

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 06-289

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Complainant: No. 1297800444A

Judge: No. 1297800444B

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**ORDER**

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of either judge. The judges determined that the complainant did not make a proper showing to justify the accommodation he was requesting. This was a legal decision that fell within the scope of their authority.

The commission is not an appellate court and cannot change a judge's legal decisions; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: January 26, 2007.

FOR THE COMMISSION

/s/ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judges on January 26, 2007.

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

October 24, 2006

CJC-06-289

**CONFIDENTIAL**

State of Arizona  
Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, AZ 85007

RE:

To Whom it may concern:

This is in regards to Index of Record on Appeal of

My name is  I feel because of my disability called C.A.P.D. a form of dsylexia, which gives me a second grade reading level and no writing skills at all.

I have been disabled with a workman compensation injury since   
I feel that I have been excluded from this program, services, activities that is provided by the  Courts under the ADA. I have requested for reasonable modification so I could communicate better with the courts and I feel that I was segregated, threatened, and intimidated by Judge

The problem first started on  Hearing on Motion(s) Hearing on Petition for Writ of Mandamus. I asked Hon  if he could make a reasonable modification under court procedures under Title II of the ADA 1990 504 of the Rehabilitation Act of 1973. When I asked the Hon  his face immediately got real red like he

got real mad, because I asked the courts if they could accommodate me. He then immediately excluded me from the program of the court procedures as if I wasn't there and started talking to [redacted] like he was my attorney. I waited and tried to ask the Hon [redacted] about my request for reasonable modifications and he told me "to shut up or he'll hold me in contempt".

As court proceeded not one of our motions where ever addressed. I felt very threatened by the court marshals that were all standing behind me like I was a threat. Is this the reasonable modification that the courts provide, threats and intimidation?

On [redacted] Motion for "reasonable" modification in court procedures under Tittle II of the ADA 1990 504 of the Rehab. Act of 1973. On [redacted] motion for change of judge when [redacted] requested for a change of judge, Hon [redacted] [redacted] got very angry and irate and from that point on we both knew that we wouldn't get a fair hearing.

On [redacted] THE HON [redacted] heard by: THE HON [redacted] minute entry action: RULING ON MOTION(S) /ISSUE(S), the Hon [redacted] explained the three elements that he needed to show the courts that I am disabled and he also denied our request for a change in judge. I received this letter on [redacted] around 2:30 pm around the time my mail comes every day. We were never notified by the clerk of the court or by Hon [redacted] that a hearing on motions was set for [redacted] until I received the ruling on motion(s) issue(s) dated [redacted] on that day [redacted] at 2:30 pm. I immediately called [redacted] to ask him if he received anything informing us of a court date that was set for [redacted] and he said that he just got off the phone with the courts and he told me that they had court

without us being present. I asked him if he was ever notified and he said "no" and I told him I was never notified either.

I asked [ ] why are the courts excluding me and segregating me from this case? He then said that he figured that maybe they have never had anybody with a disability like mine and that the courts didn't know what to do.

On [ ] we filed a NOTICE OF APPEAL OF ORDER DENYING CHANGE OF JUDGE

We filed for a motion to appeal our case to [ ] for a change of judge and for a reasonable modification on [ ] On [ ] Hon [ ] without notifying us of the court date went on with court proceedings on [ ] On page [ ] Plaintiff [ ] has filed a Notice of Appeals regarding Judge [ ] decision to deny the request for Change of Judge and the Court finds that this is not an appellate issue. ON [ ] the clerk's statutory notice of filing appeal and/or bond.

On [ ] Clerk's notice of filing appeal and/or bond on [ ] The clerk's never have sent this to the appeals court in [ ] We called the clerk's office in [ ] and were told that the clerk have never sent it to their office.

47. I requested for a second reasonable modification in court procedures and accommodation on [ ]
48. Second request motion for reasonable modification in court procedures and accommodation on [ ]
49. Third request for motion for reasonable modification in court procedures and accommodation on [ ] Still to this day I have

not received a ruling on any of these issues.

51. M/E, Hearing on Motion(s) on [ ] I appeared in court in front of Hon [ ] waiting for [ ] to appear because he was running late. Judge [ ] began talking about issues that didn't even pertain to this case. I asked him why wasn't he sending me any rulings or motion(s) to my home address and he told me to be quiet or will be held in contempt of court. I asked him why wasn't he complying with ADA when it was my turn to speak and I was told if I talk again I will be held in contempt of court.

About this time [ ] arrived in the court room. When Judge [ ] began to talk to [ ] regarding the case, I told [ ] that we have to file a third motion for a reasonable modification with the clerk on the first floor, when I came back into the court room I was told that if I do that again I will be held in contempt of court. At this time there were five court marshals standing around I felt very intimidated and I looked back at my girlfriend and she looked very worried that I would be thrown in jail. While [ ] was talking to the judge he was then told that he will be held in contempt of court.

After that court date I haven't appeared in Hon [ ] court. In [ ] I was at the [ ] when I was called by my son and told that I needed to contact the courts because I was supposed to appear in court and missed it. I immediately called the courts and spoke with one of the clerk's and she advised me to file a "motion for an extension", so I filed it and was denied.

We filed an appeal and the court clerk's never sent the motions for an appeal to the [ ] office. It looks like the clerk signed the appeal denying.

I [ ] have never had a chance in this case as soon as I asked under the ADA I was denied the opportunity to participate in the program that is provided under Title II of the ADA, state and local courts have an affirmative duty to:

1. Provide for effective communication,
2. Modify policies, practices and procedures to enable individuals with disabilities to participate in, and receive the services and benefits, and
3. Make existing facilities and new construction readily to and usable by individuals with disabilities.

In this regard, the ADA is fundamentally different from other civil rights statutes that simply mandate neutral treatment. The ADA's affirmative obligation covers, not only those policies and procedures which intentionally exclude those with disabilities, but also "facially" neutral barriers which work to discriminate against the disabled.

As a result, a court may not:

- \* Keep a person from participating in its services, programs or activities;
- \* Deny an individual the benefits of its services, programs, or activities; or,
- \* Discriminate against a person with a disability.

In addition, a court must:

- \* Make its facilities accessible or usable, and,

- \* Ensure that persons with disabilities can communicate in court.

On [ ] IN THE COURT OF APPEALS, STATE OF ARIZONA, [ ] a Motion of All three elements have been Met by [ ] I showed the Hon [ ] Hon [ ] and the Appeals court that I did have a form of dyslexia called C.A.P.D. I am covered under the ADA and I feel that they should of made a reasonable modification and I was denied.

I don't know why I have been excluded from the program and have been treated different than the other people in the courtroom but every right that I do have to protect me was violated by Hon [ ] So if you could look into this issue I really would appreciate it. I feel that the Hon [ ] stepped out of his Socrates to violate my right and it felt like it was deliberate and intentional.

Please see attached documents that I have sent. Thank you.



November 14, 2006

CJC-06-289

**CONFIDENTIAL**

State of Arizona  
Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, AZ 85007

RE: [REDACTED]

To Whom it may concern:

This is in regards to Index of Record on Appeal of [REDACTED]  
[REDACTED] My name is [REDACTED] I feel because of my disability called C.A.P.D. a form of dyslexia, which gives me a second grade reading level and no writing skills at all.

I have been disabled with a workman compensation injury since [REDACTED] I feel that I have been excluded from this program, services, activities that is provided by the [REDACTED] County Courts under the ADA. I have requested for reasonable modification so I could communicate better with the courts and I feel that I was segregated, threatened, and intimidated by Judge [REDACTED] and Hon [REDACTED]

On [REDACTED] THE HON [REDACTED] heard by: THE HON [REDACTED] minute entry action: RULING ON MOTION(S) /ISSUE(S), the Hon [REDACTED] explained the three elements that he needed to show the courts that I am disabled and he also denied our request for a change in judge. I received this letter on [REDACTED] around 2:30 pm around the time my mail comes every day. We were never notified by the clerk of the court or by Hon [REDACTED]



that a hearing on motions was set for [ ] until I received the ruling on motion(s) issue(s) dated [ ] on that day [ ] at 2:30 pm. I immediately called [ ] to ask him if he received anything informing us of a court date that was set for [ ] and he said that he just got off the phone with the courts and he told me that they had court without us being present. I asked him if he was ever notified and he said "no" and I told him I was never notified either.

I asked [ ] why are the courts excluding me and segregating me from this case? He then said that he figured that maybe they have never had anybody with a disability like mine and that the courts didn't know what to do.

On [ ] we filed a NOTICE OF APPEAL OF ORDER DENYING CHANGE OF JUDGE.

We filed for a motion to appeal our case to [ ] for a change of judge and for a reasonable modification on [ ] On [ ] Hon [ ] without notifying us of the court date went on with court proceedings on [ ] On page 796 Plaintiff [ ] has filed a Notice of Appeals regarding Hon [ ] decision to deny the request for Change of Judge and the Court finds that this is not an appellate issue on [ ] the clerk's statutory notice of filing appeal and/or bond.

On 33. Clerk's notice of filing appeal and/or bond on [ ] The clerk's never have sent this to the appeals court in [ ] We called the clerk's office in [ ] and were told that the clerk have never sent it to their office.

I, [ ] feel that on [ ] Hon [ ] and Hon [ ] had previous contact with each other regarding the RULING ON MOTION(S) / ISSUE(S) heard by Judge [ ] concerning the ruling on motions/issues and the request for a change of

judge. My formal complaint regarding Hon [ ] is that he should of had good faith in me and allow me a little more time to show the proper documents stating that I am indeed disabled. Because I wouldn't of asked the courts in the first place if I wasn't disabled to make a reasonable modification regarding to my "dyslexia".

My request was for the courts to put all the court documents on tape for me because I can't read or write and this would of been the best way to communicate with me. By him denying me request Hon [ ] had excluded me from participating court procedures. So I feel that my rights have been violated by Hon [ ]

Because Hon [ ] took so long to reply regarding the request for a change of judge and a reasonable modification. Mailed/distributed copy [ ] page 2599. I received Hon [ ] reply on [ ] around 2:30 pm, the same day that court was in session deliberately held back the Ruling on Motion(s)/Issue(s) so us the Plaintiff's would be confused about the actual date. This hearing date was the most important for our case on [ ] it's really odd that we were never notified by both judges or the court clerk of the court date.

I can't understand why I have been excluded from this program, services and activities? I feel that it's because of my color and my disability that these two judges assumed that I was [ ]  
[ ] **"Discrimination is discrimination"!**

On [ ] IN THE COURT OF APPEALS, STATE OF ARIZONA, [ ] a Motion of All three elements have been Met by [ ] I showed the Hon [ ] Hon [ ] and the Appeals court that I did have a form of dyslexia called C.A.P.D. I am covered under the ADA and I feel that they should of made a reasonable modification and I was denied.

CJC-06-289

Please see attached documents that I have sent. Thank you.

Sincerely,

