

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-128

Judge:

Complainant:

ORDER

The complainant alleged two superior court judges were biased against him, made untimely rulings, had personal interests in a case, and engaged in improper ex parte communications with the opposing party and /or her attorney.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judges 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 judges did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, as to the two judges pursuant to Rules 16(a) and 23.

Dated: August 19, 2015

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and to the two judges on August 19, 2015.

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

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State of Arizona
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 1501 W. Washington Street, Suite 229
 Phoenix, Arizona 85007

FOR OFFICE USE ONLY**2015-128****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.

on Judge Judge was
 "assigned" the case for further proceedings including the defendant. Filed by defendant

However, as in the issue of Judge, there is after
 Judicial Misconduct arises based on the Judge's pattern of in-
 tentional disregard of the Rules of the Court and the laws governing due
 process and Judge's legal errors, along with Judge's violations of Mr.
 and U.S. Constitutional Rights of the 5th and 14th Amendments.
 Common (2) Two Rule 2.3 (3).

Along with Judge's display of being Bias, Prejudicial and Arbitrary im-
 paired the fairness of Judicial Proceedings in
 v. In Part, sub-Common (2) -
 Two, Rule 2.3. Common (1) one.

As in Judicial Complaint filed by Mr. As well,
 Judge, has not only hindered the Judicial and Administrative
 aspects of the Court proceedings by Not Ruling on Mr. Pleadings
 timely, but has contributed to allowing the case its proceedings
 go Awry.

and has failed to require Pro-Se Litigant in these
 proceedings before his Court to Refrain from manifesting prejudice
 throughout the legal proceedings. Failing to follow the guidelines of
 the Court by Judge and

1) on Filed by Plaintiff (Mr.)
 Plaintiff Application for Entry of Default against defendant.

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Continuation p. 2:

2.) The Application was sent

3.) on _____ in the cross, Defendant filed

No file copy was provided by Defendants to Plaintiff.

4.) on _____, filed: Plaintiff motion to strike Defendants

motion to dismiss;

5.) on _____, filed: Plaintiff motions pursuant to Rule 55 c.a.

Ariz. R. Civ. Procedure Judgment by Default / Hearing

Requested;

6.) Plaintiff filed on _____ Judgment by Default

at Defendant's Plaintiff by _____ et al.;

7.) on _____, filed: Plaintiff filed: motion to enter

on the _____ by Defendant, et al.;

8.) on _____, filed: Plaintiff filed: Order: The clerk

at the court to compel enforcing Plaintiff Judgment by

Default Against Defendant, et al / motion Back at Back at.

9.) on _____, Plaintiff, motion for an order to provide

Enforcing legal mail Back at. Along w/ order, and

Affidavit of _____ No file copy received by the court;

10.) on _____, Plaintiff submitted: Order: To provide

Defendant _____ Company Name, State,

Registered, its Surety company, its agents, Bond & Insurance Company,

their policy Number, etc., along w/ Affidavit of

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Continuation p. 3:

- 11.) on Notice was provided by the court prejudicially,
knowing Plaintiff received certificate of Service from
Defendants upon my filing by defendant that (Judge) gave Judgment
To motion to Dismiss, Dismissed the Plaintiff case w/pre-
judice, suspended plaintiff pleadings, denied original complaint by Plaintiff,
instructed plaintiff giving 45 days to refile a complaint,
though it being Defendants failure to comply with the Rules of the Court.
- 12.) on 3-30-15, filed, Plaintiff opposes, objecting to
Court's Notice being Unfounded, Arbitrary & capricious /
motion for Recusal Judge
- 13.) on filed, Plaintiff motions Special Commission-
re or Judge court filing fees;
- 14.) on Plaintiff Submitted: Motion for Signed Order
pursuant to Rule 54 (c) Ariz. R. Civ. P., with a "Certificate of
Finality; (No file copy was provided!)
- 15.) on Plaintiff Submitted his: Notice of Appeal by
(No file copy was provided!);
- 16.) on Plaintiff, Submitted his: Notice of Intent to
file an Appeal, (No file copy was provided!);
- 17.) on filed Plaintiff filed his
Affidavit in Lieu of Bond, along w/ Application
Referral/transfer Appellate Court.

Continuation ...

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Continuation p. 4:

18.1 am I sent a letter to (Judge) court
on that I had submitted to
her court Notice of Intent to Appeal and Notice of Appeal that
her court fails to notify all parties via her clerk of the court,
pursuant to A.R.C.A. 11 (a)(2).

19.1 am Plaintiff submitted to
Plaintiff - Petitioner motions Racket-Racket
directing court clerk process of
I No file copy as of date has been provided.

In every motion filed by Plaintiff the defendant as failed
to respond. As per Records Incoming legal mail complex mail/Pro-
cess and Meadows mail/Property complex No legal mail by defendant
has been provided or delivered to them or other-
wise.

(Judge) acts or inactions was a determination of
unreasonable adjudication, failing to follow any
judicial guidelines favorably in favor of as did
Here (Judge) unreasonable determination came far after
defendant filed her without notifying
ing Plaintiff, and giving Plaintiff fair opportunity to respond.

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Continuation p. 5:

The Acts of conspiring to Award the Defendant Judgment, knock out any claim by Plaintiff in his original complaint to secure victory prejudicially in defendant's favor when defendant failed to follow the Rule of the Court evident is unreasonable but a conspiring Act concerted for the purposes of using unlawful means to the commission of the Act or impositions given in itself unlawful is guilty of conspiring with with purposes of other threatening, promoting or facilitating these commission:

(a) Agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such crime or an attempt or solicitation to commit such crime, or

(b) Agrees to aid such other person or persons in the planning or commission of such crime or of an attempt or solicitation to commit such crime. Model Penal Code, § 5.03.

Here we have No Logical reason (or Judge) Acts or impositions other than conspiring to Act in concert to Award Defendant Judgment by Dismissing Plaintiff complaint when Defendant failed to Notify Plaintiff, failed to Respond to Plaintiff Pleaings.

Crime of conspiracy is distinct from the crime contemplated by the conspiracy (Target crime), Comm. v. Dyke, 243 Mass. 472, 509, 138 N.E. 296, 314, cert. denied, 262 U.S. 751, 43 S.Ct. 700, 67 L.Ed. 1214. Some jurisdictions deem each an Act as an element of the crime, e.g. Comm. v. Harris, 232 Mass. 588, 122 N.E. 749.

MAY 13 2015

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The misconduct by the Judge is based on his pattern of Legal Error or an intentional disregard of the law and Mr. [redacted] and his Constitutional Rights violated by comment (2) two Rule 2.2 (3):

Along with his display of being Bias, Prejudice and Arbitrariness; has impaired the fairness of proceedings in [redacted] in part, see comment (2) two, Rule 2.3. comment (1) one.

Here we have a case where the Judge has not only hindered the Administrative Aspects of the Court proceedings by not ruling period on any of the complaints; civil filings in this case But has failed to require in these proceedings before the court to refrain from Manifesting Prejudice throughout the legal proceedings, failing to follow the guidelines of the court by

1.) on or about [redacted] filed his complaint with the Court: Several motions were filed by Plaintiff

2.) on or about [redacted] Plaintiff requesting Court Judge to expedite Ruling Authorizing Plaintiff to serve defendant via Service of Process, Time is of the Essence;

3.) on [redacted] filed: Plaintiff Motions for an Order/Ruling Time is of the Essence / Request Evidentiary Hrg.

4.) on [redacted] filed: Plaintiff opposes the Court's Minute Entry of Action filed / Motion to Strike / Request

Continuation:

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Continuation: p. 2:

5.) Plaintiff motions to enter Interception of court
proceedings deliberately, denying Plaintiff access to the courts.
Sent

6.) on Filed: Motion

7.) on or about Submitted, Courts Failure to Apply Strict
Performance Standards / Plaintiff opposes Ruling.

8.) on or about Plaintiff Entry: Affidavit and Return re
Summons and Complaint

9.) on Filed: Plaintiff Application for Entry of Default
Against Defendant.

Under the Judge as vital as
Motions were and yet they were not addressed or ruled upon, prejudicing

Comment (2) Two Rule 2.6 is on point; comment (5) Cite:
Article 2, § 11 of the Ariz. Constitution requires that "
Justice in all cases shall be administered openly, and without un-
necessary delay."

Article 6 Section 21 provides that "Every matter submitted
to a Judge Court for his decision shall be decided
within from the Submission thereof.

obviously, this was not done Failed to follow the
Rules of the Court set by his Superiors in the Higher Courts of law.
Has displayed his Acts of being Arbitrary and Capricious in this case

continuation:

Complaint Against a Judge

2015-128

continuation p. 3:

Name _____

Judge's Name: _____

prejudicing case. Failure to Rule on
standing was a deliberate act to benefit the defendant as she is a contract
barologist for the Arizona Dept. of corrections. Cammon (2) Two
Rule 2.9 because motions were not administered openly, and was
unnecessarily delayed. In fact have not been ruled on to-date, Nor were they
ruled upon within (60) Sixty days from submission.
Failing to Rule and intentional disregard of the law, and Mr.
1st First Amendment Rights, violating and denying due process, and
Equal protection of the law equal. being bias toward Mr.
Highly prejudicial, unreasonable, impaired the fairness of the proceedings &
Arbitrary.

Pursuant to Cammon (2) Two Rule 2.9

Communication (1):

Upon Information and belief, because Personal
Interest in the case on behalf it is alleged At
least (1) one ex-parte communication with the proceedings.

Rule 2.9 Ex parte communications:

(A) (1) (b): (A) A judge shall not initiate, permit, or consider
ex parte communications, or consider other communications made to the
Judge outside the presence of the parties or their lawyers concerning a
pending or impending matter, except as follows: Here in made
No provisions to promptly of the substance of the ex-
parte communication and failed to give an opportunity to
respond.

Complaint Against a Judge

Continuation of p. 4:

Name

Judge Name

Clearly or ImActions in the case at hand were Arbitrary and capricious Taken by his inferior Court willfully and unreasonable without consideration or in disregard of facts or law or without determining principles. Elwood Investors Co. v. Babcock, 79 Misc. 2d 910, 361 N.Y.S. 2d 488, 492.

As to being Arbitrary & Capricious unreasonable manner was done not Acting according to reason or fair Judgment or Judgment at All. Carmichael v. Swisher County, Tax. Civ. App., 78 S.W. 2d 1072, 1074.

or ImActions were without fair, solid, and substantial cause, that is without cause based upon the law, Wes. v. Hotchkiss, N.Y., 58 P. 2d 358, 359; Not governed by any fixed rules or standard.

Actions or ImActions were clearly willful and unreasonable actions, without consideration and regard for facts and circumstances presented.

In re West Laramie, Wyo., 457 P. 2d 498, 502, Arbitrary is synonymous with "Bad faith" or failure to exercise honest judgment (As in this case) An Arbitrary Act is one performed without adequate determination of principle and one not found in of things, Huey v. Davis, Tax. Civ. App., 556 S.W. 2d 860, 865.

Bad faith implies the conscious doing of a wrong, because of dishonest purpose or moral obliquity. Stath v. Williams, Ind. App., 367 N.E. 2d 1120, 1124.

Pursuant to Rule 211 A. Comment (5) record information that

discloses on the might reasonably believe is

Complaints Against a Judge

Continuation of p. 5:

Name:

Judge Name:

consider relevant to a possible motion for disqualification, even if the Judge believes there is no basis for disqualification.

In this case it is not the issue of disqualification but for the reasons given on p. 2-6 herein w/o reiterating.

Here we have issues for an investigation is subject to Arizona Code of Judicial Conduct containing specific Rule Judge in violation of, especially for the following:

- Willful misconduct in office;
- Willful and persistent failure to perform duties;
- Conduct that brings the judicial into disrepute;
- A violation of the code of judicial conduct
- Violation of 1 Loyalty Oath of Office ARS. § 38-231;
- Violation of his Breach of Contract to his office;
- Due Process denied
- was prejudiced by Act or Inaction;
- Violated me 1st First Amendment Right;
- impaired the fairness of my proceedings and
- was Bias, State ex rel. Mitchell v. Sage Store Co., 157 Kan. 622 143 P.2d 652, 655.

Respectfully Subm. this day of

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**