearinghouse Records of the spousal maintenance records.

Judge _____ has awarded Petitioner attorney's fees for the Contempt charge against me in the amount of _____ per the original Court recording of the _____ Trial. The formal written Order signed by Judge _____ on _____ clearly states that the Petitioner was awarded _____ in attorney's fees which is incorrect and Judge _____ was corrected by _____, Petitioner's counsel that the award was for the _____ 0 dollar amount not _____. The formal written Order has not been corrected and Petitioner's counsel still puts the incorrect amount of _____ in all of their pleadings which leads me to believe that Judge _____ was paid to find me in Contempt on _____. Before I gave my testimony Judge _____ had his mind made up that I was guilty because he consistently asked Petitioner's counsel for the amounts

that were to be put in the Order before the Trial was done. Judge _____ has not fully reviewed the Dissolution Proceeding from the time he took precedence over the case, has not reviewed any of my pleadings, evidence, documents that have been docketed with the Court, has discriminated against me by granting judgment against me for overdue child support instead of spousal maintenance due to the misuse of Arizona Family Rules of Procedure, issuing a purge amount of _____ knowing that I am a self employed who has not worked since _____ (refer to court recording from _____) and ordering a civil arrest warrant to be issued for the overdue spousal maintenance arrears payments which total _____ plus interest from _____ of _____ through until _____ of I have paid _____ towards spousal maintenance arrears since _____ of _____ until _____ of _____ Judge _____ will not adjust the _____ to account for an Affidavit of Direct Payment in the amount of _____ which would clear the missed payment for _____ of _____ and absolve the Judgment from _____

Please refer to the enclosed documents as part of the evidence against Judge _____
Please also refer to the _____ Court's recordings from _____ and _____

Based on the above mentioned violations of _____ Court's Rules, Federal Rules of Bankruptcy Procedure, Federal Rules of Civil Procedure, Arizona Statutes, and Arizona Rules of Judicial Conduct Honorable Judge _____ is not acting in good faith, acting as an impartial third party as required I ask that Honorable Judge _____ recuse himself from the Dissolution Case No. _____ and a new Judge be assigned immediately.

Sincerely,