

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-003

Complainant: No. 1274910520A

Judge: No. 1274910520B

ORDER

A review of the complaint filed in this matter reveals that the issues raised are solely legal or appellate in nature and do not involve ethical misconduct.

The commission is not an appellate court and cannot change a judge's decisions. If a judge makes an incorrect ruling, the only remedy is through appeal.

The complaint is dismissed pursuant to Rule 16(a).

Dated: April 3, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on April 3, 2006.

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

[REDACTED]

CJC-06-003

This complaint is being filed for several reasons; that when added up demonstrate a trail of abuse as evidenced by [REDACTED] and his staff's behavior in their dealing with [REDACTED]

Prior to trial a member of the court staff removed a Defendant Motion for Trial Delay from courthouse and consequently never filed Defendant's Motion in court system; hence Judge had no opportunity to rule on Motion for Delay prior to trial. Defendant called the court staff several times prior to trial date, yet nothing was done regarding the Motion to Delay. Judge had previously granted the Plaintiff a delay a few days prior to scheduled trial.

Defendant had filed a Motion for Oral Argument – Judge never ruled on Motion, consequently Oral Argument was never scheduled. – I have been told that there is a 60-day process that Judge's are to follow to ensure all Motions are ruled upon in a timely manner.

[REDACTED] is first trial of the day – scheduled start is 8:00am. Judge showed up late; trial started an hour late with a lecture as to why the Judge would not mess up the day's scheduled court docket because of this case. The Judge should be held accountable for his tardiness – instead he chose to abuse the Defendant. [REDACTED] made unfair, unwarranted assumptions to save time and continuously cut-off the Defendant yet allowed the Plaintiff to complete every sentence including a series of statements that totally wasted the court's time yet added no value. Defendant never allowed to present case in full. Defendant never allowed to cross-examine the Plaintiff even though the Defendant requested cross-examination.

Several of the Defendant's Motions are still open --- all are well past 60 days since filed with the [REDACTED] Justice Court.

[redacted]

CJC-06-003

October, 2005 – [redacted] removes himself from [redacted]
[redacted] Court does not notify Defendant. (Defendant learns of ruling on
Dec. 16, 2005 upon learning of monies taken from personal bank account).

November, 2005 – Plaintiff files request for status conference. No response
from court.

December 14, 2005 – [redacted] signs his name on Writ. Two major issues.
1) hearing scheduled for Sept [redacted], 2005 was postponed and court had yet to
reschedule – hence matter regarding Writ was waiting for hearing to be
scheduled, and 2) [redacted] removed himself in October, yet re-enters case by
signing Dec. [redacted] court order. Once again abusive discretion.

Additionally [redacted] has failed on several occasions to honor the
laws that all (including judge) are bound by. The Plaintiff has been warned
on several occasions about their harassment. The Defendant turned to the
court for relief as provided by the law. [redacted] refused to rule or listen to
this issue at trial.