

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-119

Complainant: No. 1170810034A

Judge: No. 1170810034B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. Although the complainant disagrees with the judge's ruling regarding mother, this is a legal determination outside the jurisdiction of the commission.

The commission is not a court and cannot review evidence to determine whether or not a judge's decision is correct. Therefore, the complaint is dismissed pursuant to Rules 16(a).

Dated: June 5, 2008.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on June 5, 2008.

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

Dear Judicial Department,

I am filing a complaint against Judge _____ a Superior Court Judge, in the County of _____
I strongly feel that Judge _____ should / must be removed from the bench. He
lacks integrity and he doesn't abide by the law.

A short synopsis of this case is that Judge _____ was told that my son hasn't been to the
dentist in over a year. Judge _____ decided to talk in chambers to my son and seen many
cavities and decay in his mouth. The judge refused to inquire about his dental health. The
judge then ruled to keep the child in a neglected environment. Judge _____ accepted
pictures of his teeth into evidence.

**The Constitution gave the State Court the power to rule over family and rule in the
best interest of the child. Judge _____ was obligated to find out why his teeth were
decaying and to ask the child if he have been receiving adequate dental care.
Because Judge _____ seen my son teeth decaying and kept him in that environment
where he wasn't getting proper medical attention, he used his judicial power to
refuse my son medical care. Federal Law requires that the State provide access to
all children to receive dental care and the Court in this instance refused my son
dental care. For the children who parents cannot afford dental care, there are State
programs to assist. My ex-wife had means and earn rate was more than \$80K /
year. Also, my son was doubly insured, even though in 2003, the Court of Appeals
told the Courts that I should not be paying my ex-wife to insure my son for medical
and dental and I maintain medical and dental insurance. The Courts never abided
by the higher court ruling which is a violation of Article III of the United States
Constitution. The judges who were assigned to my case during that time was Judge
_____ who left the case in two-weeks
before trail, and Judge _____**

**The fact that Judge _____ made a ruling in stead of transferring the case to Juvenile
Court after seeing my son's teeth was without authority because he lacked Subject-
Matter Jurisdiction, *Elliot v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828)*. It is the
obligation of the judge, not choice or option, to report suspected child abuse and
neglect. Whenever a judge acts where he/she does not have jurisdiction to act, the
judge is engaged in an act or acts of treason. *U.S. v. Will, 449 U.S. 200, 216, 101 S.Ct.
471, 66 L.Ed.2d 392, 406 (1980) and 18 U.S.C. Section 2382.***

About four months later (After I brought up in court that my son haven't been to the dentist in about a year), my son told me that his mother finally took him to the dentist and it was the first time in four years. He then told me what dentist he was going to because his mother had removed him from the dentist that he went to when I was married to her. The dentist refused to see him because his teeth were in horrible shape and in 2003, the dentist had told his mother that he needed to go to an orthodontist. She never took him. His mother wrote a visitation schedule and never told me or my son when his dental appoint was. The dentist had told her that if his teeth aren't clean and cared for, he will not see him and gave her a follow-up date. She never took him to the appointment nor have she told me or my 13 year-old son when the appointment was. However, after the Memorial Day holiday, I visited the dentist and he explained to me why he wasn't able to give my son a dental check-up and provided records that showed his mother neglected his dental needs.

I took my son to the dentist seven times for 10 procedures to remove most of the teeth decay in his mouth. He also had to have six-teeth removed, four wisdom teeth because they were pulling his other teeth out of his mouth and two teeth that couldn't grow properly because the spacing between his teeth was too tight; so the teeth was growing in the roof of his mouth. An orthodontist visit in 2003 would have fixed that issue.

In January, 2008, the judge saw all of the evidence of my ex-wife not taking my son or her oldest son to the dentist in years. The judge elected not to accept into evidence of her not taking the oldest son dental records into evidence which would have shown gross intentional neglect. He also failed to accept into evidence documents by US Congress Persons, US Congressman _____ and US Senator _____ and the Washington Post Article that all spoke about the death of _____ who died of bad oral health.

Detailed of Incidents and Complaints:

The incidents are below:

Incident 1

- I. Judge decided to interview my son after being told that he has not been to the dentist in over a year. Actual times were more than 3 years. The judge saw his teeth decaying and failed to remove him from his mother.
- II. In the court order the judge stated that I did not submit any proof. He spoke to my son and saw his teeth decaying. The judge is using family court as a criminal enterprise for money laundering.
 - a. Previous Judge had me doubly insure my son for dental as well as pay portion of my ex-wife son medical and dental. Even though the Court of Appeals told the judge that he was wrong and to correct his error, the previous judge did not comply and recused himself from the case. Saying this, there

was no reason for my son not to receive dental care because he was doubly insured. In 2003, my ex-wife took him from the dentist that my son had been to since 1995.

Incident 2

- I. The judge awarded the opposing party 100% of attorney fees. The judge acted without authority and justification. This case falls under ARS 25-411, and the judge can only authorize attorney fees for harassment, or lack of funds. There was never a hearing to see if funds were needed for adequate representation and at the hiring, her pay stub indicated that her earning rate exceeded \$80K. That was more than what I was making.

Incident 3

- I. I refilled three times since the February 2007, hearing. I included pictures of my son's teeth as well as dental records showing that his mother has only taken him to the dentist twice in seven years, and the second time was about four months after I brought up his lack of dental care to the court. My son teeth was in such bad condition and because the mother do not take him to the dentist on a regularly, and she never taken him to the orthodontist in 2003 when she was told that he needed to go, the dentist wasn't able to give him an adequate exam. After my son told me who his dentist is, I took him to have his teeth seven times. The judge was given multiple opportunities to change custody under ARS 8-201 for Child Neglect, ARS 25-403 and 25-411 for the best interest of the child. In stead the judge elects that bad oral health is in the best interest of the child. At minimum, Judge after hearing of the child neglect and seeing evidence of the neglect was under obligation to transfer to juvenile court. According to the recent US Supreme Court and Federal Court rulings, the judge do not have a choice, it is an obligation and if he doesn't his ruling is without jurisdiction, he lose absolute immunity, and he cause war against the US Constitution.

The Court in Yates v. Village of Hoffman Estates, Illinois, 209 F.Supp. 757 (N.D. Ill. 1962) held that "not every action by a judge is in exercise of his judicial function. ... it is not a judicial function for a judge to commit an intentional tort even though the tort occurs in the courthouse." When a judge acts as a trespasser of the law, when a judge does not follow the law, the judge loses subject-matter jurisdiction and the judges orders are void, of no legal force or effect

Incident 4

- a. In January 2008, Judge refused to accept pertinent documents into evidence, which supports child neglect and irreparable harm. He refused to accept child neglect by Terri toward her older son during the same time period. A child died last year over failure to receive dental care (\$84 routine) and Judge refused to accept US Congress statement about the importance of dental care and he also refused to accept Washington Post article (public knowledge) about the same.