

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-317

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge improperly failed to recuse himself and made improper rulings in a civil case. The complainant also alleged a superior court judge improperly failed to allow him to represent his limited liability company and testify on its behalf in a civil case. Finally, the complainant alleged a retired superior court judge improperly dismissed his petition for post-conviction relief in a criminal proceeding.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judges' rulings. In addition, 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 all three judges, pursuant to Rules 16(a) and 23.

Dated: January 13, 2016

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the three judges on January 13, 2016.

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, Arizona 85007

FOR OFFICE USE ONLY

2015 317

COMPLAINT AGAINST A JUDGE

Your name: _____ Judge's name: _____ Date: _____

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

SEE ATTACHED

2015 317

COMPLAINT AGAINST A JUDGE

PETITIONER

V

PLAINTIFF

RESPECTFULLY SUBMITTED THIS 19th DAY OF NOVEMBER, 2015

PETITIONER

COUNT ONE

1.) THE RESPONDENT DENIED THE PETITIONER HIS ARIZONA AND U.S. CONSTITUTIONAL RIGHT TO TESTIFY ON BEHALF OF HIS OWN "LLC" WHICH IS A VIOLATION OF THE 5TH AND 14TH AMENDMENTS. THE PETITIONER WAS IN PRISON AT THE TIME OF LITIGATION IN THE CASE AND COULD ONLY APPEAR TELEPHONICALLY AND THE PETITIONER'S LAWYER HAD REQUESTED LEAVE OF THE RESPONDENT TO DO SO AND HE DENIED, ALTHOUGH THE RESPONDENT GRANTED THE PLAINTIFFS MOTION TO APPEAR TELEPHONICALLY, AND IN DOING SO THE RESPONDENT DISPLAYED EXTREME PREJUDICE

COUNT TWO

THE RESPONDENT REFUSED TO ALLOW THE PETITIONERS "LLC" THE 6TH U.S. AMENDMENT RIGHT TO SELF REPRESENTATION, WHEREBY THE "LLC" IS A PERSON PURSUANT TO THE ARIZONA STATUTES AND THE U.S.C. SEE A.R.C. 29-601-#15 AND THE ARIZONA SUPREME COURT AT RULE 81-(2.2 AND 2.6) STATES: "AN OFFICER OR EMPLOYEE OF A CORPORATION... MAY REPRESENT THE CORPORATION/LLC BEFORE SUPERIOR COURT AND THE JUDGE SHALL ENSURE THAT A PARTY SELF REPRESENTED SHALL BE HEARD."

COUNT THREE

THE RESPONDENT ABUSED HIS POWER-DISCRETION, AND JURISDICTION WHEREBY MAKING A RULING WHICH EFFECTED THE PETITIONER AND/OR HIS "LLC" SUCH AS TO WASTE ITS ASSETS WHILE THEIR ASSETS WAS UNDER BANKRUPTCY CHAP. 11 PROTECTION,

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COUNT FOUR

THE RESPONDENT ON () SHOWED EXTREME PREJUDICE TO THE PETITIONER BY VACATING A COURT ORDER TO GRANT A WAIVER OF FEES AND COSTS SIGNED BY ON SO THAT THE PETITIONER COULD FILE A APPEAL FROM THE RESPONDENTS COURT ORDERS DATED (). THE RESPONDENT STATED THAT THE APPEAL IS DENIED BECAUSE THE PETITIONER IS NOT A PARTY TO THE CASE, ALTHOUGH THE RESPONDENT HAS INTENTIONALLY OVERLOOKED THE ARIZONA STATUTES WHICH ALLOW A NON-PARTY TO INTERVENE, AND THEREFORE THE RESPONDENT HAS VIOLATED THE PETITIONERS 1ST U.S. AMENDMENT RIGHT AND OF DUE PROCESS.

COUNT FIVE

THE RESPONDENT HAS CONTINUED TO SHOW EXTREME PREJUDICE, WHEREBY DISMISSING A NEW CASE NO: WHICH THE PETITIONER HAS PERSONAL FILED A CLAIM AGAINST THE PARTY IN () FOR TRESPASSING ON THE PETITIONERS LAND TO GET TO THE EASEMENT WHICH IS BLOCKED THAT THE RESPONDENT GRANTED HER THE PRIVILEGE. THE RESPONDENT MUST BE EMBARRASSED THAT HE GRANTED A PRIVILEGE TO USE A EASEMENT ACROSS THE PETITIONERS LAND AND TO DESTROY THE PATIO SHADE STRUCTURE, GATES, FENCE... ETC, ONLY TO FIND OUT THAT THE PLAINTIFF "DECEIVED THE COURT, WHEREBY THE EASEMENT HAS BEEN BLOCKED SINCE DUE TO

FEES PRESENT. SEE COURT ORDER BY THE RESPONDENT IN CASE

; DATED (). IN THIS ORDER THE RESPONDENT DEFAMED THE PETITIONER AT PG. 1 LN. 14-17 CLAIMING THAT HE IS A VEXATIOUS LITIGANT AND THE CLERK'S OFFICE WAS IN GREAT RELIEF TO REFUSE THE PETITIONERS PLEADINGS

COUNT SIX

THE RESPONDANT HAS VIOLATED THE PETITIONERS FIRST U.S. AMENDMENT CIVIL RIGHT "ACCESS TO THE COURT" WHERE BY THE PETITIONER TRIED TO INTERVENE INTO A ACTION BEFORE THE RESPONDENTS COURT IN SEE THE COURT ORDERS DATED

AND THE RESPONDENT REFUSED TO ALLOW THE PETITIONER TO REPRESENT HIS OWN "LLC" WHICH WAS INDIGENT AND COULD NOT AFFORD A LAWYER, FURTHER DENIED THE PETITIONER TO INTERVENE AS THE REAL PARTY IN INTEREST PURSUANT TO A.R.C.P. 17(A), 18(A), 19(A), 20(A), 29(A), THERE BY THE RESPONDENT HAS COMMITTED A MISPRISION UPON THE PETITIONER AND HIS "LLC" AND THE JUDICIAL OFFICE THAT HE HAS AGREED "UNDER OATH" AND PROMISED TO ADMINISTER WITH INTEGRITY, IMPARTIALITY, PURSUANT TO THE ARIZONA RULES OF COURT AND THE SUPREME COURT RULES AT 81-(2.2 AND 2.6)

FURTHER THE RESPONDANT VIOLATED THE PETITIONER IN:

COUNT SEVEN

WHERE BY VIOLATING HIS 5TH & 14TH AMENDMENT AND SUBSEQUENT ARIZONA AAT. 2.17 BY TAKING THE PETITIONERS LAND WITHOUT PAYING JUST COMPENSATION. THE RESPONDENT CONVEYED AN INTEREST TO A THIRD PARTY TO THE PETITIONERS LAND WITHOUT DUE COMPENSATION AND/OR TO DEFEND THE ACTION IN COURT AS A PRO-SE LITIGANT. IN THIS CASE THE PLAINTIFF HAS FRAUDULANTLY BROUGHT AN ACTION FOR DECLARATORY JUDGMENT, INJUNCTION, QUIET TITLE TO A PORTION OF THE PETITIONERS PROPERTY AND IN DOING SO VIOLATED THE EASEMENT AGREEMENT.

THE FOLLOWING IS A STATEMENT OF THE CASE: THE ACTION WAS FILED ON () THEN THE RESPONDENT SCHEDULED A HEARING FOR THE PLAINTIFFS REQUEST FOR A PRELIMINARY INJUNCTION ON (). THE PETITIONERS LAWYER AT THE BEGINNING HAD REQUESTED THE PETITIONER TO APPEAR TELEPHONICALLY, BUT THE

**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.**