

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 06-091

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Complainant: No. 1139400303A

Judge: No. 1139400303B

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**ORDER**

A review of the complaint filed in this matter reveals that the issues raised are primarily legal or appellate in nature. The commission is not an a court and cannot reconsider the evidence presented to the trial court. A review of the court file reveals that the judge carefully reviewed the case and made rulings based on his understanding of the facts. There is no evidence of ethical misconduct. The commission cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rule 16(a).

Dated: April 19, 2006.

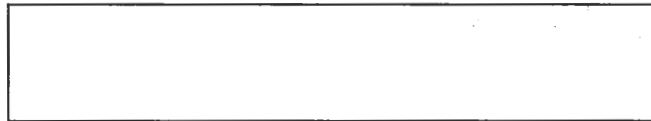
FOR THE COMMISSION

/s/ Keith Stott  
Executive Director

Copies of this order were mailed  
to the complainant and the judge  
on April 19, 2006.

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

AFFIDAVIT OF COMPLAINT



AFFIDAVIT OF EVENTS:

CJC-06-091

That the Honorable Judge directly violated:

2.4 Duties and Responsibilities of Public Officers. Public officers must impartially execute all laws and rules for which they are responsible. The Arizona Supreme Court stated in *Button v. Nevin*, 44 Ariz. 247, 257, 36 P.2d 568, 571 (1934):

"Public officials may not violate the plain terms of a statute because in their opinion better results will be attained by doing so. They have but one duty, and that is to enforce the law as it is written, and, if the effect of their action is disastrous, the responsibility is upon the Legislature and not upon them.

Public officers, therefore, must familiarize themselves with laws and rules relating generally to the duties and responsibilities of public officers as well as those pertaining to their particular offices and agencies. Public officers are obligated to discharge the duties of their offices and may not delegate those duties to subordinates unless authorized by law."

The court and officers there have an obligation therein to familiarize themselves with the laws and rules therein, it is seen that there is an absolute lack of both understanding of both State level and Federal level understanding of law and opinions that both enable and restrict the laws they are sworn to administer.

17A A.R.S. Sup.Ct.Rules, Rule 81, Code of Jud.Conduct, Canon 1

A Judge Shall Uphold the Integrity and Independence of the Judiciary

17A A.R.S. Sup.Ct.Rules, Rule 81, Code of Jud.Conduct, Canon 2

A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

1.) Referring to order dated it is painfully apparent that the court upon being noticed of the involvement of the law firm of that an order favorable to Plaintiff was amended without reason to favor Defendant. The law firm of filed an appearance notice on the date of the hearing.

2.) Referring to order dated it is apparent that the court having considered and denied the Defendant request for proposed judgment, Judge amends the ruling made by another Justice of the peace dated and allows a statement of costs to be submitted. Further this order is not issued to the Plaintiff but is issued to Defendant counsel. Note this is an unissued order of the court.

This is concurrently a violation of B. Adjudicative Responsibilities. (1) A judge shall hear and decide matters assigned to the judge except those in which disqualification is required.

3.) Referring to order dated [redacted] it is apparent that the court having denied a request for reconsideration based on newly discovered evidence obtained after the [redacted] hearing that the court is further biased against the Plaintiff by direct action. Further this order is not issued to the Plaintiff but is issued to Defendant counsel. Note this is an unissued order of the court.

4.) The Honorable Judge [redacted] further allowed the Defendant counsel to make a response to a notice filed with the court and allowed costs to be attached to this action.

5.) The Honorable Judge [redacted] further failed to respond a notice filed by Plaintiff with the court noticing the court that the Plaintiff had not received the above mentioned orders and thus had no opportunity to respond and be heard on the issue at hand.

6.) The Honorable Judge [redacted] failed to report alleged misconduct on the part of Defendant counsel after Plaintiff provided a sworn notice to the court concerning the disposition of criminal evidence and the attempts by Defendant counsel to prevent the evidence from being presented to the jurisdictional authorities.

**D. Disciplinary Responsibilities.** (2) A judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct should take appropriate action. A judge having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects shall inform the appropriate authority.

These manifold failures on the part of the Honorable Judge [redacted] to conduct himself in an unbiased and fair manner moves the Plaintiff to file this complaint and to have the Honorable Judge [redacted] removed from the case matter in and for [redacted] before Plaintiff is irreparable harmed by the weight of Judge [redacted] actions in this matter.

The foregoing is sworn to be accurate and true to the best of my knowledge.

Signed and subscribed this 28 day of, *March* 2006.

[Large empty rectangular box for signature]