

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-082

Complainant: No. 1389110284A

Judge: No. 1389110284B

ORDER

The complainant alleged a superior court judge failed to read his pleading and issued an incorrect ruling. The commission reviewed the complaint and found no ethical misconduct on the part of the judge. The commission is not a court and cannot change judicial decisions. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: June 14, 2010.

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on June 14, 2010.

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

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

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name: THE HONORABLE
 Tem/Commissioner

, Superior Court Judge Pro-
Date: 03-27-2010

Instructions: Use this form or plain paper of the same size to file a complaint. Attach additional pages, as needed. Please describe in your own words what the judge said or did that you believe constitutes judicial misconduct. To help us understand your concern, be specific and list all of the names, dates, times and places where the conduct occurred. Include only copies of original documents or court recordings that are relevant to your allegations. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

STATEMENT OF REV. DR.

On or about October 26, 2009, my wife _____ and I went to the Office of the Clerk, Yuma County Superior Court to file a new amended Qualified Amended Domestic Relations Order ("QDRO"). However, this time we went to a new building, different to the one I was familiar: the old Yuma County Superior Courthouse.

We were received by some friendly employee and received the original amended QDRO and three copies, by the look on his face, he seemed like he did not know what to do with the documents. I told him that I wanted to replace the original QDRO filed by my divorce attorney because the amended QDRO, specifically outlined that my ex-wife ("ROY") was receiving a portion of my pension in compliance to our settlement agreement in 1999. He told me to wait because he was going to bring some help. A female employee whom I dealt before came with him. I went over with her about the reason for obtaining a new amended QDRO was because the pension that my wife was getting from my annual pension was considered alimony in accordance to Internal Revenue Code Section 71. The female employee acknowledge understanding what we all were doing, she directed me to proceed to another window where an employee took all of my documents, the original and copies. I asked how much I owed. She answered: "nothing"...she stated, "you are all done."

The first or second week of November, 2009, I received an "ORDER" from the Honorable Superior Court Judge Pro-Tem/Commissioner along with my three copies. I noticed that the original was missing.

I reviewed judge Order and found several discrepancies such as the second paragraph of page 1, whereby, he wrote:

"The court finds, there is no underlying request, motion or petition pending. Furthermore, the Petitioner has not been properly served, nor has she approved the document as to form and content."

I believe judge either failed to read my document or merely did not understand the process of what steps are taken in order to modify an already filed QDRO. Before I left the Clerk's office, I asked if they were going to notify my ex-wife. The same female employee answered "yes."

I don't know what happened in this case but as Pro Se I tried doing my very best to comply with all of the requirements at the Clerk's office since this is not the first time that I had papers served on mu ex-wife regarding our divorce and child support matters.

I don't understand judge actions. He or employees of the court, changed the court case number.

In my over 30 years of working with the federal criminal justice system as a federal criminal investigator, supervisor and manager, I never had any case report returned from U.S. District Courts. Further, I always assisted Assistant U.S. Attorneys with the preparation for trial.

The reason I did not file this complaint sooner was because my 73 years-old mother became ill with cancer in the liver in December 2009. On January 22, 2010, my mother, Maria died in my house.

Thank you!

Sincerely,

ATTACHMENTS