

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-180

Complainant: No. 1250110082A

Judge: No. 1250110082B

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: September 3, 2009.

FOR THE COMMISSION

 /s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on September 3, 2009.

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

JUL 13 2009

A.R.S. Const. Art. 2 §§ 2, 1, 3, 4, 6, 11, 24, Art 6 § 21, 26,
ART. 6.1 § 1, 2, 3, 4, 5, Pro Se

SUPERIOR COURT OF ARIZONA COUNTY

Petitioner, Appellee

VS

and

Defendant, Appellant.

Counter-claimant,

VS:

, etal,

Defendants.

Verified: ITA. ARIZ R. Civil Proc. Rule 80(I)

Case No.:

NOTICE OF 12/21/2005 JUDICIAL COMPLAINT

RETALIATION DIRECTLY OR INDIRECTLY-Rule 14

Rule 20(Judicial Notice

MOTION FOR ORDER TO SHOW CAUSE AND SANCTIONS

MOTION TO DISQUALIFY

: Violated

ITA. A.R.S. Sup. Ct. Rules, Rule 81, Code of Jud. Conduct, Canons

1, 2, subds A, B, 3, subds A, B (i) (b) (d) (ii), 10, C, E (i)(a),

4 Subd 5(e); A.R.S. Const. Arts. 6.1 § 4

Evidentiary Hearing Requested Deem Necessary

(Judges

)

COMES NOW defendant-appellant without benefit of counsel, gives notice of 12/21/2005 Judicial Complaint, his retaliation directly or indirectly, and moves this Court for an Order requiring him to appear before AZ Supreme Court and Show Cause why he should not be held in Contempt or Sanctioned for wilfully Violating the forementioned laws, pursuant Rules 11(e), and 19(a)(c) AZ Civil App. Rules. This Notice and Motion is supported by the accompanying Memorandum of Points and Authorities,

MEMORANDUM OF POINTS AND AUTHORITIES

- ¶1 On 1/26/2003 a lawyer herein "list of County 'MC' employee, commissioners, and judges was illegally discovered planted in a vehicle driven by estranged Ms. Dr. had control of vehicle on 1/26/03 (FN 2)
- ¶2 Colleagues from his "MC" judges list, included " who was appointed Presiding judge of MC, assisted in selecting judges to aid his client, Ms. in her divorce and to conceal, Part 100: and acts theft-embezzlement of DEA Narcotics and firearms - warranted 20 year prison terms (FN 2)
- ¶3 January 29, 30, 2003; admitted his illegal entry security breach ARS 9A-7501 of locked dental office/safes; \$1.7 million dollars of property, DEA Controlled Narcotics, a 100 piece heirloom firearm collection, gold, silver, 2000 patient medical records, \$100,000.00 cash, four deeds and other property, was defecated by Forshner (FN 4, 5)
- ¶4 1/29/03 admitted "he could be disbarred or go to jail" for this "his Acts (FN 6) 1129-30/03 illegal acts involving theft ARS 13-1801 warranted 20 year prison term
- ¶5 A "release of liability" ~~transferring~~ illegal acts of 1/29, 30/2003 was attempted to be procured via letter (FN 7) is a Superior Ct. pro temp judge (FN 7)
- ¶6 admitted selling two (2) (stolen) firearms; 357 mag. Model 19 revolver Serial # AV88877 for \$200.00; a Ruger 1022 rifle Serial # 23580834 for \$250.00 (FN 8)
- ¶7 admitted selling (stolen) firearm Glock 40 Cal. Model 23 Serial # ATW807US for \$350.00 to a party in Illinois (FN 8) This stolen from Dr. safes and other 100 firearms (FN 8) Plus the DEA Controlled Narcotics used in Dentistry, perlanea by Forshner, his client, warranted 20 year prison term (FN 3)
- ¶8 Forshner admitted selling "called - Easy to Sell guns to AZ DPS" (FN 4) Firearms he looted from Dr. locked safes
- ¶9 Easy-to-Sell 99 heirlooms Stolen from Dr. shrink to 31 guns via (FN 7)
- ¶10 Nude Teachers Nude Student's Videos/DVD's Sex oils, journals, he and Ms attempted to conceal were discovered (FN 9)
- ¶11 Notary Commission was revoked by AZ AG Secretary of State (FN 8) Bank Company remitted \$3,500.00 to Dr. For Notary Fraud, acts against Dr. (FN 8)
- ¶12 Dr. fabricated an alleged confession made to him after he looted \$1.7 million dollars of property from safes (FN 10) and Ms. depositions were sealed (FN 11) illegally
- ¶13 distributed \$1.7 million dollars of Dr. stolen money to his colleagues four (4) pro-temp "MC" judges; and himself (FN 7) lawyer admitted using stolen patient records, citizenship affidavit (FN 8)
- ¶14 admitted he's also a Scottsdale Municipal Court judge (FN 7)
- ¶15 inextricably intertwined and engaged ex parte conversations with 1/30/2003 safe looting accomplices ARS 13-301, 13-302, of MCO, fabricate criminal charges - sexual exploitation of a minor, to prevent Forshner's "admission to jail or being disbarred (FN 6) and a 20 year prison term for and admitted conviction of Dr. property

¶116 was named defendant in Counter-claim #CV2003-010254, who later was appointed a judge per his notes
Coe-defendant Superior Court judge had knowledge of illicit acts of

¶17 Co-defendants, " " "
" had knowledge of irrefutable facts, Faxes, Video Tapes (FN 2) or other evidence admitted thefts-embezzlement of DEA Controlled Narcotics, firearms (FN 3) warranted a 20 year prison terms (FN 3)

¶118 Co-defendants, as judges-lawyers pursuant to 17A A.R.S. Sup. Ct. Rules, Rule 81 Code of Jud. Conduct, Canon's 1, 2, 3. had a fiduciary duty to act, "shall" or should have reported the illicit acts of

¶119 December 8th 2005, Notice (change) of Judge for Cause Re was filed.

¶120 December 21st 2005, a judicial complaint regarding Mr. Violations of A.R.S. Const. art 6 §21 was filed; Entrenchance of Freedom of speech protected via ARS Const. Art 22.1 Victim's Bill of Rights, Art 2 § 3, 4, 6, 11, Art 6 § 4, and USA Const. Amend. 1, 5, 6 and

¶121 Rule 14, 17A, A.R.S. Rules of the Comm'n, on Judicial Conduct Prohibition against Retaliation, State

"A judge against whom a complaint is filed shall not directly or indirectly engage in any act of retaliation against any person who files a complaint, ... acts as a witness in any proceeding brought against the judge

"Retaliation" includes, but is not limited to, the act of dismissing or procuring the dismissal, without reasonable cause, ... or other person subject to the judges direction and control, creating a hostile or offensive ... environment for such person ...

The Commission or disciplinary counsel may, at any time file a petition with the Supreme Court for an order prohibiting ... conduct of a judge that is or appears to be retaliatory in nature."

This Rule-law is to protect Dr. and others who whistle blow/expose Judicial corruption.

¶122 February 16, 2006 AZ Commission on Judicial Conduct dismissed Case # 05-323 against And not coincidently the following happens, that appears to be retaliatory in nature

¶123 February 16, 2006 Conducted an ex parte hearing. RT, 2/16/06 at 4 and concealed 7/1/2009

¶124 2/16/06 RT at 15, admitted, calling 6 files down to 3 files; Tampering with Record ARS 13-2107,

¶125 RT. 2/16/06 at 29-38, Knowledge, res judicata barred him. rulings. The deed and signature were deemed valid. by another Superior Court, Criminal case State vs ROY 160. The matter had previously been ruled. concealed retaliation and maliciously ruled deed and signature a forgery. For the benefit of client, and This prejudiced Dr.

¶126 RT 2/16/06 dismissed Counter claim Case DE RT. 2/16/06 at. 50, 52, 56, 62. This act prejudiced Dr.

¶127 2/16/06 Knowledge of his misconduct and notice change of Judge for Cause RT. 2/16/06 at 14, 45, 57, 60, 70 are facts admitted by in the record. See Ariz. R. Evid 201(b)(2) In re Beck supra, and mirrored Rule 201 Fed. Rules of Evidence, Judicially Notice [D],

September 4th 2007, Court Reporter
Unfortunately, this is after
his way "conducted a trial on 11/4/2006, 2006. This newly discovered evidence, is material evidence,
which had it been disclosed by
rulings, Unconcerned with the Rules Law and determined to do it
will probably produce an acquittal, or Vacating

2/16/2006 RTatt Ep
2007 Serendipitously, the 2/16/2006 RT bases 75, is evidence newly discovered, and that
was unknown to the defendant-appellant Dr. at the time of trial July 24-26, 2006 did
June 4th 2009, over three (3) years, of 2/16/2006 ex parte hearing. RT. are disclosed
and Dr. Notices Appellant Court Case No. AC11-CV-07-0066, FC 2003-001980. Finding that
"pattern of misconduct presents a threat to the public, and poses a danger of committing
future violations bring the judiciary into disrepute." In re Supra.

JURISDICTION

Supreme Court has authority to censure, suspend or remove judge. See Ariz. Const.
art. 6, 1, 2, 3, 4 See also Haddad 128, Ariz at 491, 627 P.2d at 222 ("the burden of
imposing the sanction is put squarely on the Supreme Court; the Commission has
power only to recommend" (quoting In re
606 (1973))) quoting In re 177 Ariz. 283, 867 P.2d 853 (1994)

In this matter the Comm'n. erred re as the Comm'n. did In re Jett, In re Hoover,
In re In re Loren citation omitted

FINDING OF FACT

The incidents cited above form the basis of Mr. present judicial misconduct
"The AZ Supreme Court we believe the type of costs that may be assessed should be
known beforehand so a judge can reasonably anticipate what the cost of a
defense to the Commission's charges may involve. Moreover "the goal of judicial
discipline is not to punish the judge but to protect the public and the judiciary
integrity". in re Marguard, 161 Ariz. at 214, 778 P.2d at 247. (citing Haddad) Supr
In re Nelson 207 Ariz. 318, 86 P.3d. 374 (2004)

"Accordingly, Rule 27 (d)(9) of the Rules of the Commission on Jud. Cond. require that
"the hearings shall be transcribed by the court reporter or tape recorded for
use by the supreme court, and a transcript shall be filed with the Comm'n's
recommendations... the transcript is still an essential element of a judicial
disciplinary proceedings of whether the respondent [in this matter] files a
petition with this court or whether we exercise sua sponte review. Consequently,
the Comm'n. properly recommended that the costs of the hearing transcript be
assessed against Respondent" (re In re Nelson supra ¶ 28 (2004))
Hence response to either transcribed or recorded, ready to go before AZ Supreme Ct.

Clearly Mr. appeared to have retaliated against Dr. for his response to
AZ Judicial Commission. or to assist his colleagues, avoid a citation

CONCLUSION OF LAW

Under the facts, there is no doubt that the February 16, 2006,
legal conclusions were incorrect,

"Extraordinary circumstances justify transference to AZ Supreme Court. In re Jett,
180 Ariz. 103, 882 P.2d 414 (1994) Rule 19(a)(3) Ariz. R. Civil App Proc. "Because I
the issue raised in the appeal related directly to a pending proceeding (once
before the Comm'n.), which this [AZ Supreme Ct.] would ultimately consider."
In re Jett Supra. Therefore, in interest of justice + Rule 11(e), and Rule 23(c)(3)
AZ R. App. Procedure, "a record to conform to the truth." and because "important issues of
law have been incorrectly decided" respectively, The Supreme Court should accept this matter of
Mr. misconduct.

¶137 Mr. [Name] in this case, the violations of law are far from technical. "It requires only basic instincts of fairness to realize that one should not judge cases involving personal friends, enemies, or debtors." In re Peck supra. Also, "a judge of a particular court should never preside over a matter involving another judge from the same circuit." Wilson v. McNeely, 670 S.E. 2d 486 (Ga. App. 2008). Quoting from a Georgia Judicial Qualification Commission opinion the court stated that "even without a showing of actual bias, prejudice, or unfairness, and regardless of the merits or untimeliness of a motion to Recus... it is inappropriate for any trial court judge to the same or preside in any action where in one of the parties holds a judicial office on the same or any other court which sits in the same circuit." Id.

¶138 Here to Mr. [Name] to preside in an action involving judges RT 211610bat 56, he created at least the appearance of unfairness, if not retaliation, for dismissing the counter-claim against colleagues.

¶139 Mr. [Name] "ex parte contacts" RT, 211610bat 3, 59, and "failure to recuse himself." RT, 211610bat 14, 45, 57, 69-70. "constitute abuse or corruption in the performance of judicial duties and threaten our citizens' rights to have their "day in court before an impartial tribunal." In re Anderson, 168 Ariz. 432, 814 P.2d 773 (1991)

¶140 Mr. [Name] "failure to recuse himself and ex parte contacts were not minor transgressions. Such violations of law, of course, can occur inadvertently or for fairly benign reasons." This case, however, is different. This record RT 211610bat-7 indicates that Mr. [Name] used the power of judicial office for personal reasons, to get even with his enemies - for filing judicial complaints; and to bestow favors on those whom he choose to be friend - colleagues - and and presumably

¶141 Under the system of government judges hold office subject to the rules - laws of conduct that are designed to ensure a basic concept of fairness - that judges will dispense justice, not favors, to colleagues or revenge or retaliation. In the final analysis, Mr. [Name] actions violated not only the judicial code of conduct but this most basic concept of justice. Removal from office is therefore appropriate." In re Peck supra.

¶142 Mr. [Name] clearly used his judicial office against Dr. [Name] or indirectly for political revenge or personal reasons. This is an retaliation direct breach of trust on the part of any judge. No one who does those acts, forementioned has any place in the Arizona judiciary. In the final analysis, Mr. [Name] that act not only merits removal, but demands it

Conclusion / Relief

¶143, Dr. [Name] the laws and case law concludes that Mr. [Name] actions "constitute willful misconduct in office... and are prejudicial to the administration of justice that bring the judicial office into disrepute" ARS, Const. Art. 6.1 §4, and poses a danger of committing future violations, bringing judiciary into disrepute. The AZ Supreme Ct. Sua Sponta review this matter, and prevent Mr. [Name] from ever again hold judicial office, and notify the victims
RESPECTFULLY SUBMITTED this 26th day of June 2009

FOOT NOTES!

All citations referred in State v.

Changed to

CR unless specified

(FN1) Record of Transcript. "here in R.T", RT 3/24/08 at 24-31; RT. 5/12/08 at 11, 14, 15, 17; RT. 2/28/08 at 16. judges List - planted.

(FN2) Record on Appeal, item (here after "ROA - ") & ROA. - 373 at 1, 2, 10, Exhibit. February 3rd 2003, AZ DPS. Consent to Search Vehical Signed by estranged Ms.

(FN3) ROA. 404 at 2, 3, 4 Federal DEA + Firearm statutes - warrantd 20-25 prison term violated

(FN4) ROA. -161 at exhibit J. Nov. 5th 2004. response to SBA Complaint 04-1439 at page 6, 9, 10

(FN5) Case # at Mar 13, 2005 Pleading Exhibit A Flow Chart Theft of Dr. property

(FN6) ROA. -385 at 3. Affidavit admission 2/29/03 I could be disbarred or go to jail for this

(FN7) ROA. 375 at Exhibit 11/18/04 of release of liability letter benefiting via

Exhibit 7/19/06 FAX to - 31 firearms of Dr. CID # 3589 4I

Exhibit 4/13/06 Remittance AZ Supreme Ct. Judge Admitted

Conversion of 1000 Cash, 50000, 600k, house. Brad is being a Jew

Exhibit 3/24/06 Ctr. Scottsdale Municipal Ct. Judge re

Exhibit 3/27/06 Ctr. re Mac Superior Ct. Pro Temp. judge Program " " " "

(FN8) ROA-161 at Exhibit E, Sep 8/03 & letter response to Ct. Order. Admitted Buying Selling Handwriting - Embezzlement of DEA Narcotics in Support office

Exhibit Feb 1, 2005 Ruggis, & Smith & Wesson to IS, and

Exhibit T, 10/12/04 letter A6, and AZ S.S. Revoked Notary Commission of

Exhibit U 2/28/05 Notary Bond Company paid \$3,500 remittance for Fraud

Exhibit D, 5/26/05 letter admit using Patients affidavit of citizenship (Identity Theft)

(FN9) ROA-385 at 3. Affidavit 3/7/03 Sexolls journals. PI. 3/03/03 "Nude Teachers Nude Students" did not want anyone to see, gave to Judge.

(FN10) RT, 2/28/08 at 15

(FN11) ROA, 185, 193, 200 sealed depositions of and his Client Ms.

AFFIDAVIT.

I under penalty of perjury that the above is true and accurate record of the events, facts, affidavits, Transcripts which are available. and Judge acted in retaliation, for my having filed judicial complaints, regarding him, and and others on planted judges List. I am innocent of Criminal Proceedings. The DNA of 3 perpetrators 2 males and 1 female, was intentionally not run through name per 7/12/05 AZ DPS scientific Exam Report of exhibit # 100C, ABC Hair. And NUBair or are qualified as judges as is and subject of this and related cases. Signed this day 25 of June 2009. The signature on my Deeds were valid, as were the deed, which destroyed in invalid.

pursuant 17A, Ariz. R. Civil Proc. Rule 90(I). Original Filed with Court and copies sent to: clerk of Maricopa Superior Court, 201 W. Jefferson, Phx AZ 85003 judge County

For AZ & Hon. AZ Judge MSV Jr. AZ AZ AZ