

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-049

Complainant: No. 1413000390A

Judge: No. 1413000390B

ORDER

The complainant alleged that a superior court judge was biased, discriminated against him as a pro se litigant, and issued incorrect rulings. The commission considered the allegations, and listened to the recordings of three hearings, and found no evidence of ethical misconduct on the part of the judge. The recordings revealed that the judge was respectful to both parties and never displayed an improper or biased demeanor. Whether the judge ruled properly is a legal issue that is outside the jurisdiction of the commission. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: June 29, 2011.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on June 29, 2011.

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

FEB 22 2011

Date: 2/19/11

Subject: , CV2010- , Misconduct and Abuse of Process Committed by
Judge

Attention: Stephen Kupiszewski-Commissioner, Maricopa County Superior Court
Keith Scott- Director, Commission on Judicial Misconduct

Gentlemen,

As Judge Kupiszewski is already aware, there have been numerous abuse of process and Judicial misconduct allegations against opposing counsel, Perry Casazza and Judge .

The most recent abuse of process/judicial misconduct was committed on 2/18/11, when Judge ruled a default judgment in favor of the plaintiff to avoid implicating himself in ruling on my Motion for Judgment as a Rule of Law Pursuant to Rule 50(a)(2).

The attached email summarizes the issues as I see them as of today. I pray the Constitution of the United States of America is upheld at a level above these officers of the court as they have failed to do so. If not, my life will be ruined financially and emotionally. This egregious misconduct has robbed me of my rights as an American citizen. The documents and corresponding exhibits mentioned in this email are either on file with the Courts or will be by Thursday, 2/23/11.

I will follow up on these issues the week of 2/28-3/4.

Respectfully,

I will stop by next week to pick up my exhibits.

Please pass the following message on to Judge

Thanks

Dear Judge

I am outraged at your attached ruling. As a pro-se defendant (and discriminated against as such), and as a result of your ruling, combined with your methods throughout this case, I intend to follow up as noted below:

- 1) File a Renewed Motion for Recusal.
- 2) File a complaint against you with Keith Scott, Director, Commission on Judicial Misconduct.
- 3) File a Motion for New Trial; Amendment of Judgment Pursuant to Rule 59(a)(1), (2) and (8).
- 4) File a Complaint against you personally for the tort of abuse-of-process based on the following:
 - a) "The elements of an abuse of process claim are
 - 1) a willful act in the judicial process;
 - 2) for an ulterior purpose not proper in the regular conduct of the proceedings".

Crackel v. Allstate Ins. Co., Ariz. 252, 257, 92 P.3d 882, 887 (App. Div.2, 2004).

- b) The major arguments upon which I shall state this claim are;
 - 1) Defendant's Pre-Trial Memorandum, the first document in this case in which you are implicated.
 - 2) Motion for Recusal- The second document in this case in which you are implicated.
 - 3) Motion for Judgment as a Rule of Law Pursuant to Rule 50(a)(2), the third document in in this case in which you are implicated. This document also proves with the preponderance of evidence that I have an actionable abuse of process claim against you.
 - 4) Your decision to rule on default in violation of Rule 59(a)(1),(2) and (8).
 - 5) ***Your decision to rule on default in order to avoid implicating yourself by failing to rule on my Motion for Judgment as a Rule of Law Pursuant to Rule 50(a)(2).***

Other less conventional methods I may rely on as a last resort are;

- a) Intentional violations of the injunction order, understanding I will be arrested and charged with contempt of court.
 - 1) Re-configuring and re-publishing
 - 2) Notifying Home Depot of consumer fraud and what I believe to be breach of contract.
- b) As a result of (a) directly above, I will have my day in court and will argue to purge the contempt of court charge as follows:
 - 1) My right to freedom of speech provided in the First Amendment of the United States Constitution.
 - 2) My rights to due process and a fair trial provided in the Fifth and Fourteenth Amendments of the United States Constitution.
 - 3) Your abuse of process motives for ordering the injunction.
 - 4) Your legal errors in your order of injunction.
 - 5) The basic premise that Parker and All Tube have not been proven as suppliers of as claimed by for which the default motion was granted.
 - 6) The Webster's definition of "impossibility".
- c) Research the formulation of Articles of Impeachment with the goal of having you disbarred and permanently banned from the bench.
- d) File a Complaint against for consumer fraud and unlawful practices in lieu of my counterclaim, which you purged from the Court record.

That's all for now.

Regards,

Gentlemen,

I thought you might need to see this ASAP. The judge just gave his final approval to the minute entry and it will be filed in as of Tuesday morning.