

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 08-319

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Complainant: No. 1351310760A

Judge: No. 1351310760B

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**ORDER**

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

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

Dated: June 25, 2009.

FOR THE COMMISSION

\s\ Keith Stott

\_\_\_\_\_  
Executive Director

Copies of this order were mailed to the complainant and the judge on June 25, 2009.

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





2. ON 18 NOV 08 PLAINTIFF ATTEMPTED TO FILE A WAIVER AND COMPLAINT WITH THE JUSTICE COURT AND THE CLERK OF THE COURT REFUSED TO ACCEPT THE FILING STATING THAT BECAUSE OF THE PUNITIVE DAMAGES IN THE AMOUNT OF \$50,000 THE CASE WAS OVER THE LIMITS OF JUSTICE COURT AND NEEDED TO BE FILED IN SUPERIOR COURT.
3. ON THE SAME DAY 18 NOV 08 PLAINTIFF USED THE SUPERIOR COURT DROP BOX TO TIME/DATE STAMP THE WAIVER AND COMPLAINT.
4. ON 19 NOV 08 PLAINTIFF RECEIVED A TELEPHONE CALL FROM A CLERK IN SUPERIOR COURT AND EXPLAINED THAT THE JUSTICE COURT AND RETURNED THE DOCUMENTS TO THEM [BEING THE CLERK OF THE SUPERIOR COURT]
5. ON 19 NOV 08 PLAINTIFF WENT TO THE CLERK OF THE COURT FOR THE SUPERIOR COURT TO PICK UP THE SAID DOCUMENTS. THE CLERK, AT THE BOTTOM TO THE PAGE, STATED: RETURNED, SIGNED HER NAME AND THEN PLACED HER STAMP UPON HER SIGNATURE. EXHIBIT PL-2

**THIS ACTION BY THE COURT CLEARLY SHOWS BIAS AND PREJUDICE TOWARD THE PLAINTIFF.**

**FACTS OF THE AFFIDAVIT. PART II.**

1. ON 11 SEPT 08 THE COURT FILED A NOTICE AND ORDER OF COURT FEES AND COSTS DUE.
2. AT THE HEARING HELD ON 13 AUG 08 THE COURT REVIEWED PLAINTIFF'S REQUEST FOR A WAIVER. THE COURT CONFUSED AN EXHIBIT SUBMITTED BY THE PLAINTIFF THAT IN 19 OCT 2006 A JUDGE, BASED UPON THE FACTS OF THE WAIVER, DID WAIVE THE COSTS IN THE CASE OF AND EXHIBIT PL-3
3. THE COURT AFTER HAVING REVIEWED THE JUDICIAL REVIEW CHALLENGING THE DECISION TO ISSUE A DEFERRAL DENIED THE REQUEST. THE 19 OCT 2006 WAS AN EXHIBIT ATTACHED TO THE REQUEST FOR JUDICIAL REVIEW. THE COURT WAS TOTALLY LOST AND CONFUSED OVER A VERY SIMPLE MATTER OR WAS THE DENIAL INTENTIONAL OR AN INCOMPETENT ACT OF THE COURT. EITHER WAY, IT IS IMPROPER CONDUCT BY THE COURT.
4. THE COURT HAVING REVIEWED THE REQUEST FOUND THAT THE PLAINTIFF HAD \$20.00 LEFT AT THE END OF THE MONTH. THE COURT THEN ORDERED THE PLAINTIFF TO PAY \$20.00 PER MONTH FOR COURT COSTS AND FEES.
5. THE COURT ALSO IGNORED THE PLAINTIFF'S VERBAL ARGUMENT THAT ANY MONIES LEFT OVER AT THE END OF THE MONTH WOULD BE SPENT TRYING TO PAY OFF PLAINTIFF'S PERSONAL LOANS AND DEBTS.
6. NOW, THE COURT ON 11 SEPT 08, KNOWING THE FINANCIAL CONDITION OF THE PLAINTIFF, ISSUED A COURT ORDER TO PAY COURT COSTS AND FEES WITHIN 30 DAYS. ON THE FOLLOWING CASES BEFORE THE COURT:
  - 1.
  - 2.
  - 3.

THIS ACTION BY THE COURT NOT ONLY SHOWS BIAS, PREJUDICE BUT, A VINDICTIVENESS TOWARD THE PLAINTIFF WHEN THE COURT KNOWS FULL WELL THE FINIANCIAL CONDITION OF THE PLAINTIFF. ALL OF THE DEFERALS WERE FILE WITH THE COURT AND COULD HAVE BEEN ANALYZED AND COMPARED TO THE WAIVER GRANTED 19 OCT 06 BY A SUPERIOR COURT JUDGE. THE VERY OBVIOUS CONCLUSION WOULD BE THAT PLAINTIFF'S ECONOMIC HAS SERIOUSLY DETERORATED DUE TO RISING COSTS AND NO ADJUSTMENT IN INCOME.

**FACTS OF THE AFFIDAVIT. PART III.**

THE COURT ON 11 SEPT 08 ISSUED AN ORDER FOR THE PLAINTIFF TO PAY COURT COSTS AND FEES IN CASE# \_\_\_\_\_ IN WHICH \_\_\_\_\_ WAS A DEFENDANT IN A TEMPORARY INJUCTION BY \_\_\_\_\_ et.,al. IN A COURT ORDERED CONFERENCE THE PLAINTIFF AND DEFENDANT CAME TO AN AGREEMENT WHERE BY THE TEMPORARY INJUCTION WOULD TERMINATE ON 1 JAN 09.

DEFENDANT DID NOT INITIATE THIS ACTION BUT, THE COURT ON 11 SEPT 08 FILED A ORDER OF THE COURT MAKING THE DEFENDANT RESPONSIBLE FOR THE COURT COSTS AND FEES INSTEAD OF THE PLAINTIFF.

THIS ACTION VERY CLEARLY SHOWS THE BIAS AND PREJUDICE OF THE COURT AGAINST THE DEFENDANT.

**III. VIOLATION OF THE MODEL CODE OF JUDICIAL CONDUCT.**

THE COURT HAS PLACED IT'S SELF UPON THE HORNS OF A DILEMMA:

1. THE COURT IS INCOMPETENT AS TO THE LAW: RULE 81 AND SPECIFICALLY IN VIOLATION OF CANNON 3B(2),(8).
  - 3B(2) A JUDGE SHALL BE FAITHFUL TO THE LAW AND MAINTAIN PROFESSIONAL COMPETENCE IN IT.
  - 3B(8) A JUDGE SHALL DISPOSE OF ALL JUDICIAL MATERS PROMPTLY, EFFICIENTLY AND FAIRLY.

AND/ OR

2. THE COURT HAS ACTED IN A WILLFUL, PREJUDICIAL AND VINDICTIVE MANNER TOWARDS THE PLAINTIFF.
1. IN THE CASE# \_\_\_\_\_, \_\_\_\_\_ V \_\_\_\_\_, THE ISSUE PRESENTED TO THE COURT BY THE DEFENDANT WAS A CLAIM OF FRIVOLOUS LAWSUIT. PLAINTIFF FILED AN ANSWER TO THE MOTION TO DISMISS IN A TIMELY MANNER.
  - A. THE COURT STATED THAT THE ONLY ISSUES IT CAN DECIDE UPON ARE THOSE THAT ARE BEFORE THE COURT. THE ONLY MOTION BEFORE THE COURT WAS THE MOTION TO DISMISS. THE COURT THE WENT IN TO CHAMBERS AND EMERGED ABOUT 45 MINUTED LATER. THE COURT THEN STATED THAT IT HAD THE RIGHT TO EXAMINE THE MONTARY AMOUNT OF THE LAWSUIT. THE COURT THEN ASKED THE PLAINTIFF REGARDING THE COSTS OF ITEMS SOLD MY THE DEFENDANT. THE PLAINTIFF STATED HIS OBJECTION TO THE COURT THAT HE HAD NOT HAD A CHANCE TO HONESTLY GET VALUES

**FOR THE ITEMS. PLAINTIFF WAS NOT GOING TO MAKE FALSE CLAIMS OF ITEMS TO THE COURT. THE COURT REMOVING IT'S ROBE THEN BECAME THE ADVOCATE FOR THE DEFENDANT AND THEN DISMISSED THE SUIT BY STATING THAT IT WAS LESS THAN THE \$10,000 LIMIT, EVEN THOUGH THE PUNITIVE DAMAGES WERE IN THE AMOUNT OF \$50,000 KEEPING IT IN THE JURDICTION OF THE SUPERIOR COURT.**

**AGAIN THIS IS CLEAR VIOLATION OF THE DUTIES OF THE COURT TO ACT IN FAIR AND IMPARTIAL MANNER TOWARDS THE PLAINTIFF.**

2. IN THE CASES# \_\_\_\_\_ , \_\_\_\_\_ V \_\_\_\_\_ AND \_\_\_\_\_ V \_\_\_\_\_ AND \_\_\_\_\_ . THE FOLLOWING HAPPENED:
- A. THESE TWO CASES WERE SCHEDULED BY THE COURT FOR REVIEW ON 8 MAY 2008.
  - B. A LAWYER IN ANOTHER CASE [ \_\_\_\_\_ ] FILED A MOTION BEFORE THE COURT STATING A CONFLICT IN HIS SCHEDULE.
  - C. THE COURT THEN RESET THE HEARINGS FOR 13 AUG 08. THREE MONTHS OUT. [VIOLATION OF MODEL CODE OF JUDICIAL CONDUCT CANNON 3B(8) A JUDGE SHALL DISPOSE OF ALL JUDICIAL MATTERS PROMPRLY, EFFICIENTLY AND FAIRLY. EMPHASIS ADDED.]
  - D. THE CASES \_\_\_\_\_ V \_\_\_\_\_ AND \_\_\_\_\_ V \_\_\_\_\_ WERE ALSO PUT OUT UNTIL THE 13 AUG 08 WITH OUT REASON OR JUSTICE CAUSE.
3. PLAINTIFF BELIEVES THAT THE "GAME PLAN" OF THE COURT WAS TO EXTEND THE HEARINGS AND THEN THE COURT WORKED WITH THE LAWYERS IN THE TWO CASES TO HAVE THEM FILE MOTIONS TO DISMISS DUE TO LACK OF PROSECUTION.
- A. THE COURT RECORDS WILL SHOW THAT IN EACH OF THE ABOVE-NAMED CASES THE DEFENDANTS FAILED TO ANSWER THE FILED INTERROGORATIVES TO THE COURT.
  - B. FURTHERMORE, IT WAS NOT THE FAILURE OF THE PLAINTIFF TO PROSECUTE BUT, THE COURT IT SELF THAT CAUSED THE DELAY IN PROSECUTION. THE COURT CHOSE TO BLAME THE PLAINTIFF. AGAIN, BECOMING AN ADVOCATE FOR THE PLAINTIFFS.
4. IN REGARDS, TO THE ABOVE-NAMED CASES THE PLAINTIFF FILED DOCUMENTS TO THE COURT VIA FAX PHONE TRANSMISSION AND TO EACH OF THE DEFENDANTS ATTORNEYS.
5. IN COURT ON THE 13 OF AUG 08 THE COURT ASKED THE PLAINTIFF IF HE HAD FILED THE DOCUMENTS WITH THE CLERK OF THE COURT. PLAINTIFF REPLIED: NO HE HAD NOT FILED THE DOCUMENTS WITH THE COURT CLERK. BY LOOKING AT THE TIME OF FAX TRANSMISSION IT WAS PAST 5:00 P.M. AND CLERK'S OFFICE WAS CLOSED AND IT WAS FRIDAY. THEREFORE, PLAINTIFF USED FAX TRANSMISSION TO GET THE DOCUMENTS TO THE COURT AND THE DEFENDANTS ATTORNEYS ON FRIDAY.
5. THE COURT REFUSED TO ACCEPT THE DOCUMENTS. IF THE COURT HAD READ THE DOCUMENTS IN THE \_\_\_\_\_ V \_\_\_\_\_ CASE THE COURT WOULD HAVE FOUND THAT THE DEFENDANT HAD COMMITTED PERJURY TO THE COURT BY FILING AN AFFIDAVIT THAT THE DEFENDANT HAD FOR SEVERAL YEARS ONLY BEEN THE LANDLORD OVER THE \_\_\_\_\_ LAUNDRY MATT. PLAINTIFF SUBMITTED TO THE COURT VIA THE FAXED DOCUMENTS: A COPY IF THE BUSINESS LICENSE FROM THE \_\_\_\_\_ WHERE IN THE DEFENDANT WAS LISTED AS A PARTNER IN THE \_\_\_\_\_

**BUSINESS LICENSE APPLICATION TO THE CITY. CONSEQUENTLY, DEFENDANT COMMITTED PERJURY TO THE COURT. THE COURT DISMISSED THE CASE DUE TO LACK OF PROSECUTION.**

- 6. IN THE CASE OF \_\_\_\_\_ V \_\_\_\_\_ THE PLAINTIFF WAS A DEFENDANT IN A CRIMINAL PROCEEDINGS INITIATED BY THE DEFENDANT. PLAINTIFF IN THE COURSE OF THE PROCEEDINGS HAD PRODUCED EVIDENCE IN THE PROCEEDINGS THAT DIRECTLY AFFECTED THE VORACITY AND CREDABILITY OF THE DEFENDANT \_\_\_\_\_. SUCH AS FALSE INFORMATION TO A POLICE OFFICER, FALSE CHARGE THAT WAS DIMISSED DUE TO ILLREFUTABLE EVIDENCE AND OTHER FACTS ATTESTING TO THE LACK OF CREDIABILITY OF DEFENDANT \_\_\_\_\_. IN ADDITION, THE DEFENDANT HAD NOT RESPONDED TO THE DULY FILED INTERROGRATIVES WHICH WERE IN THE COURT FILE.**

**CONCLUSION: ALL OF THE ABOVE STATED FACTS WOULD PROVE TO REASONALBE MEN THAT THE COURT OF \_\_\_\_\_ NOT ONLY VIOLATED ARIZONA REVISED STATE STATUES BUT, ALSO SEVERLY VIOLATED THE CANNONS OF THE MODEL CODE OF CONDUCT. BECAUSE OF THE SEVERITY OF THIS MISCONDUCT PLAINTIFF DEMANDS THAT THE COURT VACATE ALL ORDERS OF THE COURT INVOLVING THE PLAINTIFF.**

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

**RESPECTFULLY SUBMITTED:** \_\_\_\_\_

**, OPPOSING COUNSEL**

**DATED: 26 NOV 2008.**