

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaint 08-121

---

Complainant: No. 1316810172A

Judge: No. 1316810172B

---

**ORDER**

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The judge issued a ruling on the complainant's application on September 10, 2007, well within the time limits. This complaint is therefore dismissed pursuant to Rule 16(a).

Dated: June 11, 2008.

FOR THE COMMISSION

\s\ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on June 11, 2008.

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

VERIFIED COMPLAINT AGAINST JUDGE

I. The Parties

A. Complainant

Complainant, \_\_\_\_\_ is presently in the custody of the Arizona Department of Corrections at its Stiner Unit which is located within the confines of the Arizona State Prison's Lewis Complex in Buckeye, Arizona.

B. Nonfeasant Judge

Respondent Judge \_\_\_\_\_ is presently employed of the Arizona Superior Court, in and for \_\_\_\_\_ County.

II. Statement of Facts

1. \_\_\_\_\_ the Respondent Judge authored and executed \_\_\_\_\_ Order \_\_\_\_\_, therein appointing \_\_\_\_\_ as gatekeeper to screen all of the Complainant's prospective lawsuits, and to either approve or disapprove them for filing. On or about that same date, the Respondent Judge directed the clerk of the Arizona Superior Court, in and for \_\_\_\_\_ to enter \_\_\_\_\_ upon the public record [Exhibit 1].

2. On \_\_\_\_\_ despite his belief that \_\_\_\_\_ Order \_\_\_\_\_ was the product of fraud and had otherwise been pronounced in violation of rights which are secured to him under the Due Process Clauses of the Fifth and Fourteenth Amendments to the United States Constitution, but yet, nevertheless, in full and exacting conformance with the terms and conditions stated therein, the Complainant submitted to the Respondent Judge an application for leave to file a new lawsuit [see Exhibits 2A & 2B (legal mail receipt and prison mail log); Exhibits 3A & 3B (Application Pursuant to Court Order Seeking Leave to File, and declaration in support thereof); Exhibit 3C (proposed order); and Exhibit 3D (Notice of Lodging Papers and Things \_\_\_\_\_)].

# CJC-08-121

3. the Complainant's Application Pursuant to Court Order Seeking leave to File had been pending before the Respondent Judge for more than 70 days and was still undecided.

4. the Respondent Judge executed and submitted to the Arizona Supreme Court a Superior Court Judicial Certification in which falsely stated that "No cause has been submitted to me for decision which remains pending and undetermined for sixty days or more since the date of submission for decision" [Exhibit 4].

5. the Complainant's Application Pursuant to Court Order Seeking Leave to File had been pending before the Respondent Judge for more than 100 days and was still undecided.

6. the Respondent Judge executed and submitted to the Arizona Supreme Court a Superior Court Judicial Certification in which falsely stated that "No cause has been submitted to me for decision which remains pending and undetermined for sixty days or more since the date of submission for decision" [Exhibit 5].

7. the Complainant's Application Pursuant to Court Order Seeking Leave to File had been pending before the Respondent Judge for more than 130 days and was still undecided.

8. the Respondent Judge executed and submitted to the Arizona Supreme Court a Superior Court Judicial Certification in which falsely stated that "No cause has been submitted to me for decision which remains pending and undetermined for sixty days or more since the date of submission for decision" [Exhibit 6].

9. the Complainant's Application Pursuant to Court Order Seeking Leave to File had been pending before the Respondent Judge for more than 160 days and was still undecided.

10. the Respondent Judge executed and submitted to the Arizona Supreme Court a Superior Court Judicial Certification in which

falsely stated that "No cause has been submitted to me for decision which remains pending and undetermined for sixty days or more since the date of submission for decision" [Exhibit 7].

11. the Complainant's Application Pursuant to Court Order Seeking Leave to File had been pending before the Respondent Judge for more than 190 days and was still undecided.

12. the Respondent Judge executed and submitted to the Arizona Supreme Court a Superior Court Judicial Certification in which falsely stated that "No cause has been submitted to me for decision which remains pending and undetermined for sixty days or more since the date of submission for decision" [Exhibit 8].

13. the Complainant's Application Pursuant to Court Order Seeking Leave to File had been pending before the Respondent Judge for more than 220 days and was still undecided.

14. as the Complainant assumes and is inclined to believe, the Respondent Judge executed and submitted to the Arizona Supreme Court a Superior Court Judicial Certification in which falsely stated that "No cause has been submitted to me for decision which remains pending and undetermined for sixty days or more since the date of submission for decision [Exhibit 9 (unable to obtain a copy of this certification - will supplement upon request)].

15. the Complainant's Application Pursuant to Court Order Seeking Leave to File had been pending before the Respondent Judge for more than 250 days and was still undecided.

16. as the Complainant assumes and is inclined to believe, the Respondent Judge executed and submitted to the Arizona Supreme Court a Superior Court Judicial Certification in which falsely stated that "No cause has been submitted to me for decision which remains pending and undetermined for sixty days or more since the date of submission for decision [Exhibit 10 (unable to obtain a copy of this certification - will supplement upon request)].

17. the Complainant's Application Pursuant to Court Order Seeking Leave to File had been pending before the Respondent Judge for more than 280 days and was still undecided.

18. On April 30, 2008, as the Complainant assumes and is inclined to believe, the Respondent Judge executed and submitted to the Arizona Supreme Court a Superior Court Judicial Certification in which falsely stated that "No cause has been submitted to me for decision which remains pending and undetermined for sixty days or more since the date of submission for decision [Exhibit 11 (unable to obtain a copy of this certification - will supplement upon request)]".

III. Claims of Misconduct

A. Failure to Perform Duties - Nonfeasance

Under Article VI § 21 of Arizona's Constitution, the Respondent Judge has a duty to decide every matter put before within sixty days from when it was submitted. The Complainant has been waiting for a decision on his Application Pursuant to Court Order Seeking leave to File for more than nine months.

B. Lack of Candor - Filing False Information Into Public Record

Once each month the Respondent Judge has been falsely certifying to the Arizona Supreme Court that has had no matter before that has remained pending and undecided from more than sixty days from the date of submission. The filing of false information into the public record of a governmental agency or department is a crime as so defined under the Arizona Revised Statutes §§ 13-2407A(1) and/or (3).

. . .  
. . .  
. . .

IV. Conclusion

The Respondent Judge has abused the public's trust, has denigrated the integrity of the Arizona Superior Court, and, by so doing, has brought Arizona's judiciary into disrepute. Accordingly, must be held accountable and appropriately sanctioned for her misconduct.

Written and otherwise prepared this 2nd day of May, 2008.