

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 09-263

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Complainant: No. 1374310213A

Judge: No. 1374310213B

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**ORDER**

The complainants alleged the judge demonstrated bias against them by failing to review and rely on their pleadings, by ruling against them when they should have prevailed, by denying their request to videotape a hearing, and by engaging in ex parte communication with opposing counsel. The commission reviewed the complaint and the judge's response and found insufficient evidence to support the complaint. Most of the allegations involved legal issues outside of the commission's jurisdiction. Therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: February 25, 2010.

FOR THE COMMISSION

    \s\ Keith Stott      
Executive Director

Copies of this order were mailed to the complainant and the judge on February 25, 2010.

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

COMPLAINT AGAINST

COCONINO COUNTY SUPERIOR COURT JUDGE

Litigant/defendant/complainant \_\_\_\_\_ has been denied due process due to the actions and/or lack of action on the part of Judge \_\_\_\_\_

Judge \_\_\_\_\_ either deliberately ignored or failed to read the pleadings, thereby failed to consider the merit of Mr. \_\_\_\_\_ assertions. In doing so, Judge \_\_\_\_\_ failed to perform the duties required of her office.

Pursuant to **Canon 3D**, judges are required to address violations made by lawyers and apply sanctions and or penalties as required by law. Judge \_\_\_\_\_ failed in her duties and responsibilities to address said violations (as set out below) that is required of her office.

While **Canon 3D** requires judges to address violations on their own accord, it is not required of litigants to bring violations to the judge's attention. Nevertheless, \_\_\_\_\_ brought to the attention of Judge \_\_\_\_\_ the egregious miscarriage of justice on the part of \_\_\_\_\_ opposing counsel in this case.

**Mr. \_\_\_\_\_ committed perjury in an official, verified court document, as set out below. Judge \_\_\_\_\_ did nothing about it. In fact, she admonished litigant Helena \_\_\_\_\_ for bringing Mr. \_\_\_\_\_ violations to the court's attention.**

Judge \_\_\_\_\_ failed to execute the duties of her position, failed to strive to enhance and maintain confidence in our judicial system and has brought the judicial system into disrepute.

On May 13, 2007 the Arizona Court of Appeals found in favor (complainant's mother and co defendant), vacated the judgment against her and remanded the case in this matter to the trial court (EXHIBIT 1 – Appellate Order.)

On Oct 1, 2008, Judge \_\_\_\_\_ of the Coconino County Superior Court set aside the judgment (EXHIBIT 2 – Judge \_\_\_\_\_ Order.)

On Sept 22, Mr. [redacted] on behalf of plaintiff filed an additional claim against [redacted] alleging an act of fraudulent conveyance (EXHIBIT 3 - Complaint.)

On page 2, lines 11 and 12 of plaintiff's complaint, he stated that he was awarded a money judgment against [redacted] (see exhibit 3 - complaint.)

Mr. [redacted] committed perjury by omitting to state anywhere in the complaint that the judgment was vacated.

On page 3, lines 4 and 5 of plaintiff's complaint, to support his "judgment" perjury, Mr. [redacted] states that he was a creditor, when he was not (see exhibit 3 - complaint.)

[redacted] attached a "verification" to his complaint stating that he had "personal knowledge of the same and that the matters therein alleged are true" when they were not (EXHIBIT 4 – Mr. [redacted] Verification.)

Hence, [redacted] lied in an official, verified court document contrary to several ethics codes of the rules of Professional Conduct and several Rules of the Arizona Rules of Civil Procedure.

**[redacted] committed a willful and deliberate act of perjury in a verified court document, by stating he was a creditor and had a judgment against Ms. [redacted] when he did not.**

On Oct 31, 2008 [redacted] filed a Contempt of Court against [redacted] for violating the codes of Professional Conduct. She attached a copy of the specific rules of Professional Conduct (EXHIBIT 5 – Contempt.)

On Feb 10, 2009 Judge [redacted] ordered these cases consolidated (see exhibit 6 – Order.)

On Feb 10, 2009 Judge [redacted] denied [redacted] Contempt of Court (EXHIBIT 6 – Order.)

At the Hearing of Feb 12, 2009, Judge [redacted] admonished [redacted] for calling Mr. [redacted] a "liar", and completely ignored Mr. [redacted] blatant act of perjury (EXHIBIT 7 – Transcript of Hearing.)

On Feb 13, 2009 \_\_\_\_\_ filed another Contempt motion against Mr. \_\_\_\_\_ citing perjury, as well of violations of the Rules of Professional Conduct (EXHIBIT 8 – 2<sup>nd</sup> Contempt.)

In the middle of March 2009, \_\_\_\_\_ obtained counsel. He was in pro per until that time.

On April 13, 2009 through counsel, \_\_\_\_\_ filed a reply to Mr. \_\_\_\_\_ Contempt for Perjury.

At the June 4, 2009 Hearing, Judge \_\_\_\_\_ ordered both Mr. \_\_\_\_\_ and Mr. \_\_\_\_\_ attorneys into chambers before the hearing. Mr. \_\_\_\_\_ counsel exited from chambers and directly withdrew the perjury contempt without consulting Mr. \_\_\_\_\_.

**The issue of Mr. \_\_\_\_\_ blatant perjury has been brought to the attention of Judge \_\_\_\_\_ time and time and time again, but to no avail. Judge \_\_\_\_\_ has willfully and persistently failed to perform her duties and failed to uphold the integrity of the judiciary.**

**Judge \_\_\_\_\_ lack of action in this matter of perjury is contrary to the canons of the Code of Judicial conduct. For Judge \_\_\_\_\_ to permit perjury in her court is an affront to our legal and judicial system, is in direct violation of her duties, fails to uphold the law, is a miscarriage of justice and has denied \_\_\_\_\_ due process.**

Complainant/Litigant/Defendant \_\_\_\_\_ respectfully requests that \_\_\_\_\_ be permanently disqualified from presiding over any court in the state of Arizona; and that any and all sanctions and punishments at your disposal be levied to the fullest extent of your abilities.

I, \_\_\_\_\_ attest that all documents herein attached are true copies of the court record.