

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-043

Complainant: No. 1412210301A

Judge: No. 1412210301B

ORDER

The complainants alleged that a superior court judge demonstrated bias against a defendant in a forcible entry case by wrongfully denying his request for a continuance and finding that service was sufficient and proper, and by allowing opposing counsel to make closing statements but not the defendant. After reviewing the allegations, the minute entries, and listening to the recording of the hearing, the commission found no evidence of ethical misconduct. The judge was not rude and there was no evidence that statements made by opposing counsel involved substantive discussions that should have been made on the record. The commission is not a court and cannot reverse legal rulings. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: May 26, 2011.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on May 26, 2011.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2011-043

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name:

Date: 2/09/11
~~2/11/11~~

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

CASE: CB 2011-

I am attaching a type written complaint and
keeping a copy for my files.

The type written complaint lists concerns from
my written notes during the hearing/trial.

Basically this judge is favoring banks -
deciding before hearing, lawyering from the
bench and denying CIVIL RIGHTS.

The ~~to~~ Judge ignored request to continue
based on presumption ~~of~~ Defendant stated
just out of hospital from heart issue.
paperwork should have been requested by
Judge and continuance

How can judge state summons served to
person of proper age - no questions of
where defendant was or asking to see child
He just says the summons served properly. The
bank lawyers did not address this either.

Favoritism at previous hearing bank lawyer was
allowed to enter statement on record after
~~was~~ judge finished ruling. Judge did not allow
same this week for Defendant.

(Attach additional sheets as needed)

ANBER from Judge -

Also Judge does not have VALID oath of office filed

Long and short notes of ethical violations

feb. 4 2011 Judge

Judge did not swear in - question if notice of appearance was filed by substitute or original bank lawyer.

Jurisdiction was the matter and special appearance made

Move to dismiss due to original attorney not showing up and case starting 40 minutes late. substitute attorney did not arrive until 30 or so minutes after hearing was scheduled. I have heard in other cases that 15 minutes is the allotted time for holding up hearing. Bank lawyer is located on Camelback and 16th - it does not take 1/2 hour. approx 15 minutes into delay Defendant asked clerk when lawyer would arrive - clerk left to find out. it took another 15 for some lawyer (fishback?) to arrive.

JUDGE IGNORED - this is courtroom decorum - how can judge ignore that?

Judge Addressed bank lawyer Fishbac and asked for and read QC deed (which is public record filed into Maricopa county recorder) . He asked defendant if it was LEGAL??????

(the defendant notified the counsel in hallway prior to trial that the summons had been served to minor child. the lawyer who has no knowledge of case other than quick glance at paperwork said that was improbable.)

Given that the defendant notified the court that service of summons was on minor child... Judge answered I have not asked for your input.

Judge without questioning found that there was Adequate Service of Process.... ignoring that it was served on minor child and not asking for documentation or anything of the statement.

The Defendant demanded a Jury Trial (ARS guarantees jury trial)
DENIED

Defendant asked why and judge said I see no issue (issues were not asked for... jurisdiction would be major one)

The judge asked what nature of defense would be and defendant answered

- 1) Process child and no personal service.. I found this all out by accident
- 2) Shrader decision - and started to read for record

Judge interrupted quickly that he was familiar with Shrader (shrader please look it up as he was familiar with it and still ruled denying civil rights guaranteed by state, federal and international laws)

Set trial and Jury denied gave instructions. and allowed the lawyer to after the gavel went down to add into the record the description of himself that defendant gave.

Shrader

2011-043

It seems the judges mind was made up before the case even started given the bias towards bank lawyers and allowances and the denial of every motion by defendant that involve his rights pursuant to ARS laws.

I am emailing this to email account for printout for complaint.

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Continued

*Please pull transcripts of hearing
and investigate.*

*MA Trial by Jury is guaranteed
in ARS statutes.*

*③ Summons Improper served to Child
No Seal is invalid*

③ Rush to Judgment

*④ Did Not Listen to Defendant
Mind made up prior to hearing*

*⑤ No Notice of Sale posted to
property Invalidates Sale
according to ARS*

(Attach additional sheets as needed)

all my notes were general as I could not get the word by word... NO SWEAR IN (AGAIN)

US national vs. Jarvis Reddick

AJ: move for continuance basis cardiac patient and just out of hospital and I need time to deal with all this

JUDGE: turned to plaintiff

Plaintiff (lawyer): I do not have authority to grant more time

Judge: I cannot give continuance but can continue the WRIT DATE this is your 3rd appearance and the 2st time you've mentioned medical problems.

(missed some)

AJ: I am not REpresenting Reddick and I have appeard before you ONCE

JUDGE: your DENIED (from memory I believe he referenced that he had found properly served and that AJ had appeared in court last week)

Jurisdiction before cannot be undone can you clarify your attacking Jurisdiction?

AJ: I was Never properly served, I am not AFro American, there was no posting for sale of peperty, I've had constant Communication with T & B - they never informed me

its not rocket science - I have interacted with T & B and they served someone else (memory I believe he also added served a minor child)

Demand property (????)

How deemed (??) 44B should by law plus ARS 12:126 (not sure all wording used here)

Judge turning to plaintiff: Please respond

PLAINTIFF LAWYER: Our affadavit (service) asserts similar likeness also- He appeard at last hearing (attesting) service was improper (from memory and that completed service)

JUDGE interrupting: He made special appearance which I allowed and I ruled against him

PURsant to 4:13 - I reviewed and I find proper

AJ: HOW?

~~Judge I don't have to answer~~

Judge: (summons completed?) Substitution of Service, suitable age -

JURISDICTION : Judget there was NO ANSWER

AJ: I was in hospital
I filed my motion to dismiss

JUDGE You were warned that no answer would result Dismissal
FEB 15th (must vacate by 15th)

Plaintiff presented his motion -

*[Gm's is extend writ date (or
cardiac patient 'out out of hospital?)]*

AJ: As previously noted I demand Jury Trial (memory- I do not see a jury here)

Judge: Forcible Detainer judgement for Plaintiff (a write will be issued) after February 15th.

AJ: I have not received Jury - demanded by ARS

Judge: You denied! Been Deen Denied

AJ: On and for the Rcord

Judge: we are off record

AJ: Everyone will file Judicial complaint

(remember last week Judge allowed on record addition by plaintiff after gavel went down) (I also know AJ mentioned oath but it is not in my written notes.)