

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 09-273

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Complainant: No. 1137110435A

Judge: No. 1137110435B

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**ORDER**

The complainant alleged the judge demonstrated bias against him by denying his motions and refusing to enter a default judgment. The commission reviewed the complaint and the recordings of the hearing and found no evidence of the ethical misconduct on the part of the judge. The allegations involve legal issues outside the jurisdiction of the commission. The complaint is dismissed pursuant to Rules 16(b) and 23.

Dated: March 12, 2010.

FOR THE COMMISSION

\s\ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on March 12, 2010.

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

I am filing a formal complaint against Judge \_\_\_\_\_ in the Pinal County Superior Court, in Florence Arizona. Judge \_\_\_\_\_ and his staff have continuously displayed Bias and Prejudice towards me since taking this case. The abuse of authority by Judge \_\_\_\_\_ and continuous violations of the Arizona Code of Judicial Conduct has brought the judiciary into disrepute.

I have attempted several times to retain an attorney in the past six months, however after they have reviewed the file they declined with one stating "its obvious this judge hates men, your fighting a losing battle" and declined the case. They have stated that he is obviously not enforcing the law and is acting on his own. And the fact that he severed my parental rights after viewing the video that was entered into evidence shows he is "participating" in a felony cover up by not providing it to the investigating law enforcement agency or to the psychologist as mentioned in the December 15, 2005 minute entry.

I recently went to the FBI to seek help for investigating the corruption and criminal activities of Judge \_\_\_\_\_ in the Pinal County Superior Courthouse. I was however informed after disclosing all the bias and prejudice I have received in addition to the criminal activities of Judge \_\_\_\_\_, I was instructed that I first had to file a complaint with the Commission on Judicial Conduct and the Arizona Attorney Generals Office.

- In the Divorce Decree #3 states "The Court shall review the child support obligation at the next review hearing o June 27, 2005 at 9:00 a.m." Judge \_\_\_\_\_ refused to review the child support obligation and modify my child support as stated in the decree as I had been terminated from employment and was on disability. Medical documentation was submitted at the hearing on April 24, 2005. Judge \_\_\_\_\_ choose to ignore this document. It was subsequently provided several more times and he still choose to ignore each time any/all medical documents were provided to the court.
- On July 14, 2005 I filed an Objection to form of Decree, **requesting a hearing**. Judge \_\_\_\_\_ **denied my request for a hearing** and immediately signed the decree. Clearly a violation of Canon 3 (B) (7).
- On July 20, 2005 I filed a child support modification worksheet. On July 21, 2005 Judge \_\_\_\_\_ denied a modification of child support one day after I had filed the modification stating "**motion does not comply with ARS 25-403.**" My ex-wife wasn't served until August 14, 2005 at 1600 hrs by Globe Police Department almost a month after I filed. Between August, 2005 and December 2005 I filed three (3) "Motions for entry of Default." The first two have mysteriously disappeared and are not in the file, However, I filed the third while at a hearing in December 2005. It is the only one in the file as the other two, which were mailed, were apparently destroyed by the court staff or Judge \_\_\_\_\_ himself.
- I filed with this court an order to show cause and requested a hearing as a direct result of my ex-wife's failure to comply with this courts order awarding me my "sole and separate property." When I was finally allowed by my ex-wife to go pick up said

property it was gone. I requested a hearing to enforce this order but Judge considered it a motion to reconsider and **denied** my request. As a direct result I am out all my sole and separate property that was ordered in the decree and/or the \$35000 for the value for it.

- My attorney pointed out that Judge , in accordance with state law should have entered a default judgment against her or set it for a hearing.

As a result of Judge failure to “maintain professional competence“ as it has cost me over \$25,000 in attorney’s fees in an attempt to have Judge enforce the state law on modifying child support. To this day he still refuses to modify my child support. It clearly displays that it **“remained pending and undecided”** in excess of **“sixty (60) days.”** It also shows that Judge failed to **“monitor and supervise cases so as to reduce or eliminate dilatory practices, avoidable delays and unnecessary costs.”** It has been over four years and Judge still refuses to modify it.

When I obtained as my attorney, in his petition for order to appear, filed November 1, 2006, he pointed out that the petitioner had twenty (20) days after service upon her to file any objections or request a hearing before the court pursuant to ARS 25-320. The modification was filed due to a decrease in my earning capability.

Judge severed my parental rights after I took my children into the Globe Police Department July 5, 2005 and they reported the child abuse they have been exposed to at the hands of their step father, son of the former Presiding Judge also of Pinal County. Lt contacted Detective of the PCSO and an investigation was initiated. At a hearing on December 15, 2005 the following occurred:

- I provided a copy of the video where my son talks about the abuse from presiding Judge son. I also file a motion to seal evidence. Tape is sealed AND destroyed.
- There is discussion by both parties about the ongoing investigation started in July which coincides with the video.
- Judge severs my parental rights for turning former Judge son for child abuse.
- Orders the tape to sent to the children’s *“psychologist for her to review and provide her findings to the court within the next 45 days.”* Judge also stated *“I will order a copy be provided back to the parents.”* Tape never gets to the psychologist.
- Judge ignored testimony that there has been an ongoing investigation on the abuse stating ***“you seriously want me to believe that your children are in harms way and you’ve done nothing for five months? I DON’T BELIEVE YOU. JUST SO YOU KNOW. I DON’T BELIEVE YOU.”*** He then goes on to say *“if these were my children, I’d have been to the authorities the very next day.”* This clearly shows that he already had his mind set to protect Judge son and ignored both parties testifying about the investigation, more important Judge has failed to

protect my children, innocent victims, from child abuse.

- Judge tone and demeanor towards me were extremely rude and harsh clearly displaying bias and prejudice towards me.
- I have inquired several times with the vault staff to see if the video tape evidence has ever been logged into the vault. Each time the response is the same, "no."

Both parties were ordered to attend conciliation court in Coolidge to set appropriate visitation. Upon arrival I was ambushed by security from the courthouse, which is approximately 15 miles away in another town, sent by Judge . They took my tape recorder before I allowed to enter. I found that the reason for this was a set up by Judge to prevent me from being able to defend the lies and slander by the conciliation staff. I was slandered by the staff in their report sent to Judge . I feel this was a deliberate set up by Judge as I again Objected to the report and requested a hearing and was once again denied a hearing by Judge .

After several games that were being played by Judge in reference to child support there was finally a hearing set over two years later. At that hearing there was testimony from one of the two professional doctors that were involved in my placement on disability. Dr. testified that he had placed me on continuing disability. In the minute entry that followed Judge denied that there was any expert testimony that supported my claim. Dr. was *the only witness* to testify that day. I understand why he missed the testimony, as he was witnessed by people in the court, as he and his court staff were too busy passing notes/jokes back and forth to each other during the hearing/testimony, then laughing when they read what the other hand written throughout the hearing.

I was then forced even more unnecessary cost when I had to pay for the transcripts of the hearing to prove that there was in fact a witness, Dr. who testified to my disability. Again this proves that Judge caused unnecessary costs and displays his inability to maintain professionalism.

On July 23, 2009 I filed a motion for contempt against my ex-wife for failure to comply with court ordered reunification counseling. This court claims that this document "for reasons unexplained had been placed on the left side of the court file." I however do not believe that for the following reasons: (1) There were two documents filed that day and the courts received the other one. ( 2 ) The acting J.A. was the wife of Judge whom I have filed a complaint against in the past. ( 3 ) The are known associates of my ex-wife since she began dating Judge son. The ; and my ex-wife have been see at numerous "social events" together. As of the date of this complaint Judge : **has clearly displayed incompetence to be faithful to the law and maintain professional competence in it by allowing this to remain undecided in excess of the 60 day time frame.** My ex-wife didn't file her response until September 21, 2009, clearly exceeding the time frame according to state law.

Judge \_\_\_\_\_ is threatening to throw me in jail October 5, 2009, if I do not repay a judgment I received against my ex-wife in small claims for a loan I made to her when we were not married. After I received the judgment and garnished her wages for money, she went to Judge \_\_\_\_\_ after she had waived her rights to an appeal by failing to have it moved to superior court, and received a judgment for two and a half times the amount I was awarded. I proved that she falsified her alleged fuel expenses and now I'm the one being questioned. She provided no proof (i.e. receipts) yet she continues to get sympathy from this judge.

My ex-wife filed a response to minute entry on this matter on June 19, 2009. She deliberately withheld it until after the time I was allowed to respond to her claims in the response for the judgment for the above civil suit. According to the post mark July 9, 2009 which it was received at my mom's P.O. box on July 10, 2009 the same day as the courts ruling against me for failure to respond. I immediately informed the courts and provided a copy of the envelope and Judge \_\_\_\_\_ defended her actions.

Judge \_\_\_\_\_ continuously refuses to enforce any Court Orders against my ex-wife. The following is proof of that: ( 1 ) At a hearing on March 24, 2003 the minute entry states "IT IS HEREBY ORDERED Respondent is awarded the medical splint. Petitioner (my ex-wife) shall return the medical splint to the Respondent." Six and a half years later Judge \_\_\_\_\_ still refuses to enforce the order from Judge Figueroa. At the same hearing Judge \_\_\_\_\_ stated " I want an (psychological) evaluation ASAP. I want it from a reliable psychologist or family practitioner on both parties." Judge \_\_\_\_\_ continues to ignore enforcing her psychological evaluation, yet has made me complete two since that date, both which show that I am no threat to the children and yet he still refuses to allow me access to my children.

Judge \_\_\_\_\_ has continued a practice of continuous Orders of Protection against me by my ex-wife. After the first one in 2005 which stemmed from taking the children to the police to report child abuse, Judge \_\_\_\_\_ has continued that tradition even though I have had no contact with my ex-wife since then.

The second Order of Protection (2006) was allowed when an ex-girlfriend filed charges of Stolen (and recovered) property. When I contested it, Judge \_\_\_\_\_ once again ignored my version. The facts of the alleged stolen (dog) property was I had a bill of sale for the dog. My ex-girlfriend was attempting to extort money from me out of a settlement I was about to receive for an auto accident. Even though the Globe Police Report was entered into evidence in Judge \_\_\_\_\_ Court, He chose to ignore the notarized bill of sale. Globe Police Department Report number \_\_\_\_\_ It should be noted that my ex-girlfriend \_\_\_\_\_ lives in Gila County Jurisdiction and used her employer, the Globe Police Department to handle the alleged stolen property report. She was and still is an employee of the Globe Police Department.

My ex-girlfriend also had me arrested for violation of court order, (order of protection). The officers that arrested me had previously conducted a civil stand by earlier

the same day while I retrieved my property and returned hers. I had a court order to provide her correspondence, however the officers refused to review the documents. I was subsequently exonerated on those charges. Yet Judge \_\_\_\_\_ refuses to acknowledge the facts as he continues to cite "the incident with \_\_\_\_\_ in Globe." It is apparent he is in favor of and protects females even when the evidence is clear that they are in the wrong.

My ex-wife was granted a third consecutive order of protection (2007) using false facts from an incident involving yet another ex-girlfriend and I. She used the fact that I'm still unstable because I had to obtain an order of protection. Again we went to court and again Judge \_\_\_\_\_ ignored the facts and believed her. The facts in this were as follows: ( 1 ) I was the victim of a domestic assault in which I had to seek medical attention. ( 2 ) The Suspect was charged with that assault and found guilty. ( 3 ) I had to obtain the order of Protection as the ex-girlfriend had trespassed and vandalized not only my house but also broke the tail lights on my car.

Again he refused to listen and upheld the order against me from my ex-wife even though we had no contact for 2 years now.

The staff (security) at the Pinal County Courthouse have continuously harassed me. I have been followed every time I enter the court house. I have even gone as far as to take photos on my cell phone of a security guard sitting behind me as I view my file and wait for copies. In this particular incident as I was waiting for copies (approx 15-20min) this guard tried to throw me out stating my business was done and I needed to leave. When I didn't respond so he called for back up. When the supervisor arrived I explained to him that the guard babysitting me knew I was waiting for copies as he heard the clerk tell me it would be a while. The supervisor then turned and told the guard that I was to be escorted out immediately after I received copies. I can't even go to the restroom without having a guard follow me. Any time I have a hearing there are anywhere from two to four guards in the court room, yet no other parties having a hearing have any guards in the court room.

It wasn't until recently that I was told by individuals at the courthouse that the guards, one in particular, had bragged that they have been told to follow me. This appears to be a direct order from Judge \_\_\_\_\_ from the way the guard talks. They have also slandered me by stating that I am a "woman beater."

It should be noted that after presenting Judge \_\_\_\_\_ with the child abuse video made on July 5, 2005 when the investigation was initiated (and Judge \_\_\_\_\_ refuses to acknowledge) Judge \_\_\_\_\_ attitude and tone of voice towards me clearly show Bias and Prejudice. Here are a few statements from Judge \_\_\_\_\_ which he directed towards me at a hearings before him:

- *"I have several reports where you have lied to the children or misrepresented things, including claim that you're going to buy them expensive gifts and fail to follow up."* I

promised my daughter a 4-wheeler and did purchase one. I would have been able to buy them other things, however I had to spend over \$25,000 in an attempt to modify my child support and still he refuses to modify it.

- *"you have no credibility."*
- *"Since I have allowed unsupervised visitation, this case has gone into chaos. It is disgusting and you (me) need to be ashamed of yourself."* This all because I reported child abuse to my children by former (Pinal County) Presiding Judge son.
- That I'm *"....Blinded by your ambition to cause this lady harm. I don't know what's wrong with you, all I know is these children aren't going to grow up to be like you, not in my county, it's not going to happen."* I was in no way trying to cause my ex harm, rather protect my children who are being abused by Former Judge son.
- For reporting child abuse and the fact that my ex-wife accused me of allegedly talking about her and her family (which is not true) with no supporting evidence Judge stated *"Mr. you're not going to see these children for at least three months. I am tired of your games."*
- *"I'll make sure you don't see these children until they're 18, you understand that?"*
- Hostile accusation from Judge after viewing child abuse video, *"...if severing your ties with these children for three months is what it takes for you to realize that what you've done is detrimental, then I have done you and these children a great service..."* This confirms that he has no concern for my children's safety, rather the safety of a dead Judge's abusive son.
- *"You want to keep taking out whatever animosity towards Ms. towards her, then don't even think about seeing these children again. DON'T EVEN THINK ABOUT IT."* Judge opinion that I have "animosity" as a direct result of my concern for my children's safety after having them talk to the police about the abuse from Judge son.

It should be noted that I had to take my daughter to urgent care on one of my visits with them in March 2003. When I picked her up on an unscheduled weekend after my ex-wife offered them to me, I found her to have thirteen (13) bruises from her waist down. The hospital staff contacted the police and a report was taken. It was determined by the medical staff that the bruising was "fingertips" and that it did appear to be "child abuse." Phoenix Police Dept. forwarded it to Florence Police Dept where it was covered up. In the video that Judge disposed of my son tells just how my daughter received the thirteen bruises and it was child abuse.

I am requesting a formal investigation and charges be filed on Judge and the mysterious disappearance of the video containing explicit details of the abuse

my children are exposed to child abuse by former Presiding Judge [redacted] son. Why did Judge [redacted] "hinder prosecution" by "with holding" and "destroying evidence" from the psychologist and law enforcement . It was explained to me by an FBI agent that these are all felonies. If the tape cannot be located and it is determined that there is criminal cover up by Judge [redacted] I would request criminal charges be filed against him. If the tape should mysteriously appear I would request that he be removed from the bench for with holding evidence knowing there was an ongoing criminal investigation. My children stated that [redacted] son of Judge [redacted] told them that "if you (they) report the abuse to the police no one will listen, they will believe me." By Judge [redacted] ignoring this it has done more damage to them as they now know that what [redacted] told them is true, and Judge [redacted] accuses me of being "blinded," and that by taking them to the police to report abuse is "detrimental" then I would like to know what he calls what he is doing....Playing God? I was only doing what any loving parent would do....Protect my children.

It is obvious that Judge [redacted] is prejudice towards men. It is evidence by his own statements from court transcripts I have requested. He has sanctioned me, a three month suspension of visitation, for allegedly making "disparaging remarks" in front of my children about their mother according to her with no evidence. Now we will see if he is willing to do the same to my ex-wife as I have witnesses and video that she still continues to make disparaging remarks in front of my children even after being ordered numerous times to cease this kind of behavior as I will be presenting the evidence at a hearing on October 15, 2009.

I have any and all evidence needed to support this complaint. I am willing to meet and provide all the supporting documents needed to prove the violations I have listed above. I have also been told that once this complaint is executed that Judge [redacted] may retaliate and completely sever my parental rights. This is something I have to do to try to protect my children.

This complaint clearly shows Judge [redacted] "incompetence to be faithful to the law and maintain professional competence in it". Judge [redacted] has chosen not to be "dignified and courteous to litigants in his official capacity." He has chosen not to "perform judicial duties without bias or prejudice." rather it is his performed opinion based on irrational feelings he has towards me. He has brought the "judiciary into disrepute with his facial expression and body language, in addition to his oral communication," and clearly displays "an appearance of judicial bias."

Judge [redacted] has failed to "accord to every person who has a legal interest in a proceeding the right to be heard according to law." He fails to "dispose of all judicial matters promptly, efficiently and fairly." He has failed to "eliminate dilatory practices, avoidable delays and unnecessary costs."

He has failed to "require similar abstention on the part of court personnel subject to the judge's discretion and control." Judge [redacted] has failed to " diligently



discharge of the judge's (his) administrative responsibilities without bias or prejudice," and has failed to "maintain professional competence in judicial administration."

Judge                      fails to "require staff, court officials and others subject to the judge's (his) direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their duties."

Judge                      condones and promotes the behavior of the courts staff, to include the guards in the courthouse, and fails to have them "comply with the provisions of the code of conduct adopted for judicial employees by the supreme court."

cc

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