

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-011

Complainant: No. 1209310727A

Judge: No. 1209310727B

ORDER

The complainant alleged that two superior court judges violated his civil rights by making improper decisions in his 2003 divorce and custody case because of gender bias. The commission reviewed the matter and found no evidence of ethical misconduct on the part of either judge. The issues raised involve legal rulings that are outside the jurisdiction of the commission. Accordingly, pursuant to Rules 16(a) and 23, the commission dismissed the complaint.

Dated: April 12, 2011.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on April 12, 2011.

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

Commission on Judicial Conduct

Date: Jan 4, 2011

1501 W. Washington Street, Suite 229

Phoenix, AZ 85007

Subject: Re; Case No: DO-

This constitutes a formal complaint against the Apache County Superior Court relating to the mismanagement of the above stated case resulting in ethics violation and infringement of basic civil rights.

Dear Commission members,

I am referring the above stated matter to you in response to a letter received from Betty Smith, Court Administrator advising that formal complaints of a civil rights violation nature be referred to your agency.

I ask that you give this issue serious consideration as you evaluate the allegations outlined in the enclosed formal complaint & follow-up correspondence to the Apache County Superior Court.

This complaint is the result of several years of perceived partial treatment and outright discrimination in my case. A number of glaring issues have continually surfaced during the course of this matter:

1. The court has never made judgment on the issue of fraud rather they have either ignored the issue altogether or simply passed it by through judgments made with respect to other aspects of the case such as division of property/assets. No specific judgment has been made in reference to this matter despite irrefutable evidence that has been provided to the court on several occasions. The Petitioner has neither refuted nor denied the commission of fraud through her attorney apparently going on the premise that such action is justified having been sanctioned by the court. This matter must be corrected as outlined in my pleas.
2. With regard to division of property and assets, on several occasions I have requested court records of Judge division of property and liquid assets. Specifically his calculations of values associated with such assets. The court has never provided me with such information or for that matter provided explanation as to why this information is not being released.

3. Information has been requested to substantiate my claims with respect to division of assets/property that resulted in favor of the petitioner. Furthermore, the petitioner has never refuted my claims in this matter. My suspicion is that these records no longer exist or were destroyed along with other important documents that mysteriously turned up missing. Again, this matter needs to be resolved unless the court can produce accurate records that refute my claims.

The Commission needs to understand that I am fully committed to resolving these issues in an equitable, non-discriminatory manner however, the courts behavior over the years has clearly demonstrated otherwise. If the Commission takes the position to support the court's behavior in the face of irrefutable evidence in an effort to save face or otherwise the reputation of the court through denial and refusal to take necessary action to correct deficiencies this will be regarded as continuance of discrimination on behalf of the legal system.

I need to make my intentions very clear and will go to any lengths possible in order to attain relief to the point of contacting outside organizations such as ACLU, US department of Justice and if necessary the US Supreme Court.

Recently I returned from a vacation to Arizona where I traveled great distances enduring inclement driving conditions with the primary objective of spending quality time with my children in an effort to re-kindle relationships with them over the holidays. Unfortunately because of continuing co-dependency circumstances and sense of control that has been firmly established by their mother this pre-arranged and anticipated reunion did not happen. This and similar circumstances only serve to strengthen my resolve to pursue this matter to the furthest extent possible to attain equitable resolution and re-establish my rights as a respectable father to my children.

My hopes and desires are that the Commission has an understanding and is amenable to my situation and takes the necessary steps in corrective action. I look forward to an un-biased decision on the Commissions behalf.

Sincerely,