

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-304

Complainant: No. 1267910319A

Judge: No. 1267910319B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The issue raised is legal or appellate in nature, and is outside the commission's jurisdiction.

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

Dated: December 12, 2007.

FOR THE COMMISSION

\g\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on December 12, 2007.

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

This is yet another complaint against Judge _____ County Superior Court in the above referenced matter. My wife and I were under the impression initially that you existed to protect the public from corrupt judges, but we now realize that you exist to protect corrupt judges from the public. As such, we believe that you will allow this judge to continue to violate our civil rights with impunity.

Despite my timely demanding a jury trial pursuant to Rule 38(b) in this matter over a year ago, Judge _____ has issued an order that I cannot have a jury trial. She has scheduled this matter for a bench trial. This is direct violation of A.R.Civ.P. Rule 38(a) which states that "*The right of trial by jury shall be preserved inviolate to the parties.*"

This judge has denied 100% of the motions we have ever filed while granting 100% of the motions every filed against us. She has denied us the opportunity to amend our complaint in accordance with the rules. She has ruled that we cannot depose any of the other parties. She has denied us the opportunity to present any witnesses or exhibit on our own behalf. She has allowed a TRO to remain in effect for over two years and says it will remain in effect indefinitely.

She has scheduled hearing without notice to us and denied us the opportunity to attend those hearings. In _____ the Court scheduled a hearing with only two days notice (the minute entry was dated _____ for a hearing scheduled at _____) I didn't receive the Notice until after the hearing was held and the judge would not re-set the hearing. I never went because I didn't know the hearing was even scheduled. Two days notice is unconscionable and was done deliberately to keep me and the other parties from attending. It is interesting to note that the hearing was for a Change of Judge. This was deliberately done to keep me from presenting my witness and evidence which would have shown the judge was biased.

Despite the fact that I properly requested a jury trial over one year ago, Judge _____ has denied me the right to a jury trial, ordering a bench trial, (at which she will preside) to determine the outcome of this case. The outcome has already been pre-determined by Judge _____

As of today, she issued an order that no court is allowed to accept any pleadings signed by my wife or I.

She has done this because she knows we cannot afford an attorney and this will guarantee that we can never file a pleading in _____ County for the rest of our life.

This judge is a corrupt, biased judge and she has conduct her business in this matter for so long that she now believes that she answers to no one. Her actions are nothing short of revenge for filing complaints and Motions for Changes of Judge against her, which is a direct violation of A.R.S. 12-410 which specifically states that "*No judge or court shall punish for contempt any one making, filing or presenting the affidavit provided for by section 12-409, or any motion founded thereon.*"

While the judge may not have used "contempt" as a way of punishment, this latest action is clearly a way to punish us.

This seems to be a blatant, outright violation of our right to be heard. How can we be heard if we cannot file any pleadings?

Canon 3. A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently

(5) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice . . .

(7) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

Unbelievable.

Rulings made during this case to date:

1. _____ cannot have a jury trial;
2. I was denied the opportunity to amend my complete pursuant Rule 10(f).
3. We were denied the opportunity to depose named parties to the complaint;
4. The judge has denied us the right to have ANY discovery;
5. No disclosure, no witnesses and no exhibits have been disclosed by the opposing side, yet the judge has scheduled a bench trial for _____ (As sure as I breathe, this judge will allow the opposing side to use ANY witness and ANY exhibit they want, despite the fact that none were provided to us by _____ as per her order);
6. Members of our homeowner's association can come onto our property without notice whenever they want;
7. Members of our homeowner's association can come into our home without notice whenever they want;
8. Our new home under construction has been ordered demolished;
9. My wife and I have been ordered to perform manual labor by maintaining the roadways of our community, in complete violation of the Constitution's prohibition against forced labor;
10. All of the Courts in this county have been ordered NEVER to permit us to file anything from this day forward.