

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 11-058

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Complainant: No. 1414210725A

Judge: No. 1414210725B

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**ORDER**

The complainant alleged that a superior court judge was biased and failed to disqualify herself despite a conflict. After reviewing the allegations and the judge's response, the commission found no evidence of ethical misconduct on the part of the judge. The judge handled the conflict issue within the requirements of the code. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: July 20, 2011.

FOR THE COMMISSION

/s/ George Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on July 20, 2011.

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

March 2 2011

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

Re: Complaint Against the Honorable

Division 6 County Courthouse  
Flagstaff , Arizona 86001

Dear Sir or Madam:

For the following reasons, I believe that the Honorable  
Division 6 Judge of the Superior Court, has violated the Judicial code of conduct  
and discriminated against me.

I have always believed a judge shall perform judicial duties without bias or prejudice.  
A judge shall not, in the performance of judicial duties, by words of manifest bias or  
prejudice, including but not limited to bias or prejudice based upon  
race, sex, region, national origin, disability, age, sexual orientation or socioeconomic  
status.

I am also aware that a judge shall disqualify himself or herself in a proceeding in  
which a judge's impartiality might reasonably be questioned . If the judge has a  
personal bias or prejudice concerning a party or party's lawyer.

I just completed a two year divorce in Judge \_\_\_\_\_ court and i have never in my life have been so discriminated against and seen so much corruption in a court room.

About myself, i am a Police Officer with the Flagstaff Police department and has worked as an officer for twenty one years. In my twenty one years as a police officer i has testified in all level of the court system. But i have never experience so much corruption and discrimination as i did in judge \_\_\_\_\_ court. I am also a Black American male, who have been discriminated against all my life.

I had an Attorney at the beginning of the divorce, but could no longer afford him due to the Attorneys prolonging this matter to make more money. i represented myself until the final trial.

My -exwife name is \_\_\_\_\_ and she hired An Attorney named William Hurts. A year went be in the Divorce and attorney Hurst prolonged the divorce for his financial gains. before every court hearing, I would arrive early and discover attorney Hurst would always be in judge \_\_\_\_\_ chambers. This made me very suspicious and i felt they were discussing the case before hand.

A trail date was finally set in june 14,2010, but by that time i had to file for bankruptcy, because bill collectors were calling and harrassing me on my job.

On the day of trial, june 14th 2010. judge \_\_\_\_\_ informed me she's running for the position open in division 4, and that councel Hurst in on her committe assisting with the campaign.

So i have been in court already a year for this divorce and judge \_\_\_\_\_ just now informs me about attorney Hurst being on her campaign. I objected to this trail going any further and that i wanted a new judge. Judge \_\_\_\_\_ then informed me not to worry about it and i would get a fair trial.

Attorney Hurts then informed the court that he was going to retire and he does not have jurisdiction because of the bankruptcy. But what really happen is two of my witness was aware of Judge \_\_\_\_\_ Campaign committee members

Judge \_\_\_\_\_ postpone the trial so my ex-wife could hire a new Attorney named Doug Gardner

Right away when attorney gardner contacted me to inform me that he was my ex-wife new attorney he stated. I am taking over the case and i bet not file any motion or protest him in any manner, or i would be charged attorney fee's. I responded to Attorney Gardner in a manner to inform him. I did not care if he was attorney or not, and i have a right to represent myself in court.

Attorney Gardner immediately started asking for continuance and I filing motions with the court to prolong the case as well and make more money for himself. But what really got my attention was that every motion he would file. He would also send a copy to William Hurst who's suppose to be retired, to the court and one directly to judge \_\_\_\_\_ home.

this type of action immediately told me. Not only was attorney Hurst still involved in the case, but judge \_\_\_\_\_ was as well, and all three of them was working together on the case under the table.

I told judge \_\_\_\_\_ that i insist i be allowed a fair trial, because i knew what was going on, but she would only look at me.

In between these periods i filed a complaint against Attorneys with the Arizona bar.

On one occasion while in court. Out of the blue Judge \_\_\_\_\_ told me. Since i had to file for bankruptcy. She was going to award my ex-wife \$25,000 for a promissory note which dated back in 2004 four. This really confused me because judge \_\_\_\_\_ does not have the authority to make me pay for a promissory note which has been discharged by the United States Bankruptcy court.

On december 18,2009. There was a settlement conference and an agreement as to the care custody and control of my three minor children. And a second Settlement conference was suppose to be on for February 5th 2010. Before the february 5th conference. My ex-wife physically abused my younger daughter, so i made the court aware of the incident. I was now going for full custody of the children because the mother had been neglecting the kids and a report with C.P.S. and the Sheriff

department was filed.

Attorney Gardner began to argue that there was never a stipulated order in place concerning the children and i had already agreed on joint custody of the kids. I informed the courts several times of the stipulated arrangements for the kids, but since i did not have the papers with me at the moment. Judge \_\_\_\_\_ arrange a trial to determine if a stipulated order was in affect or not. I asked judge \_\_\_\_\_ if they could look it up the order on file at the court house to avoid another trial to prolong and use more money. she did send a clerk to go look for the order but stated there was nothing on file.

There hearing was held in early december of 2010 and judge \_\_\_\_\_ ruled . there was never a stipulated order in affect and stated i had already agreed on joint custody. She even did not allow me to testify at the trial to present my evidence.

On the day of trial ,December 3rd 2010. I had three witnessess named eulla lockett,norm wallen and lina wallen present to testify for me. My witnesses were not allowed to testify in case because Judge \_\_\_\_\_ stated they are not relevant to my case.

During trial when it was my time to present my exhibits. Judge \_\_\_\_\_ told me that she was not going to accept any of my exhibits on the damages and expanses i had to pay on the house i was living at, but would not give me a reason why. judge home informed me that i only had so-much time to preseent my exhibits , which i had left.

out of thirty three exhibits i was only allowed tro admit eight exhibits, and i was constantly rushed by the courts and interrupted.

Attorney gardner was allowed to submit 114 exhibits and he was not rushed by the courts, and was given more time to present them.

On many occasions judge home would assist attortney gardner with his case and give him advice on his case.

Attorney Gardner also admitted several exhibits to the courts for example the Promissory note which had been discharged by the United States Bankruptcy Court.

I informed the courts, if any of the exhibits used in the bankruptcy be allowed in this court after they have been discharged. I was going to file a complaint against them.

On thursday February 24th i received the courts decision on the divorce and they are requesting that i pay my ex-wife 17,000 for attorney fees. because stated i was the one who prolonged the case and filed in-correct motions. Attorney Gardner and Hurts probably between them filed eight continuences in this case.

### CONCLUSION

These types of practices between Judges and Attorneys is one of the main reasons why the United States of America is so corrupt. I have heard and read about these types of practices before ,but i never thought it would happen to me . especially in the town i was born and raised in. And have put my life on the line for the flagstaff community for twenty one years as a police officer. What really bothers me is the way they discrimanted and committed corruption in front of me.

I have met and discussed my case with other community leaders, and they are also amazed and upset on how judge handled my case. They strongly encouraged me to file a complaint.

As a note. i want to mention the extreme hardship and suffering the courts put on my children. I expressed to the courts on several occasions to stop continuing the case and lets go to trial ,but they ignored my request. ' What it comes down is greed .' I hope with me filing this complaint that this type of corruptioun and prejudice never happens to another person.

Thank you for hearing my complaint

Respectfully yours

----- ATTACHMENTS -----

- 1 copy of promissory note
- 2 discharge of promissory note
3. copy of attorney Hurst being on courts campaign committee
4. copy of Complaint from bar .
5. copy of stipulated orders filed by attorney hurst regarding children
6. copy of list of exhibits witnesses
7. copy of attorney Gardner contacts and continuances of court hearing
8. motion regarding prejudicial evidence
9. copys of att gardeners motions send to att hurst and the courts