

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-133

Complainant: No. 0286110641A

Judge: No. 0286110641B

ORDER

The commission reviewed the complaint filed in this matter along with Advisory Opinion 92-15, and found no ethical misconduct on the part of the judge. Depending on the circumstances, a judge has discretionary authority to report possible violations of the law and is not required to report all violations.

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

Dated: September 18, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on September 18, 2006.

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

Judicial Ethics Complaint

CJC-06-133

May 18, 2006

What the Judge did that constitutes misconduct:

I believe that the facts show that Judge [redacted] knowingly violated the law by failing to report illegal acts committed by a party to a lawsuit that she was adjudicating. The illegal acts committed were admitted to by Respondent [redacted] in her verified pleading captioned, "Response to Motion for Pre-Decree Temporary Order Without Notice for Child Custody." (A copy of this document is attached as Exhibit "A".)

The statements pertaining to the illegal or potentially illegal acts committed by [redacted] are, inter alia, as follows:

Statements concerning admissions of her and her daughter's status of illegally being in this country:

"Respondent [redacted] admits that she and [redacted] are illegal aliens, but denies that they have falsified documents. [redacted] and her family have resided in the United States in excess of thirteen (13) years." See page 2, Section 1(2)(c).

Statements concerning admissions that she owns multiple property and business here in Arizona and yet filed for AHCCCS and put her entire family on it:

"Arizona is their home and has been for many years. [redacted] owns her primary residence in [redacted] Arizona, as well as a rental property in [redacted] Arizona. Copies of the deeds are attached hereto as Exhibit A, and incorporated herein by this reference. [redacted] also owns forty (40) acres of property near [redacted] Arizona. [redacted] has operated a [redacted] business in Arizona for several years. The family has strong ties to Arizona and to the United States, and has no intention of relocating. Respondent is offended that their status as illegal aliens is being exploited by an assumption of an attempt to flee." See page 2, Section 1(2)(c).

"Respondent denies that [redacted] was denied health insurance coverage for the minor child. She further denies making a fraudulent application. At the time [redacted] applied for AHCCCS benefits for Respondent and the minor child, she was permitted to include other family members on the application. The benefits were granted for the entire family. A copy of the child's insurance card will be made available for the Court's inspection." See page 3, Section 1(2)(f).

"Respondent denies that [redacted] was denied AHCCCS benefits, or that she engaged in any inappropriate behavior regarding the AHCCCS application. She further denies that there is any type of investigation pending." See page 4, Section 1(5).

Statements concerning admissions of illegally applying for and being in possession of an Arizona driver's license:

"Respondent denies that [redacted] 'drives without a valid Arizona driver's license and affirmatively alleges that a copy of [redacted] valid Arizona driver's license is attached hereto as Exhibit B, and incorporated herein by reference."

An evidentiary hearing was set for [redacted] before Judge [redacted] of the [redacted] Superior Court. The parties had come to an agreement between themselves and presented a Stipulation which was filed that day. Counsel for the parties met with Judge [redacted] in chambers. Upon information and belief, Judge [redacted] made statements in chambers which showed that she fully knew of her obligation to report the crime(s) of [redacted]. Instead of fulfilling her obligation to the people of this state and country by upholding the law, Judge [redacted] chose to proactively suggest to counsel that she would permit the offensive pleading to be withdrawn by counsel and stricken. Obviously, only three people know the exact conversation which took place in chambers on [redacted]. I believe that further inquiry there would reveal some startling statements, if the individuals present on that day would be forthcoming. I believe that the statements of Judge [redacted] made in chambers will show that she knew that this was the stuff that would be on the evening news but preferred to show deference and bias to an illegal alien criminal rather than uphold the clear and unambiguous laws of the United States and of Arizona.

However, the fact that Judge [redacted] knowingly turned a blind eye to the crime(s) is evidenced by her ruling in the Minute Entry just released. In the ruling, Judge [redacted] orders that the pleading be deemed stricken.

The facts are clear and they are in writing before you and are public record. This is not simply a case of an illegal alien coming to America and scrapping for bread and subsistence. This is a very prosperous and emboldened woman who brazenly violated our laws and exclaimed, through counsel, that she was not going anywhere! Further, she was an alleged criminal. The Petition in this matter contained allegations that the Petitioner had seen a 'brick of marijuana' in [redacted] home. There were allegations of domestic violence. The life of a newborn child was at stake and was under Judge [redacted] jurisdiction to oversee and protect. Additionally, the people of the state of Arizona and the entire United States of America suffer because of the misconduct of Judge [redacted]. She has shown contempt for our laws, rights, freedoms and duties. She has brought disrepute to the judiciary. Judge [redacted] has shown us that she does not care that Americans or Arizonans pay for non-citizen's benefits when they illegal apply for benefits for AHCCCS/Medicaid.

This is outrageous, especially in light of the fact that this issue is such a hot one at this very moment. At this writing, the President of our United States of America, George W. Bush, is in southern Arizona inspecting the border between the United States and Mexico because of illegal immigration.

The pleadings speak for themselves. Judge [redacted] has failed us and has failed to fulfill her duty to uphold the integrity of the judiciary (Canon 1, Arizona Code of Judicial Conduct, 1993.) She has shown, for whatever motivation, favoritism and bias to a criminal of foreign descent, and has not been impartial (Canon 3, *ibid.*) Judge [redacted] has not avoided the appearance of impropriety in her activities, but rather proactively covered the 'sins' of the offending parties [redacted] by

soliciting the withdrawal of the offensive pleading, evidenced by her ruling in the Minute Entry dated [redacted]

She should have reported [redacted] to the authorities as was her duty. She knowingly conspired to cover the evidence and transferred the case to the [redacted] Judicial District.

There is no other conclusion than that Judge [redacted] engaged in judicial misconduct and unethical behavior in the course and scope of her duties as a judge of the Superior Court of Arizona.

