

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-279

Complainant: No. 1348010488A

Judge: No. 1348010488B

ORDER

The commission reviewed the complaint filed in this matter and found no evidence of ethical misconduct on the part of the judge.

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

Dated: March 6, 2009.

FOR THE COMMISSION

 /s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on March 6, 2009.

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

Date: November 6, 2008

I accuse _____ of violating The Code Of Judicial Conduct by protecting a defendant methamphetamine addict "friend" defendant during trial.

On March 10, 2008 I filed the _____ Court suit against _____ for not returning my \$565 auto parts deposit after failing to do the work for seven weeks. Note the Defendant's defense that he had done the work as a "neighbor." Complaint attached #1.

Although Defendant had previously in general conversation said, "Judge _____ is a good friend of mine," I didn't worry, for addicts very often exaggerate.

_____ scheduled the trial

_____ began the _____ trial by noting the defendant's identity and then mine (plaintiff), asking if I pronounced my name _____ I acknowledged and moved to begin to offer my evidence. I had prepared a two page summary and six exhibits, attached, #3.

Before I could begin, _____ interrupted, stating, "We're going to do this a different way." (This is an exact quote.)

_____ then began acting as defense attorney and judge by asking the Defendant what he did. The Defendant responded, "I'm a contractor." To _____ question about the nature of the car repair, the Defendant responded that he was just doing this as "neighbor," indicating he would receive no pay and had no tradesman liability. Defendant further stated he the only reason he bought the parts in his name using a credit card because I didn't have a credit card.

_____ then asked the Defendant where the parts were now, and Defendant stated he didn't know, that he had left them at the home where I was renting two rooms. _____ asked me where the parts were, and I told him I didn't know, for I had moved from that address earlier that month. I explained the Defendant had left the parts in my landlord's carport, and I had never touched them. I further answered I believed that parts/supplies delivered to a job site by a tradesman belong to the tradesman until he actually installs them in the customer's property – just like a replacement hot water heater, other appliance, roof, etc. _____ ignored this argument, telling me instead that, "The parts were in my possession."

_____ next asked Defendant to locate and return the parts, setting a Status Conference "Parties agree that Defendant will attempt to retrieve and return the parts in question." (Attached #4) I interjected, "What about my \$300 claim for the car sitting un-repaired for seven weeks?" _____ answered, "No I've already decided to rule against that."

I then asked, "May I present my evidence?" since the Defendant (via) had already presented his case. replied, "Okay, go ahead," in an impatient and dismissive way. I then took less than 2 minutes to quickly run through the two page narrative and six attachments proving my case, although waived off my attempt to give him and the Defendant copies of the attachments.

I was expecting to then question the Defendant and the Defendant in turn to question me, but closed the trial and left the courtroom.

Astounded and dismayed by corrupt actions, I wrote "As addiction-inspired falsehoods at last Wednesday's trial were not scrutinized, I must withdraw my lawsuit." (Attached #5)

Lundy issued an order dismissing the case "without prejudice." (Attached #6)

I have been concerned about protecting a "drug addict friend" and finally submit this complaint because the behavior is absolutely corrupt, especially since methamphetamine use is so widespread and damaging in our community. Also, if and as I have any further appearances in court, without this complaint, I can be railroaded again. Finally, other plaintiffs and defendants in court can be similarly treated with this disregard of civil court procedures and the very essence of judicial temperament and behavior.

In closing, although no one else was present in the courtroom, I believe Defendant mind is so harmed by his previous drug use, that if questioned, he would largely concur with my complaint. truly doesn't grasp the malfeasance.