

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-185

Complainant:	No. 1367700163A
Judge:	No. 1367700163B

ORDER

The commission considered the complaint filed in this matter and after reviewing the recording of the hearing, decided to dismiss the complaint with a private comment to the judge reminding her of her obligation to promote public confidence in the judiciary and to be patient, dignified, and courteous to litigants. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated February 2, 2010.

FOR THE COMMISSION

\s\ William Brammer

J. William Brammer, Jr.
Commission Chair

Copies of this order were mailed to the complainant and the judge on February 2, 2010.

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

State of Arizona
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

CJC 09-185

COMPLAINT AGAINST A JUDGE

Your name: _____ Judge's name: _____ Date: July 19, 2009

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

Malfesance of office as well as violations of the Judicial Canon #3 as part of this report and to include the below listed violations pursuant to tile 18 and other related statutes, codes and regulations concerning judicial performance as it relates to an administrative hearing.

Violation of Article 1 Sec 10 of the Constitution of the United States of America and Article 2 Sec 5 of the Constitution of the state of Arizona which states in part. "states shall not impair an obligation of contract". Commissioner violated these constitutional provisions when she demanded Defendant's stenographer under private contract to leave the court room

Failure to recognize the Fair Debt Collection Practices Act Title 15, Section 1601 et. seq. and Defendant's attempts to expose the fraud by the Plaintiff and Plaintiff's Counsel in the hearing of June 16, 2009.

Violation of Administrative Procedures Act Title 5 failure to recognize Defendant's exhaustion of Administrative Remedy pursuant to Administrative procedures act in Defendant's lawful attempt to identify the real party in interest and the holder in due course of the note. Commissioner violated this Act when she ordered stricken from the record all Defendant's evidence and pleadings

Violation of Constitution of the United States and Constitution of Arizona. Commissioner violated these Constitutional Provisions by attempting to coerce the Defendant into a 'guilty' or 'not guilty' plea for a non-criminal act without identifying who the injured party/victim was and whether or not they were the holder in due course of the instrument thereby evidencing the true party in interest

Violation of Constitution of the United States and the Constitution of Arizona. Commissioner violated these Constitutional Provisions at a civil hearing that appeared to be judicial but was in fact Administrative, when she denied and ordered stricken from the record, Defendant's evidence, which had been filed into court prior to the hearing.

Perjury against his/her oath of office by subscribing to a material matter he/she knows to be false (18 USC Sec 1621) Commissioner committed perjury by not upholding her oath to uphold the Constitution.

Misprison of felony by failing to report commission of a felony when so noted (18 USC Sec 4) Commissioner committed Misprison of Felony when she concealed the fraud, illegal acts and violation of civil rights committed by Plaintiff and their Counsel.

Coverup/concealing a material fact (18 USC Sec 1001) Commissioner concealed the evidence filed into court by Defendant.

(Attach additional sheets as needed)

AFFIDAVIT

NOTICE, this Affidavit, signed and sworn to by _____, Affiant and Real Party in Interest to Case No. CV2009-_____, filed in Maricopa County Superior Court, incorporates the Statement of Facts set forth below.

Affiant writes this Statement of Facts because Commissioner _____ violated Affiant's right of private contract when _____ acted outside the scope of her duties, in a manner contradictory to her oath of office, and in violation of her obligation to the underwriter of _____ public hazard bond, by acting in the following manner:

1. _____ dismissed from the court room Affiant's privately contracted Court Reporter;
2. _____ ordered stricken from the court record all evidence that Affiant had properly submitted to the court and on which _____ could determine that this matter had been settled privately between the parties;
3. _____ interrupted and refused to listen to Affiant's opening statement and declaration of special appearance;
4. _____ refused to recuse herself when _____ violated the terms of her commercial employment, and same was noted by an objective observer, and said observer called for her recusal;
5. _____ found judgment in favor of the Plaintiff thus ignoring Affiant's Constitutional right to a fair and impartial hearing;
6. _____ has no knowledge of an existing Power of Attorney between _____ and _____. Yet _____ entered a plea of 'guilty' for the _____ in a non-criminal case for an alleged entry and forcible detainer by an unsubstantiated Plaintiff who was attempting to unlawfully evict _____ from primary residence. It is apparent to _____ that Commissioner _____ was practicing law from the bench. If that is the case the damages as a result of her alleged decision are yet to be determined by _____
7. _____ has witnessed fraud by the court, Commissioner _____ and Counsel for the Plaintiff. _____ received a transcript of the proceeding of June 16, 2009 which makes reference to a Mr. _____ from _____ LLP, who allegedly represented the Plaintiff. _____ also has received a transcript from a second entry and forcible detainer proceeding regarding the same subject property with the same Plaintiff that took place on June 25, 2009. In that transcript, the Counsel for the Plaintiff is also identified as Mr. _____ but this time he represented _____ LLP. To the best of _____ knowledge, Counsel for the Plaintiff in the June 16, 2009 hearing, identified himself at the beginning of the session as _____, not _____.
8. _____ has experienced abuse under color of law by being summoned twice to the Superior Court of Arizona by the Plaintiff for the same alleged entry and forcible detainer on the same subject property, Affiant's primary residence; once on June 16, 2009 with Counsel for the Plaintiff being _____ LLP; and second on June 25, 2009 with Counsel for the Plaintiff being _____ LLP which is apparently a violation of the 5th Amendment, not to be put twice into jeopardy.

9. understands that entry and forcible detainer is a civil matter, yet was subject to attempted coercion by Commissioner to plead "guilty" or "not guilty" in this civil matter where no criminal charges were alleged.

STATEMENT OF FACTS

1. On Thursday June 11, phoned Commissioner office and spoke with her clerk, to discuss whether could have private court reporter to record the hearing. also inquired whether could have someone sit beside her in court to help her if needed because she was representing herself and she has never been in court before. Finally, inquired whether she had to put either request in writing.
2. Ms. told that she **could** have her own court reporter, and that she **could** have someone with her in court but that this person would not be able to address the court.
3. Ms. stated that did not have to submit a written request for either issue.
4. then made a private contract with Mr. , a court reporter by trade, duly licensed in the state of California, to be at the hearing as her stenographer so she would have a complete and accurate record of the proceedings. Please see the attached contract.
5. On Monday June 15, 2009 submitted into the court a document captioned "A Notice of Case Termination"; same document was also noticed to the judge and to the Plaintiff's Attorneys.
6. The document "A Notice of Case Termination" proved beyond doubt that the instant case had been settled.
7. As soon as sat on the bench, at 9:45am on Tuesday June 16, 2009 she ordered Mr. to leave the court saying he was not a certified Court Reporter.
8. Mr. , who was in the Gallery, then stated very loudly to the court, 'That's a violation of Article 1 Section 10' and that, 'private contract supersedes state statutes'.
9. interrupted and said to Mr. that if he did not leave she would have him escorted from the building. Mr. requested of the Court that he be allowed to make the record from the Gallery and was told by that he was to leave the building.
10. Mr. packed up his equipment and left the courtroom. He returned to the Gallery a short time later.
11. When called the case, the approached the bar but did not enter. stayed by the gate on the Gallery side. Commissioner asked the how she pled, "guilty or not guilty". started to read a short prepared statement but interrupted the , demanding that plead guilty or not guilty.

12. stated that this case was settled so there was nothing to plea. asked the again to plead, and again responded by trying to read a short prepared statement, which is included below:

I am here by special appearance only. I am the real party in interest under injury and I am here only as a courtesy to the court, not as the defendant.

I am compelled to inform the court that the alleged Plaintiff has no standing to bring this action, as Accord and Satisfaction, Judgment in and Full Satisfaction have been executed by the agreement of the parties, been certified by a Notary Public and have been recorded on the Public Record.

There is no material issue of fact in controversy for this court to adjudicate and the evidence of that fact is in the court file by way of a VERIFIED NOTICE.

Has the court had ample time to review the Notice? If the court or counsel needs more time I will be happy to return on another date. The court is holding the evidence. With all due respect, the court should not rush to make a mistake.

Anyone bringing this controversy is committing fraud upon the court.

My business is concluded here today. Thank you

13. Each time tried to read statement, interrupted to talk to Counsel for the Plaintiff.
14. Mr. then shouted loudly from his seat in the Gallery that "It's been settled by Judgment in".
15. made no objection; resumed talking with Counsel for the Plaintiff, asking him about his evidence; did not listen to the
16. There was a pause in conversation with Counsel for the Plaintiff and Mr. then shouted from the gallery, 'You should recuse yourself'. There was no objection from Commissioner She just continued her conversation with said Counsel. There was another pause in their conversation and Mr. then shouted from the Gallery, 'You are recused'.
17. failed to recuse herself as instructed.
18. announced that all the pleadings and evidence be stricken from the court record, and that she was ruling in favor of the Plaintiff.
19. Affiant left the courtroom with her unread statement and four witnesses.

20. While standing in the hallway, three large Maricopa County Sheriff Deputies with guns at their sides approached the group of 5 people who were standing talking about what had just happened. The deputies asked the group to disperse. The two women in the group asked the Deputies if they could reenter the courtroom. One stated that her husband was inside.

21. The [redacted] was told by the deputies that she was a trouble maker, and that she was not allowed to return to the public courtroom. One Deputy went inside the courtroom and when he came back out to the hallway, he told the Affiant she could go back inside the courtroom.

22. [redacted] entered the courtroom and sat down quietly in the Gallery. Commissioner [redacted] looked up from her notes and asked the [redacted] if she was [redacted]. [redacted] said yes. [redacted] then told her to leave the courtroom, that she would have her escorted from the building. [redacted] left the room and was escorted to the front door of the court house by a big burly Deputy. [redacted] left the court house. Commissioner denied [redacted] access to a public forum.

23. Please find attached Affidavits written by eight other witnesses; two Notary Publics, the Trustee, the Court Reporter, one Doctor, three other witnesses, in regard to what they witnessed in the courtroom during that hearing;

Further, [redacted] Sayeth Not.

Dated this 12th day of July, 2009.

Without Prejudice, All Rights Invoked and Reserved

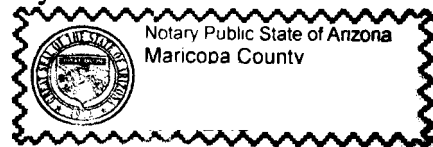
Real Party in Interest Under Injury

J U R A T

STATE OF ARIZONA)
) ss
COUNTY OF MARICOPA)

For Verification Purposes Only

SUBSCRIBED AND SWORN TO (or affirmed) BEFORE ME on this 12th day of July, 2009, by [redacted] proved to me on the basis of satisfactory evidence to be the woman who appeared before me. /s/ [redacted]



__Seal

- Place Notary Signature Above -

(Place Notary Stamp Above)

Copy Claim Under Reservation

By: