

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-314

Complainant: No. 1351310573A

Judge: No. 1351310573B

ORDER

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

DEFENDANT IN SUPPORT OF HIS AFFIDAVID FOR DISQUALIFICATION UNDER STATUTORY GROUNDS THAT
JUDGE IS BELIEVED TO BE BIASED AND PREJUDICED.

THE DEFENDANT STATES THE FOLLOWING FACTS IN SUPPORT OF HIS AFFIDAVIT TO DISQUALIFY JUDGE

HISTORY

PART I: - INTENTIONAL AND WILLFUL DELAY.

1. DEFENDANT TUESDAY FILED AN APPLICATION FOR WAIVER WITH THE COURT TO OBTAIN A COPY OF THE HEARING HELD BEFORE THE ABOVE-ENTITLED COURT WHEN IN THE PLAINTIFF REQUESTED A WORK PLACE HARASSMENT ORDER FROM THE COURT.
2. SINCE THE PLAINTIFF HAD VIOLATED PART (L) OF THE STATUE AND MADE NO ATTEMPT TO NOTIFY DEFENDANT OF SAID HEARING, DEFENDANT WAS NOT ABLE TO DEFEND HIMSELF REGARDING THE ISSUE OF WORK PLACE HARASSMENT SOUGHT BY THE PLAINTIFF.
3. DEFENDANT WAS ENTITLED TO A CD OF THE HEARING IN HIS ACTION TODISMISS THE ORDER.
4. THE COURT DENIED DEFENDANT'S APPLICATION FOR WAIVER STATING THAT IT NEEDED

INFORMATION ON THE EQUITY OF DEFENDANT'S HOUSE.

- 4. DEFENDANT DID NOT OWN A HOUSE AND HAD INDICATED ON THE APPLICATION WHERE IT ASKED FOR SUCH INFORMATION BY PLACING THE FOLLOWING ON THE APPLICATION:

HOME	EQUITY
----- 0 -----	----- 0 -----

- 5. ON WEDNESDAY DEFENDANT REFILED HIS APPLICATION FOR WAIVER WITH THE COURT AND REBUFFED THE REQUEST FOR INFORMATION INTO THE EQUITY OF DEFENDANT'S HOUSE THAT DID NOT EXIST.
- 6. ON THURSDAY DEFENDANT WENT TO THE CLERK OF THE ABOVE-ENTITLED COURT TO SIGN IN FOR THE SCHEDULED HEARING TO DISMISS THE WORK PLACE HARASSMENT ORDER.
- 7. DEFENDANT WHO WAS AT THE WINDOW CHECKING IN FOR THE HEARING WAS THEN GIVEN THE CD OF THE HEARING. THIS WAS BUT 8 MINUTES BEFORE THE START OF THE HEARING.
- 8. THE DEFENDANT HAD NO OPPORTUNITY TO LISTEN TO THE CD AND PREPARE FOR THE HEARING.

THIS ACTION BY JUDGE

VIOLATES THE FOLLOWING:

- 1. THE RIGHT OF THE DEFENDANT TO HAVE RELEVANT EVIDENCE IN ADVANCE OF A HEARING OR TRIAL AS TO HAVE SUFFICIENT TIME TO PREPARE FOR THE HEARING OR TRIAL. A.R.S.
- 2. VIOLATION OF MODEL CODE OF JUDICIAL CONDUCT CANON 3 b (2) WHICH STATES: "A JUDGE SHALL BE FAITHFUL TO THE LAW AND MAINTAIN PROFESSIONAL COMPETENCE IN IT."
- 3. JUDGE SHOULD HAVE KNOWN DEFENDANT'S RIGHT TO HAVE RELEVANT EVIDENCE GIVEN TO DEFENDANT WITH SUFFICIENT TIME FOR DEFENDANT TO REVIEW THE EVIDENCE PRIOR TO HEARING OR TRIAL.
- 4. JUDGE IS EITHER IGNORANT OF THE LAW OR SUCH ACTION WAS COMMITTED IN A BIAS AND PREJUDICIAL MANNER TO PROTECT THE PLAINTIFF. THIS CONDUCT DIRECTLY VIOLATES THE FOUNDATION OF CANON 3. WHICH STATES: "A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY."

PART II - VIOLATION OF A.R.S. GIVING DEFENDANT TIME TO PREPARE FOR COURT ORDER HEARING.

- 1. COURT MAILED NOTICE OF COURT ORDERED MEDIATION TO DEFENDANT AND THE LETTER WAS RETURNED BY THE UNITED STATES POSTAL SERVICE.
- 2. THE COURT AGAIN MAILED ANOTHER NOTICE OF THE MEDIATION DATE TO THE DEFENDANT AND IT WAS ALSO RETURNED BY THE UNITED STATES POSTAL SERVICE.

3. THE COURT FAILED TO CALL THE DEFENDANT IMMEDIATELY UPON RECEIVING THE RETURNED MAIL.
4. THE COURT WAITED UNTIL JUST BEFORE THE HEARING DATE TO CALL THE DEFENDANT ON OR BEFORE
5. DEFENDANT TALKED TO THE CLERK OF THE COURT AND WAS INFORMED THAT THE NOTICE OF MEDIATION WAS MAILED TO HIM. HE WAS SUPPLIED WITH A COPY OF THE NOTICE.
6. WHEN DEFENDANT INFORMED THE CLERK THAT HE HAD NOT RECEIVED THE NOTICE THE CLERK INSISTED THAT THE LETTER WAS MAILED.
7. THE DEFENDANT THEN CHECKED THE COURT FILE WHERE IN DEFENDANT FOUND THE TWO RETURNED LETTERS. THE CLERK OF THE COURT CLEARLY TRIED TO LIE/MISLED THE DEFENDANT.
8. DEFENDANT FILED A MOTION WITH THE COURT INFORMING THE COURT THAT HE HAD NOT BEEN TIMELY NOTIFIED OF THE DATE OF THE MEDIATION. DEFENDANT ALSO HAD FILED WITH THE COURT MEDICAL DOCUMENTS STATING HE HAD A VALID MEDICAL REASON FOR A CONTINUANCE/ UNAVAILABILITY OF COUNSEL DUE TO AN INFECTION FROM SURGERY.
9. A CLERK OF THE COURT CALLED THE DEFENDANT AND INFORMED HIM THAT HIS MOTION WAS DENIED AND THAT THE CLERK WAS PUTTING THE DENIAL IN THE UNITED STATES MAIL.
10. DEFENDANT WAS FORCED TO ATTEND THE COURT ORDERED MEDIATION MONDAY OR LOSE HIS LAWSUIT.

ACTION BY JUDGE

VIOLATES THE FOLLOWING:

1. A.R.S. GIVING A PERSON TIME TO PREPARE FOR HEARING OR TRIAL. IT IS ALSO A VIOLATION OF UNITED STATES CONSTITUTIONAL RIGHTS TO BE ALLOWED ADEQUATE TIME TO PREPARE FOR HEARING\ OR TRIAL.
2. AGAIN JUDGE VIOLATES CANON 3 b (2) OF THE MODEL CODE OF JUDICIAL CONDUCT.
3. THIS CONDUCT CLEARLY INDICATES BIAS, PREJUDICE AND POSSIBLY VINDICTIVE ACTION TOWARDS THE DEFENDANT.

PART III - DENIAL OF DEFENDANT'S MEDICAL CONDITION.

1. DEFENDANT ATTACHED TO HIS MOTION FOR CONTINUANCE DUELY FILED EXHIBIT D - 2. AND ENTITLED EXHIBIT D - 1 *B*
2. DEFENDANT ACTING AS COUNSEL IS SURE THAT IF ANOTHER ATTORNEY HAD REQUESTED AND CONTINUANCE FOR A DOCUMENTED VALID MEDICAL REASON HE WOULD HAVE BEEN GRANTED SUCH.

3. THIS CONDUCT BY JUDGE CLEARLY SHOWES BIAS AND PREJUDICE TOWARD THE THE DEFENDANT. IT MAY ALSO SHOW VINDICTIVE ATTITUDE TOWARD THE DEFENDANT BY KNOWING OF HIS MEDICAL CONDITION WHERE IN THE DEFENDANT IS SUFFERING PAIN TO FORCE THE THE DEFENDANT TO ATTEND THE MEDIATION HEARING.

FOR ALL OF THE ABOVE STATED FACTS THE DEFENDANT DEMANDS THAT JUDGE BE DISQUALIFIED.

THE ABOVE FACTS ARE CORRECT AND TRUE TO THE BEST OF MY ABILITY UNDER PENALTY OF PERJURY IN THE STATE OF ARIZONA.

RESPECTFULLY SUBMITTED:

DATED: 9 NOV 08.