

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-166

Complainant: No. 1365710573A

Judge: No. 1365710573B

ORDER

The commission reviewed the complaint filed in this matter and found no evidence of ethical misconduct on the part of the judge. The issue raised is legal or appellate in nature, and the more appropriate remedy would have been to appeal the judge's decision to a court with proper jurisdiction.

The commission is not an appellate court and cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: August 18, 2009.

FOR THE COMMISSION

 /s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on August 18, 2009.

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

June 30, 2009

JUL 01 2009

To whom it may concern:

The Honorable acted in an inappropriate manner, prejudging this Claimant, caused water damage on property in case No. and in Case Number in contradiction to the evidence and testimony of two Yavapai County Sherrif's, [i.e. Photographs of the property showing a water puddle over 30 feet from Claimant's property line and up stream from Claimant's property, and the testimony from two Sheriff Officers: i.e. Lt. of the County Sheriff's Office and Sgt. also of the County Sheriff's Office, both officers of the Court], without any proof to establish his false belief and pre-judgment (made apparently upon the false allegations of - - without any corroborating evidence and without any witnesses or testimony from any expert).

Such prejudice by a judge (Justice of the Peace) is a prima facie case, based upon the transcripts of Case Number which was quoted and referenced in the subsequent Case Number

The Honorable also presided over a restraining Order in 2004 and two criminal cases in March 2008.

By his prejudice, judge has caused the perpetrator, () to become embolden and reinforced continuing harassment of not only but the rest of the neighbors in the area, as shown in the transcript, being provided in this Complaint.

Sincerely, .

CONFIDENTIAL

Complaint regarding lawyer-judge
Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, Arizona 85007
Phone: (602)-542-5200 FAX (602)-542-5201

To the Commission on Judicial Conduct:

I allege that judge (Justice of the Peace) located In the Justice Court, County Courthouse Phone Number: has violated the Arizona Code of Judicial Conduct, and canon of ethics:

[X] Willful misconduct in office. Failure to recuse;

- Willful and persistent failure to perform duties.
- Conduct that brings the judicial office into disrepute.
- A violation of the AZ Code of Judicial Conduct. Canon 3, et al.
- A violation of A.R.S. 12-341.01(C)

In support of these allegations, I have answered the following questions truthfully and completed the attached statement of facts describing my experience with the judge.

1. Did you have a case before this judge? yes, Five (5) case numbers:
- a)
 - b)
 - c)
 - d)
 - e)

What is the name of the case(s)?

- a)
- b)
- c)
- d)
- e)

List the names of all the attorneys, who appeared in the case(s).

Lawyers	Case(s)
a)	
a)	
b)	
c)	
c)	
d)	
d)	
e)	

- 4. Are you involved in a lawsuit that is still pending before this judge? [No.]
- 5. List your telephone numbers:
- 6. Street Address:
- 7. City:
- 8. Name:

Today's date: June 29, 2009

...
...
...

9. Sign here:

and have your signature notarized below.

VERIFICATION

SUBSCRIBED AND SWORN to before me on this 30 day of June, 2009

2/28/10
Commission Expires



Complaint regarding judge (Justice of the Peace)
Justice Court,

located In the

STATEMENT OF FACTS

1. is a lawyer in the state of Arizona.
2. is employed by the State and county as a Justice of the Peace.
3. is paid to act as a judge (Justice of the Peace) in Yavapai County.
4. has a fiduciary responsibility to obey the Code of Conduct and the Canons of Judicial Conduct, along with the Arizona Revised Statutes.
5. is the judge in five (5) cases listed above involving David Hearn.
6. has a fiduciary responsibility to act appropriately to stop the continuing harassment being caused initially and continuing by _____, as was testified to by the two Sheriffs and failed or refused to do so.
7. It is alleged _____ willfully, with a evil mind guiding an evil hand, maliciously violated _____ due process. The fundamental requirement of due process is the opportunity to be heard "at a meaningful time and in a meaningful manner." Mathews v. Eldridge, 424 U.S. 319, 333 (1976) (quoting Armstrong v. Manzo 380 U.S. 545,552 (1965)). Also, "due process requires that a party be given a 'fair trial in a fair tribunal.' " United States v. Superior Court, 144 Ariz. 265, 280, 697 P.2d 658, 673 (1985) [quoting In re Murchison, 349 U.S. 133, 136 (1955)].
8. _____ has not received due process, "fair trial in a fair tribunal" or the opportunity to be heard "at a meaningful time in a meaningful manner" in any of the five cases:
9. As a result, _____ violated CANON 3, along with A.R.S. 12-341.01(C).
10. These acts, non-acts and omissions were done under color of law by _____ pretending to act appropriately, when his ignoring the sworn testimony of two Sheriffs,

as will be shown in the transcript of the trial on Case No. 2007-1227 J contradicts pretended, alleged impartiality.

11. has culpable knowledge that TWO (2) YCSO Sheriffs have testified on behalf of confirming beyond a reasonable doubt that is the one causing disruption of an entire neighborhood, and harassment of and that continued to do so to the point that the Sheriff's Office had to threaten they would arrest him for harassment and for filing a false report if he continued his aberrant, harassment and unacceptable social behavior. See Transcript, dated January, 2008, where Lieutenant testified and is being questioned by Mr. Lawyer, (Mr.), beginning on Page 18, Line 18