

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-215

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge violated the constitution and his oath as a judge by illegally denying him his First Amendment right of free speech, Second Amendment right to bear arms, and his Fourteenth Amendment right to due process of law. He also alleged the judge was biased against Bible-believing Christians.

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

Dated: August 20, 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 August 20, 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

2014-215

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 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.

So that the JNC, + the public know,
at bottom, judge _____ is a
traitor to the Constitution of the
United States, a traitor to his oath,
and a traitor to our Country.

Please see attachment + also see

(a play on the name _____

Filed on the Eve of _____

Admittedly, this is a stale complaint of judicial misconduct against judge _____ arising from an incident occurring a little more than three years ago. (When judge _____ was a judge in the _____ Court of _____ County.)

Nevertheless, complainant files this complaint for the record so that the _____ — and any vigilant member of the public — can know that, at bottom, **judge _____ is a traitor to the Constitution of the United States, a traitor to his oath, and a traitor to our Country.**

Complainant files this complaint on the eve of _____ as a symbolic gesture, in the hope that the people of Arizona, after reviewing this public record, will declare their independence from this lawless tyrant by voting to not retain him in the next election. And that the _____ will not recommend him for a seat on our _____ court. Especially since it's obvious (from his meteoric rise to court of appeals judge) that he's been put on a fast track (presumably by his Pal from _____ despite having less experience in the judiciary than his peers.

So that the reader knows, complainant has never appeared before judge _____ Complainant has never had a trial or been heard by judge _____ Complainant has never met judge _____ nor voted for or against him.

The Constitutional Violations (Rules 1.1, 1.2, 2.2.)

On _____ Judge _____ revoked the Second Amendment right of a citizen, absent any statutory authority, by way of a civil procedure. In essence, he reduced a citizen to a criminal (a felon, who couldn't possess a firearm) absent any criminal procedure.

This because the citizen, a _____ dared exercise his First Amendment rights on the Internet, by freely exercising his religion as he freely spoke about someone's sin. (That his speech was spiritual is amply evident in Exhibit 1.)

Worse, as if these two constitutional violations weren't traitorous enough, judge _____ did all this ex parte, after entertaining a short _____ one-sided petition, from a petitioner who had nothing to lose if she filed a frivolous, vexative petition. (Saying she didn't like someone "spreading lies" about her.)

Thus, in addition to the first two Constitutional violations, _____ added a third. He violated the most fundamental right of a citizen of the United States which every judge is expected to champion: The Fourteenth Amendment's guarantee to the right to due process. As the Preamble to the Code of Judicial Conduct says, "An independent, **fair** and impartial judiciary is indispensable to our system of justice."

This last violation not only violates man's law, it violates God's law. "The first to present his case seems right, till another comes forward and questions him." (Proverbs 18:17)

Incompetence (Rule 2.5)

Judge traitorous acts arose from a petition for a civil injunction against harassment.

The ONLY controlling law for IAH's is A.R.S. § 12-1809.

Second Amendment

As it goes to the Second Amendment, the words "firearm" or "ammunition" do not appear anywhere in A.R.S. § 12-1809.

Nevertheless, judge ordered "Because the Defendant poses a credible threat of bodily injury to Plaintiff, Defendant shall not possess, receive, or purchase firearms or ammunition and shall surrender same within

Those words in judge Order, and the directive to surrender firearms to law enforcement, come from Arizona criminal law. Namely, A.R.S. § 13-3602(G)(4), our law governing Orders of Protection for Domestic Violence offenders.

But the petition was for a civil injunction under Title 12. It was not for a criminal OOP under Title 13. Therefore, on its face, language about firearms from A.R.S. § 13-3602 is not controlling. Rather, it is specious.

In addition to violating the Constitution and his oath, if judge is this incompetent that he cannot even discern between Title 13 criminal law and Title 12 civil law, he ought not be a judge, let alone a court of (or court) judge.

[As an aside: If judge points to Rule 6(E)(4)(e)(2) of the Court's Arizona Rules of Protective Order Procedure for "authority" to revoke a citizen's Second Amendment right in civil IAH's, the Court's Rules of Procedure cannot provide statutory authority. As the Legislature says, Rules of Procedure "shall not abridge, enlarge or modify substantive rights of a litigant." (A.R.S. § 12-109.)

So even if Rule 6(E)(4)(e)(2) tells judges that they can revoke a citizen's substantive Second Amendment constitutional right (which is does tell judges), that Rule is unlawful, per A.R.S. § 12-109. Anyone who's sworn to support the Constitution should know this.]

First Amendment

As it goes to the First Amendment and IAH's, the Arizona legislature likely intended A.R.S. § 12-1809 to provide a civil (i.e., non-criminal) method to help protect citizens **from stalkers.**" That is, it's about conduct. Not speech on the Internet.

"The injunction against [redacted] was unconstitutionally broad because of its infringement of his First (and Fourteenth) Amendment right to free speech as well as [redacted] right to free speech under the Arizona constitution." (*LaFaro v. Cahill*, 56 P. 3d 56, 62 and 61.)

Even our own Legislature backed down from its dumb attempt to prevent so-called cyber-bullying (H.B. 2549) on the Internet when it realized that such speech was protected under the First Amendment. See Exhibit 2.

That's because, under the Arizona constitution, "Every person may freely speak, **write, and publish** on all subjects . . ." (Article 2, Section 6.) Since everything cited in Exhibit 1 occurred on the Internet, judge [redacted] is a traitor to the Arizona Constitution (and therefore, the State of Arizona) too.

Bias (Rules 1.2, 2.2, 2.3)

On the assumption that judge [redacted] is not normally so traitorous or incompetent, then complainant submits that judge [redacted] must be prejudice against Bible-believing Christians. (A.k.a., "Fundamentalists.") This is not an unreasonable conclusion, since Jesus warned His follows that "All [godless] men will hate you because of Me." (Luke 21:17.)

If you are irritated by my quoting of Scripture, then that proves my point.

Violation of Protocol & Right to be heard (Rules 2.5, 2.6)

At the time of this incident, judge [redacted] was a [redacted] County [redacted] Court judge. He heard a petition in his capacity as a [redacted] Court judge. Yet, immediately after issuing his traitorous, ex parte Order, he somehow returned the matter to the [redacted] Court.

This deprived the defendant of two things: 1) It deprived defendant of having a fair hearing before judge [redacted] 2) It deprived the defendant of seeking a precedent by appealing to the Arizona [redacted] allowed in IAH's, and one [redacted] to the [redacted] Court from [redacted]

Aggravating Factor

As an Aggravating Factor, the Arizona Constitution specifically guarantees "the right of the individual citizen to bear arms in defense of himself." (Article 2, Section 26.)

But judge specifically prevented a citizen of Arizona from being able to defend himself. (And/or his loved ones.)

Not being able to defend himself, the citizen had to drastically change his life style to minimize his exposure to random crime.

Fortunately, the citizen was not the victim of a capital crime. But if he had been, his blood would have been on judge hands.

Nevertheless, the citizen's life drastically changed for a year. (Instead of challenging the constitutional deprivations in state, the citizen took his cause to federal court. It took about a year for the Ninth Circuit to rule his case was "too insubstantial.")

The Gory Details

To be filled in upon Amendment of this complaint, after a Case Number is assigned.