

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-121

Judge:

Complainant:

ORDER

The complainant alleged that a superior court judge denied him the opportunity to be heard and issued rulings that were contrary to the evidence presented.

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 the judge's rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: June 17, 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 June 17, 2014.

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**2014-121****COMPLAINT AGAINST A JUDGE****Name:** _____ **Judge's Name:** _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

Cannon 2 - RULE 2.2. Impartiality and Fairness & RULE 2.6. Ensuring the Right to Be Heard

Judge _____ violated these rules throughout _____ involvement in my case. I have supplied (electronically) the hearing video and transcript of the _____ trial over which _____ presided. I have also supplied pertinent documents and rulings from the case.

During the trial, Judge _____ would not allow me to speak during _____ testimony and would allow _____ to make points and at times, seemingly assisted _____ with making points. During my testimony, I was constantly interrupted for court wide discussion and _____ interrupted me and changed the subject every time I tried to make points on the record, especially when it came to _____ needs.

On _____ Judge _____ entered orders that stripped me of 75% of my time and all of my legal decision making rights. Although Judge _____ was only to address _____ issues, _____ additionally proceeded to assign _____ without having taken testimony or evidence for _____. Since _____ had no evidence or testimony relating to _____, _____ made up the figures for the _____ primarily out of thin air. Three _____ explained the court's calculation, including the court's specific findings regarding the _____ insurance and _____ expenses, issues that were not discussed at the _____ trial. Applying the _____ Judge _____

ordered that I pay _____ for _____ and _____ starting _____ . The court's _____ credit for monthly costs of _____ from _____ and the _____ gave me credit for monthly costs of _____ starting _____. All of these figures were fabricated by Judge _____ since the _____ was not attending _____ and I did not have the _____ on my insurance at the _____ trial. _____ days later, I filed _____

_____. Regarding the _____ issue, I provided the court with additional information about my _____ and the _____ that I had incurred providing the insurance. My Motion contained exhibits, including a _____ and my _____

My Motion concluded that the court's "current orders are unreasonable, unjust and utterly cruel."

CONFIDENTIAL

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

FOR OFFICE USE ONLY**2014-121****COMPLAINT AGAINST A JUDGE**

Name: _____ Judge's Name: _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

In that motion and a subsequent motion for _____, I argued that the court's figures were inaccurate because the _____ was not attending and I was paying approximately _____ monthly for the _____ and insurance. I calculated my monthly _____ . I also argued that the court lacked jurisdiction to determine _____ because this was a case and _____ had ceded jurisdiction to the _____ court several times during trial (see _____ of trial pages _____) and in _____ minute entry. Finally, I argued that that stripping me of most of my _____ over a _____ that I had made almost _____ years prior was unfair and unreasonable and that the trip to _____ was only _____ minutes longer than _____ ride on the _____.

On _____, Judge _____ denied my Motion for _____ and reconsideration of _____ but clarified his _____ ruling. In clarifying the ruling, the court found that my _____ Affidavit of _____, which was not entered as an exhibit at the _____ trial, misstated my _____. Judge _____ also created new _____ that corrected my _____, decreased my monthly insurance costs by _____ and did not change _____ costs. Accordingly, it ordered that I pay monthly _____ for a total of _____ starting _____.

I appealed to the _____ and on _____; they vacated the _____ order for lack of findings sufficient to award _____ to my _____. They also vacated the _____ order due to the fact that the figures were not supported by the record, since there was no evidence or testimony at trial concerning _____. They also determined that because the State was involved and the trial was pre-determined to only deal with _____ issues, all parties were deprived of their rights to be heard regarding _____. The _____ ordered the case remanded to address the lack of findings on the _____ issues and ordered Judge _____ to refer the _____ to the _____ for _____ determination. They did affirm the _____ order because _____ typically only considers _____ a restriction when it involves _____ or outright denial of _____. I subsequently filed a Petition _____ with the _____ which was denied over a procedural error on my part.

****See attached sheet for conclusion****

RULE 1.2. Promoting Confidence in the Judiciary

RULE 2.5. Competence, Diligence, and Cooperation

On _____ my _____, unhappy with _____ decision, filed an _____ petition the now, gutted orders. _____ Motion contained exhibits, including emails that _____ had proclaimed within to be privileged settlement negotiations pursuant to _____ of rules of evidence and could not be used in court. These, emails were dated just _____ prior. The petition was denied because there was no imminent danger. However, shortly thereafter, Judge _____ issued orders concerning the issues in _____ petition. In doing so, _____ reaffirmed _____ orders but did not order suspension of the _____, which by this time had forced me into default on most of my financial obligations for the 1st time in my life. I motioned for Judge _____ to vacate the orders as they were invalid for lack of jurisdiction. My motion & subsequent motion _____ included statutes and case law relative to jurisdiction as well as copies of the dockets of both the _____ showing the case was still active in both courts. At this point, I noticed for change of judge for a right and for cause due to _____ continued incompetence in the case. Judge _____ ignored everything provided to _____ and denied the motion and notice of change of judge as well as the subsequent motions for _____ and soon went on to issue "Rulings on Remand". In Judge _____ "Rulings on Remand", _____ reconsidered _____ since _____ could not justify _____ original order _____, _____ declined to modify _____ but did refer out _____. Although this ruling was obviously more thought out than _____ original orders, it was still, nonetheless, invalid.

Shortly before Rulings on Remand, I filed a motion with the _____ to _____ Judge _____ previous invalid ruling. I filed a supplemental motion after Rulings on Remand was issued. On _____ the _____ decided as a special action to vacate all of Judge _____ orders issued after the original _____ decision.

Less than a week prior to the _____ decision order, I appeared for what was to be, a _____ hearing before _____. _____ immediately knew _____ lacked jurisdiction to hold that hearing and thus, continued proceedings until _____ to allow the appeal time to complete. _____ was able to gain a stipulation to suspend _____ since there was clearly a substantial _____.

On _____ the _____ denied review on the _____ issue and on _____ the _____ re-vested jurisdiction to the _____ Court. Since the original _____ orders were issued, both _____ have _____ and have entirely new _____ as well the _____ has a new schedule at _____ and the court never really addressed _____ needs, therefore, I filed a motion for _____ and noticed for _____ for a

right pursuant to Rules of Civil Procedure, Rule 42(f) which provides that "when an action is remanded by an appellate court and the opinion or order requires a new trial on one or more issues, then all rights to change of judge are renewed and no event connected with the first trial shall constitute a waiver". In this case, the court has ordered trial on the issue of filed a response in which lied numerous times about facts on the record. In my reply, I pointed out those false statements and asked the court to grant the motion. Of course, Judge denied the motion, treating it as a motion for some unknown reason since I had not previously motioned for a hearing. Instead of doing the right thing for , he chose to do the right thing for his ego. On page of the rulings, Judge caps off actions in this case by stating regarding the decision "This Court corrected the error by vacating said orders until the completion of the process". There are no orders from Judge vacating anything. It is simply another violation.

Thanks to the less than impartial actions and incompetence of Judge , I was for over of my for months. I made over of overpayments toward and was forced into default on most of my financial obligations for the 1st time in my life. At times, I was forced to take charity from friends and family because paying for both household expenses and food was not an option, especially in the summer months. My family and I came close at times, to becoming car-less and homeless. I continue to be pursued by banks, collection agencies and debt buyers. For the last months, I have been considered a by the state and subject to offsets and passport denial. Fortunately, the will be resolved in late , when my case finally goes in front of . Thanks to Judge , I have been reduced to be an in my . In less than , my will be . Soon, life will revolve around instead of . I will eventually rebuild from the financial ruin caused by this judge's incompetence, but I can never get back the that was stolen from me and will likely not catch up to . Judge has likely already cost the chance to be a instead of being confined to a . Just prior to the original orders, I had begun at my own expense. Since my was awarded of the during the and my finances were destroyed, has not had since. This judge ignored rules of evidence, rules of jurisdiction, Code of Judicial Conduct. Judge should not be allowed within 2 feet of a Court bench.