

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 08-205

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Complainant: No.1341810654A

Judge: No.1341810654B

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**ORDER**

The commission reviewed the complaint filed in this matter as well as the court file and all the recorded hearings and found no misconduct on the part of the judge. It is not unethical for a judge to remind a litigant they may be held in contempt and jailed if they fail to follow court orders.

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

Dated: December 12, 2008.

FOR THE COMMISSION

\s\ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on December 12, 2008.

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

## Attachment to Complaint Against Judge

This is a simple probate case into which the inheritor of an estate has dragged a woman who had been living with the decedent for three years. The Personal Representative for the estate accused this woman, of trying to keep and/or dispose off items properly belonging to the estate. This woman protested that several of the items they were claiming were her own personal property that she had had for several years long before meeting the decedent and she had receipts and/or dated pictures to prove it.

This judge totally believed whatever the lawyer for the estate claimed and would not let this poor woman get a word in edgewise. Over the course of three different hearings, he was so biased that it was unbelievable. He browbeat this woman, told her that she totally lacked credibility and cited the perjury statute. While the three transcripts alone should be more than enough to get this judge removed from the bench, they cannot begin to convey the tone of voice and body language that accompanied his verbal attacks on this woman.

The final straw for me was when in the third hearing, he called the sheriff to have this woman thrown in jail for contempt of court when she failed to obey a court order she could not possibly obey. The order called for her to deliver certain items of personal property the estate claimed. She tried to explain that some of the items had been disposed of before she knew the estate was claiming them and others had been hers for several years and she had the receipts and/or dated pictures to prove they were in her possession before she ever met the decedent. The judge could have cared less and told her she was going to jail anyway.

The judge told her she needed a lawyer repeatedly and she repeatedly told him that she could not afford one and legal aid told her they could not help her since she was not a party to the case. When she finally filed a motion to intervene as a party of interest, the motion was denied. In this same motion, she informed the Court that the Personal Representative was the mistress of and had two of his illegitimate children. She also informed the court that this head of a mafia crime family had threatened her over the phone about this case. When this woman referred to the Personal Representative as a name the Personal Representative had always demanded to be called in the presence of several witnesses, the judge tore into

Any responsible judge I have ever dealt with, even if he suspected that this connection to a mafia crime family was totally bogus, would not just dismiss being informed of threats made against a witness in a case in his Court. Instead, he totally sided with the Personal Representative. At the last minute, probably when he saw the expressions of total shock on my face and my wife's face, he relented and said this woman could post cash with the Court in the amount of the value of the items in lieu of going to jail. Even then, he totally accepted the amount that the estate claimed the items were worth. When the woman said that she had a receipt in her hand showing that one of the items had cost half of what the estate claimed it was worth, the judge ignored her. That left this destitute woman with no option but to somehow raise over \$2,100 by noon of the next day to avoid going to jail. I understand that she did manage to borrow the money from her sister at the last minute to avoid jail.

I am sure that most of the complaints you get are from people who lost a case in court and blame the judge. Please rest assured that I had never even met \_\_\_\_\_ before this case. She called my wife as a potential witness to prove that some of the disputed items had been in her possession long before \_\_\_\_\_ ever met the decedent. My wife also was supposed to testify as to exactly when the decedent moved into \_\_\_\_\_ home since my wife was a co-worker back then.

The last thing I need is to get myself and my wife involved in a complaint against a judge, especially one in which there is the possibility of a mafia connection. My wife is very concerned that her former co-worker is going to have a fortuitous "fatal accident" since she does believe what this \_\_\_\_\_ says about the treats she received and demands from \_\_\_\_\_ to know where a missing \$4,500,000 went.

On the other hand, there is no way I can remain silent about such behavior on the part of this judge. I thought I was in Saudi Arabia. In my capacity as \_\_\_\_\_ and as an expert witness on several subjects, I have been in Court more times than I care to remember, including three cases before the U.S. Supreme Court. I have witnessed over 50 judges at every level and have never once thought that a judge was anything but trying to be fair and impartial even when I disagreed with their decision or it went against me. This conduct was so egregious that I actually considered the possibility that this judge had been paid off, something that has never even occurred to me could happen in this State.

Please act on this complaint ASAP because there are more hearings on this case to come. There is not the slightest doubt in my mind that \_\_\_\_\_ is going to wind up in jail before this case is over if this judge stays on the case. At my wife's urging, I attempted to find this poor woman a lawyer \_\_\_\_\_ No lawyer would take the case at any price for fear of alienating one of two judges available in \_\_\_\_\_. I did find her one from \_\_\_\_\_, but he wants \$10,000 up front. This sort of thing simply cannot be allowed to happen in this Country. How can this woman possibly get any justice against such a stacked deck?