

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-170

Complainant: No. 1338300157A

Judge: No. 1338300157B

ORDER

The commission considered the complaint filed in this matter, together with the transcript of the hearing, and found no ethical misconduct on the part of the judge. The commission determined that the judge's father is a member of the Fraternal Order of the Police but not in the town where the hearing was held. Accordingly, the judge did not have an ethical obligation to disclose the relationship or his father's membership.

The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: December 10, 2008.

FOR THE COMMISSION

 \s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on December 10, 2008.

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

Complaint Against JudgeSuperior Court

On October 11, 2007 while in Superior Court and trying to represent myself I was not allowed a fair opportunity to speak or to present evidence which would have proven that I had properly served the with a Notice of Claim and that I provided an amendment to that claim, giving the town a "sum specific" upon which to settle pursuant to the requirements of A. R. S. 12-821-01.

The Judge in this case was Judge . During the October hearing he asked me if I had read the Deer Valley Union School District vs Houser case and I stated "To be honest with you, Your Honor, I looked it over. I can't really specify exactly what it said in it at this point. What I concentrated on, basically was the Lee vs State case". What I was trying to say at this point was that I reviewed the Deer Valley case but that I had directed most my efforts towards the Lee vs the State of Arizona case, because the Attorney had stated in his "Motion to Dismiss", that the never received the notice of claim from me. This statement by the Attorney was a misrepresentation made before the court.

I felt the issue of Lee vs the State of Arizona case was something that needed to be addressed first, because I had sent my notice by way of certified mail and not by regular mail as the Attorney was trying to suggest to the court and was using as its grounds for dismissal. (as was the circumstance in the Lee case) In my case, the Clerk had signed for the certified document, making this service proper and legal.

I had in fact reviewed the Deer Valley case because I had sent the an amended notice of claim providing a "Sum Specific" ensuring that this requirement of A.R. S. 12-821.01 was met. This was done before the October 11, 2007 hearing and the Attorney had knowledge of this settlement figure. I was trying to bring this information to the Judge attention, but Judge wanted no part of it and each time I tried to say something concerning the amended claim he cut me off.

He was rude in his manner, biased, controlling and unwilling to listen. He clearly had a bias towards the . He was predisposed and it appeared he already had made up his mind about the case, showing no willingness to look at evidence that might tend to change ones position on this matter. This unfair attitude is presented on page eight (8) of the court transcripts in which I was only allowed to say the word "Well" before I being cut off.

When I asked the Judge if he would allow me the courtesy to speak, he jumped down my throat demanding that I tell him something he should know regarding the Deer Valley case. He stated on page nine (9) of the court transcripts that I hadn't read the Deer Valley case when in fact I had reviewed the case and just told him so only moments before; He then stated that he had no options, and further stated that he didn't feel I could provide him with anything that might change his mind. He then abruptly and offensively said "tell me what you think I should know" in a disdainful, inappropriate and condescending way which was not representative of someone who is suppose to be impartial and who "SHALL" consider both sides of an argument.

When I tried to gather my thoughts after this verbal attack on me (page 9 of the transcripts) I tried to defend my position that the town had in fact received the notice of

claim and that the town had in fact received an amendment to the notice of claim. The Judge then said he didn't want to speculate about what he might do. In other words, he was not interested in looking at the evidence that proved the existence of an amended notice of claim which provided a single settlement dollar figure. He then stated that he was going to rule in favor of the Town and dismiss the case against them.

On page eleven (11) of the transcripts the Judge rudely implied that I should have spent a sizable sum of money to be represented in a court of law. I felt this remark was uncalled for and it was an affront to all those who cannot afford expensive legal representation. I did the best I could do considering the circumstances. Reasonable people would have concluded that _____ was served notice.

The facts are this Judge because of his bias towards the town, allowed _____ to get away with violations of Arizona Revised Statute. The Attorney General of Arizona conducted investigations in June 2008, and concluded that _____ violated not only Open Meeting Laws but violated Arizona Public Records Laws as well.

For the record you should know that at least one Police officer who was involved in my case was fired for insubordination, untruthfulness, dereliction to duty, and his failure to produce police reports in at least eighty (80) cases, thus proving that a problem existed within the _____ Police Department. This evidence was recorded on _____ termination hearing of _____ Police Officer _____ on March 15, 2007.

Truly, there are serious problems within _____ the _____ Police Department and the _____ Judicial System. My life was destroyed by police officers and town officials who showed a disregard for Constitutional Rights, the Laws of this

State and who have engaged in willful acts of corruption, malfeasance, misfeasance, and nonfeasance while in public office.

Expecting justice , I experienced bias, arrogance, terse and patronizing double talk from

Judge This unacceptable behavior by this Judge has brought discredit upon the judicial system of this State and this Country. It should be reviewed closely by those who have the authority and power to ensure fair minded, well balanced , and forthright Judges preside responsibly in our American Courts of Law.

Respectfully submitted,

Enclosures:

1. Court Transcripts of October 11, 2007
2. Copy of the Amended Notice of Claim dated September 25, 2007 that was served on the
on September 26, 2007.