

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaint 07-298

---

Complainant: No. 1323010306A

Judge: No. 1323010306B

---

**ORDER**

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The decision to reduce or waive a purge amount on a failure to pay child support warrant is discretionary with a judge. The only remedy is through an appeal or special action to a higher court. The commission is not a court and cannot change a judge's decisions.

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

Dated: December 17, 2007.

FOR THE COMMISSION

          \g\ Keith Stott          

Executive Director

Copies of this order were mailed to the complainant and the judge on December 17, 2007.

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

URGENT

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

FOR OFFICE USE ONLY

**CJC-07-298**

NOV 20 2007

**COMPLAINT AGAINST A JUDGE**

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.

Complainant, Respondent, pro per, (hereinafter  
"Respondent") files this Complaint regarding Judge  
pursuant to Respondent's belief that Judge violated ORDERS  
entered in the subject case (by prior Judges); A.R.S. 25-683 and  
A.R.S. 25-320.02; the Rules of Judicial Conduct; her oath to  
uphold the Laws and Constitution of the State of Arizona; denied  
Respondent's objections (based on prior Orders and clear Arizona  
Revised Statutes; releasing Petitioner from incarceration for  
significantly less than the purge amount with no proper review  
and written report by a Federally Authorized Accountant or Forensic  
Accountant as required for the "self-employed; etc. as follows:

1. This matter concerns Child Support Arrearages for which  
Petitioner was finally arrested on  
2007;

2. The EIGHTEEN VOLUMES ON FILE IN THIS MATTER document  
Petitioner's failure/refusal to pay child support pursuant to  
Court Orders going back to 1999 and, subsequent ORDERS from  
2002 on.

3. After Appeals, Petitioner was ORDERED to pay + and  
to pay directly to the providers, medical insurance, medical and  
dental bills. Petitioner paid nothing; moved out of this State  
in December, did not file with the Court with his address(es)  
nor notify Respondent. Petitioner has not communicated with the  
parties daughter in ELEVEN YEARS;

4. Notwithstanding the A.R.S., the A.R.C.P., the Rules  
of Professional Conduct, the Respondent's statutory and constitutional

*(Attach additional sheets as needed)*

rights, Judge

did the following:

a. At the first post-arrest hearing, the Court ruled to reduce the "purge" amount to because Petitioner objected to the calculations of the Clearinghouse. The Petitioner remained in jail. The Court scheduled a hearing date of regarding the Clearinghouse Calculations corrections before Judge

b. On , Respondent received a telephone message from Judge office telling Respondent that the was recheduled back to a Tuesday after a long weekend due to the legal closed court of

c. Respondent never requested nor received any notice of a request from Petitioner for the re-scheduling back to and no ex-parte communications are permitted. Respondent immediately filed an objection and request to change the hearing date back to . The Court gave no response and held the hearing on

Further, and his firm of never filed a Notice of Appearance for Petitioner until

d. The hearing before Judge was, to Respondent's understanding, was for Judge to allegedly clarify what the Minute Entry of . One needs only to read the Minute Entry attached hereto to see how very clear that Minute Entry is: On this claimed purpose, Judge with documents submitted to her prior to the Hearing, knew and certainly should have known that Petitioner had incorrectl submitted his Financial Statement and purported tax return for the years . Respondent's bank documents alone of Petitioner's income for just 11 months of show a gross income of while Petitioner's submitted tax return for shows Respondent's submitted documents and those of Petitioner are included herewith:

e. Thought both A.R.S. 25-683 and A.R.S. 25-320.02 clearly state that the of "release/purge" amount was not to be reduced and that Petitioner was/is required to have his income and financial affairs reviewed by a Federally Authorized Accountant or Forensic Accountant since he has been self-employed for decades, JUDGE , IN VIOLATION OF THE STATUTES AND THE MANY ORDERS ALREADY OF RECORD (one from as late as ), REDUCED THE PURGE/ RELEASE AMOUNT TO , no bond for the balance due, no request for turnover of passport...nothing;

f. Among other Motions to Vacate Judge

decision/Minute Entry regarding the hearing, Respondent exercised her statutory and constitutional right to Request A Change of Judge. It is to be noted that Judge did not file her Minute Entry until and Respondent was "told" by Judge assistant, when Respondent called that office for a copy of the Minute Entry, on or about that Judge "is working on the Minute Entry and that Respondent will receive a copy when she receives a copy";

g. Respondent's Motion For Change of Judge was denied by Judge to Judge

County Superior Court);  
Further, upon Motion (Respondent's) to  
Judicial Oversight Commission, Judge  
incorrectly, according to the A.R.C.P. did not direct Respondent  
complaint and request for change of Judge to a "different  
department/division of the Superior Court;

Of course Petitioner "objected to Respondent's Request for Change of Judge" as having no legal foundation.

It, therefore, appears, by pleadings and the Judge's actions and inactions, that the effective vacating of the Court's ORDERS, going back over YEARS, and the denial of Respondent's rights to due process and compliance with the A.R.S. and A.R.C.P. are permitted whenever a Judge so chooses. Respondent does not know how to legally define Judge actions and inactions but believes Judge's and Commissioners are sworn to uphold and implement the laws;

h. Since it "appears" that Petitioner, having not paid the balance of minus the Petitioner paid for his release from jail on (approximately TWO WEEKS BEFORE JUDGE MINUTE ORDER WAS FILED) left a balance due Respondent on child support arrears, as of , of plus medical insurance and medical and dental bills Petitioner has not paid for the past several years, though ordered to do so in and that Petitioner has been in contempt repeatedly since then, and having made that choice to "argue" over his income and financial affairs, Petitioner is obliged, and the Court is required to follow the terms and conditions of A.R.S. 25-320.02 and A.R.S. 25-683...SUCH HAS NOT BEEN THE CASE BEFORE JUDGE

i. Respondent, in order to prepare for Petitioner's argument about his income and financial affairs, had Subpoenas Duces Tecum served upon

for documents relating to the which has the licenses under which Petitioner does his and other related business. Also served

was \_\_\_\_\_, an Arizona \_\_\_\_\_ who has been \_\_\_\_\_ documents for Petitioner regarding Petitioner's "clients" for many years, according to the public records. Further, \_\_\_\_\_ has been preparing financial statements for Petitioner for Petitioner's clients to obtain credit..for many years. Petitioner, of record in \_\_\_\_\_ and here in \_\_\_\_\_ is "known" to prepare and have prepared false documents for obtaining credit for his "customers". The record in Respondent's matter shows that Petitioner used his dead mother's \_\_\_\_\_ for years and years; that he prepared financial documents using, without authorization, his prior accounting firm and did the same with the \_\_\_\_\_ property owner's name and address, the property owner owning the building where Petitioner had rented an apartment.

Petitioner filed a Motion to deny Respondent's Subpoenas Duces Tecum as "harrassment.

Petitioner also filed a Motion that Respondents Request For Documents be denied..also as harrassment.

NOTWITHSTANDING THE REQUIREMENTS OF A.R.S. 25-320.02, JUDGE \_\_\_\_\_ "ANNOUNCED", ON A \_\_\_\_\_ HEARING DATE THAT SHE WILL RULE ON RESPONDENT'S SUBPOENAS AND REQUEST FOR DOCUMENT PRODUCTION (A.R.C.P. RULE 26.1) ON

**j. THE ONLY MATTER THAT SHOULD BE BEFORE THE COURT SHOULD BE THE RE-ARREST OF PETITIONER UNTIL HE PAYS ALL CHILD SUPPORT ARREARS AND SHOULD PETITIONER WISH TO "ARGUE" THOSE ARREARS THEN, AS CLEARLY STATED IN A.R.S. 25-320.02, THE PARTIES ARE REQUIRED TO EACH SUBMIT TWO NAMES OF FEDERALLY AUTHORIZED ACCOUNTANTS OR FORENSIC ACCOUNTS AND COME TO AN AGREEMENT AS TO WHICH INDEPENDANT AND QUALIFIED ACCOUNTANT TO CONDUCT A REVIEW OF PETITIONER'S INCOME AND FINANCIAL AFFAIRS AND SUBMIT HIS/HER "WRITTEN REPORT" TO THE PARTIES AND THE COURT.**

Respondant has already submitted two names of certified and qualified accounting firms/persons.

k. It is beyond Respondent's comprehension that Petitioner would spend extraordinary amounts of money for attorneys to fight his child support obligations. Surely, having had two law firms recently, and public awareness that \_\_\_\_\_ are not cheap..;

5. It Appears "Unusual" That Any Judge Would Go To Such Efforts to Remain on Any Case Where A Party Requests a Change of Judge. In fact, the Minute Entry records of Judge \_\_\_\_\_ court show lots of granted change of judge requests.

OF NOTE IS THAT JUDGE \_\_\_\_\_ WAS NOT THE "ASSIGNED" JUDGE TO THIS CASE AND WHY AND HOW SHE APPEARED ON \_\_\_\_\_ AS THE "REFERRED TO" JUDGE (Minute Entry/ \_\_\_\_\_ IS UNKNOWN TO THIS RESPONDENT:

6. As the record documents, Judge failed to send a copy of her "decision" at the until it was filed on ..Judge Minute Entry re the has NEVER, as yet, been sent to Respondent who obtained it on the day it was filed:

7. RESPONDENT DEMANDS, RESPECTFULLY, AN IMMEDIATE CHANGE OF JUDGE FOR ALL MATTERS RELATING TO THIS MATTER AND THE IMMEDIATE AND ONLY ISSUE BEFORE THE COURT...PETITIONER'S FAILURE/REFUSAL TO PAY CHILD SUPPORT FOR THE PAST SEVERAL YEARS.

THOUGH JUDGE DID NOT ADDRESS THE RESPONDENT'S REQUEST FOR CHANGE OF JUDGE, EXCEPT TO ADDRESS THAT REQUEST AS HAVING BEEN FILED AND AWAITING A DECISION, YOUR OFFICE WILL CLEARLY NOTE JUDGE McNALLY'S MINUTE ENTRY OF (attached hereto), IN WHICH "SHE" ASSIGNS ALL MATTERS IN THIS CASE OVER TO THE HONORABLE BUT, AS NOTED IN THE LAST PARAGRAPH OF JUDGE "JUDICIAL OFFICER REASSIGNMENT" JUDGE RESERVES FOR HERSELF THE "ONLY" ISSUES BEFORE THE COURT ARE RELATED TO THE CHILD SUPPORT ARREARS, RESPONDENT'S COMPLAINT THAT, PURSUANT TO A.R.S. 25-683 and A.R.S. 25-320.02, JUDGE FAILED TO COMPLY WITH THOSE STATUTES AND THE RELATED CANNONS OF JUDICIAL CONDUCT BY VOLUNTARILY REDUCING PETITIONER'S PURGE/REALEASE AMOUNT FROM

RESPONDENT HAS REPEATEDLY STATED IN HER PLEADINGS, THAT IF PETITIONER WISHES TO PAY THE ARREARS AS CALCULATED BY THE CLEARINGHOUSE THEN RESPONDENT'S DISCOVERY EFFORTS WOULD NOT BE NECESSARY. HOWEVER, IT APPEARS THAT PETITIONER DOESN'T WANT TO DO SO WHICH REQUIRES, PURSUANT TO A.R.S. 25-320.02, THE REVIEW AND WRITTEN REPORT OF A FEDERALLY AUTHORIZED ACCOUNTANT OR FORENSIC ACCOUNTANT.

RESPONDENT HAS FILED HER "REQUEST FOR DOCUMENTS AND THINGS", SERVED SUBPOENAS DUCES TECUM OF PETITIONER'S ADMITTED BUSINESS ASSOCIATES AND REQUESTS FOR VERIFICATION OF PURPORTED TAX RETURNS WHICH PETITIONER SUBMITTED TO THE COURT. THE JUDGE "KNOWS", BY THE BANK STATEMENTS FOR ELEVEN MONTHS OF THAT PETITIONER DEPOSITED IN THAT BANK ACCOUNT YET HE SUBMITTED A PURPORTED COPY OF HIS TAX RETURN STATING HE HAD GROSS SALES OF ...SUBMISSION OF FRAUDULENT DOCUMENTS IS A CRIME AND, PURSUANT TO A.R.C.P. RULE 37 et seq: FAILURE TO MAKE DISCOVERY, SANCTIONS FOR SUCH FRAUDULENT ACTIONS ARE APPLICABLE BOTH TO THE PETITIONER AND HIS

PETITIONER'S ATTORNEYS FOR, AMONG OTHER THINGS, OBSTRUCTION OF JUSTICE.

RESPONDENT BELIEVES THAT JUDGE HAS NOT AND WILL NOT COMPLY WITH THE STATUTES, PRIOR ORDERS OF THE COURT (attached hereto) AS SHE HAS FAILED TO DO SO ALREADY.

RESPONDENT WANTS, AND IS ENTITLED TO HAVE, A CHANGE OF JUDGE ON EVERY MATTER IN THIS CASE. RESPECTFULLY, RESPONDENT IS OVERLY BURDENED AND OURAGED AT JUDGE ACTIONS AND INACTIONS. SURELY, AS THE "PRESIDING JUDGE OF THE COURT OF THE SUPERIOR COURT" JUDGE KNOWS THE LAW AND THE LMITS BEYOND WHICH ABUSE OF DISCRETION IS.

PETITIONER IS A "FLIGHT RISK"..HAVING "DISAPPEARED" IN UNTIL HIS UNANNOUNCED RETURN TO AND HIS CHILD SUPPORT ARREST ON

TO THE INEXPERIENCED, THE BEHAVIOR OF JUDGE RAISES CREDIBILITY CONSERNS ABOUT TRUE "JUSTICE" IN THE COURTS AND HOW OTHERS" MAY" HAVE BEEN VICTIMIZED.

CLEARLY THE RULED UPON, MANY TIMES, INTERESTS OF THIS RESPONDENT AND THE PARTIES HAVE BEEN DISMISSE BY JUDGE THE REASONS FOR WHICH ARE UNKNOWN TO THIS RESPONDENT.

"SOMETHING" IS TRAGICALLY AMISS IN THIS MATTER.

8. Petitioner has filed motions to block his Production of Documents and Things; to quash the outstanding Subpoenas Duces Tecum and any and every effort of Respondent to exercise

all of her rights to discovery which is a "continuing right".

9. The A.R.C.P. required that Respondent's Request For A Change of Judge be referred to a different department/division of the Superior Court. Notwithstanding that "requirement" Respondent's Request For Change of Judge was "assigned to Judge \_\_\_\_\_ assistant \_\_\_\_\_ who promptly denied Respondent's "request" and also denied Respondent's Motion For Reconsideration of that denial.

It is for the above-stated non-compliance that Respondent further requests that this matter be reassigned to a Judge in another County.

10. FOR THE RECORD..This matter was previously assigned to the Honorable \_\_\_\_\_ also sworn in \_\_\_\_\_ . Since Judge \_\_\_\_\_ was, previous to his becoming a Judge, a partner in \_\_\_\_\_ the firm \_\_\_\_\_ representing Petitioner, Judge \_\_\_\_\_ appropriately recused himself. May the record also reflect that Respondent had absolutely no knowledge of Judge \_\_\_\_\_ initial assignment to this case nor his disqualifying himself prior to the Judicial Officer Assignment (attached hereto) which Respondent obtained on the net.

11. In light of the above, the record in this case, the ORDERS of the Court and the documents presented to Judge \_\_\_\_\_ , Respondent respectfully asserts her rights to a complete change of judge, removing



Judge from any and all matters relating to this case.

**THEREFORE**, Respondent requests that Judge removal from all matters relating to this case be immediate. Though not stated in the attached Judicial Officer Assignment, in Court on

for a hearing on the discovery matters and the "enforcement" matters. Obviously, the reassignment to Judge are an assignment of nothing since the "only" matters before the court are Petitioner's child support arrears.. Respondent is not familiar with Judge "Accountability Court". Further, the actions and inactions of Judge relate to Respondent's complaint about Judge accountability regarding the law.

THIS IS AN EMERGENCY AND RESPONDENT URGES PROMPT ATTENTION, CONSIDERATION AND THE RELIEF REQUESTED.

DATED: NOVEMBER 18, 2007