

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-062

Complainant: No. 1021110279A

Judge: No. 1021110279B

ORDER

The complainant alleged that a superior court judge and superior court commissioner engaged in fraud, improper ex parte communications, and issued erroneous rulings. The commission reviewed the matter and found no evidence of ethical misconduct on the part of the judge or the commissioner. The allegations primarily relate to legal rulings in the complainant's divorce and child support case, all of which are at least 10 years old and outside the jurisdiction of the commission. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: June 28, 2011.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on June 28, 2011.

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

commissioner of judicial conduct
1501 w washington
phx az 85007

2011-062

SUBJECT: COMPLAINT ON COMMISSIONER engaging is a
fraudulent scheme to obtain money, ex parte communications
with ms d.l. abernathy...amount of \$5100.00, further the
illegal seizure of wage.

Dear board,

i enter a complaint with your agency upon commission
grest for , abuse of authority, under a guise to cover up and
participate in fraudulent scheme ,by ms abernathy for a debt
she "created" and did not exist.. Ms abernathy did this thru
falsify a document, making it appear to be some sort of legal
document justifying a debt was owed by the undersigned..

Ms abernathy created this fraudulent document,by
making it appear to be legal... she then spent \$8.00 to have
the clerk of the court stamp it, or possible ms abernathy has
own stamp..either way it is never enter into the court files.

my opinion ms abernathy has her own clerk of the court
stamp.

ms abernathy then enters this fraudulent document into my
employers, follows up with a phone call and makes a untrained
clerk , believe this is a legitium court order, when in fact,
it is another example by this attorney to violate all ethics,
and willfully disregard rights of the undersigned a clear and
consistant pattern..

When challaged she (ms abernathy) engages a judicial officer
wheather it be commission murphy to obstruct a federal court
order, or as alledge ms abernathy client mrs to have her
girlfriend commissioner wotruba enter a case she is not assigned
to and now have commissioner gerst join in a fradenlent scheme.

After creating this fraudnelent document to obtained money ,
where no debt is owed as cited by judge O'mealia,after entering
it in my emploers and making them beleive this fraudulent
document is legitium,a illegal siezure of wage occurred.

when about \$1800.00 was illegal siezed my attorney enter the
case to stop the illegal siezure and request a hearing.

consistant with a pattern by this attorney ms abernathy no service
was ever rendered and ex parte once again occurred...

To this day commissioner never informed my attorney of simple
not signing the stopping of the illegal siezure of wages,when
no debt was owed as cited by judge O'mealia... Comm only
informed ms abernathy which is always the case..

...with this attorney....a pattern that exist thru out this case, where ms abernathy comprimises a judicial officer thru ex parte communications and always behind closed doors...out of 6 hearings with this attorney 5 false change of addresses were place on me, prior to a hearing ms abernathy out of the blue set up, so i would not know of or attend.

In this complaint the pattern exist..., ms abernathy created a fraudentlent scheme to obtain money she is not entitle to and then instead of going to judge O'mealia the judicial officer assigned to this case and the judge who awashed attorney fee's, ms. abernathy finds one of those commissioners who is not assigned to the case and in my opion out to make a few dollars to provide cover for ms abernathy fraudentlent document that was used to obtain monies from my wages without a court order to do so..

commissioner became a party to this fraudentlent scheme, when it was obvious no debt was owed to even have this case before her...

together ms abernathy and commissioner gerst proffitted from yet another one of ms abernathy misconduct..in this case it cost me \$5100.00 and both commissioner and ms abernathy should be held accountable civilally and criminally..

simple because commissioner gerst is a commssioner of the court, does not give her liscense to engaged in a scheme to obtain money when no money is owed.

it has been my experiance particularly with this attorney that these commissioners can operate under a different set of ethics, and rules, the fact remains commssioner engaged in ex-parte communications, was not the judicial officer assigned to this case judge O'mealia and the fact is NO DEBT WAS OWED , ms. abernathy would never have CREATED that instrument of fraud, signed by a clerk of the court.(It is my opion ms abernathy has her own clerk of the court stamp) thereis no reason for a clerk of the court to stamp such a document? further that instrument of fraud if actaully signed by a clerk of the court would have been place in the case files at the court it was not...

Ms abernathy sent it to the US postal service in michigan out of state and used communications to carry out this fraudentlent schem i recieve the document from the Post office..the court files did not have this instrument of fraud.

WE begin with the unassigned entry of judge norman davis another judicial officer who was never assigned to this case and force entry into this case on behalf of a third party and who order me not to report or appear before the courts ,or in this case a federal judge case(bancruptcy court) and report obstruction of a federal court order.

....Judge davis awarded ms abernathy attorney fee's after they negotiated back and forth in ex parte communications. to the amount of \$3500.00 or so..mind you she already recieve from my ex wife substancial if not all the money fromthat ex parte communications with commissioner murphy resulting in the obstruction of the federal court order in which cause #dr92- was listed as a debt and a illegal siezure of wage occurred while i was in federalbancruptcy protection, in a case that was dismiss and siezure of wage continue...dr 92- ms abernathy and comm murphy conceal discovery to a federal judge by behind closed door without service , hearings raised dr 92- and place a wage assignment of \$2,000 a month for a house that was listed in the bancruptcy and force me to pay, but instead themoney was divert to ms abernathy as allledge by ex wife.

Judge davis order that a lien be place on my law suit at the time for a car accedent to insure ms abernathy gets her unwarrent reward for never never never ever serving me and engaging in gross misconduct.

during the mean time thru court hearings judge davis decided my ex wife owed me for attorney fee's of \$2,000 as a off set from the \$3500.00 attorney fee judge davis previous awarded ms. abernathy.

further court hearing judge O'mealia the true assigned judicial officer in this case awarded me about \$2,000 in attorney fee's as a offset from previous attorney fee's and AWASHED ATTORNEY FEE"S..

Mr fincle of the firm Hastin and hastings and with a signed release from judge O'mealia/ hastings and hastings NOTIFIED MS ABERNATHY of the lein release, and the money was release to the undersigned... on or around sept 1999...

Ms abernathy was in fact aware of these proceedings and did not object to the lein release.... she could have gave notice of objection to judge O'mealia she chosed not to...

about june 2000 ms abernathy came up with a fraudenlent scheme to obtain monies she KNEW she was not entitle to by creating a rouse a instrument to make it appear that a court order existed to collect monies from my wages of about \$3500.00 plus interest which she added as part of her fraudenlent scheme.

from the record and trail the post office return the fraudenlent court order and instructed her that they need a social security number giving ms abernathy the oppertunity to withdraw her fraud upon me , the courts, and the postl service..she once again decided to follow thru wiioth her fraud upon me, the courts and the post office.crossing state lines and the use of communication to forward her fraud.

and place my social security number in which obtain thru court records and without permission....

apparently ms abernathy started to recieve monies from my wages, with this fraudenlent instrument under a guise that this instrument of a fraudenlent appearance of a court order. Ms abernathy continue the practice of never serving me or my attorney of this fraudenlent claim... the record also shows that ms abernathy used a legal strategy of NEVER, NEVER ever of servin me for any court action.. to this day i lost a house, my wages garnished, i lost my children and never ever been served and ms abernathy continue this successful strategy...

when we found out a illegal siezure of wages was occurring upon me ,once again involving ms abernathy..we filed papers to stop the fraud....

during which it appears in my opion and consitant ms abernathy went outside the chain and instead of going to the judge Omelaia the judicial officer assigned tothe case and who release and awashed all attorney fee from me ,thus erasing the debt..

ms abernathy as with her history found another commissioner in this case commissioner and enlisted her in her fraud upon me , the courts and the postal service.... apparently without notice, hearing and a actaul cause of debt before her joined ms abernathy to perpretate this fraud upon me, the courts and the postal service with this document...by doing so only communicated with ms abernathy and gave validity under color of law of what is clearly a fraudenlent document and a fraud.

there was never a debt and because thereis a fraud no statute of limitations exist...ms abernathy and commissioner conceal the instrument of fraud... the fact is that document with the clerk of the court stamp should not ever existed and should not been used to illegally siezed my wages, no matter in my opion commission gerst made off the deal.

it is my opion no judicial officer would have substained a wage assignment when no debt existed,nor gave validity to a instrumen of fraud.,unless they were inon the scam and accepted money..it is a scam by any and all definition and commissioner is a party to it...

I request the board recommend the return of all money siezed with out a court order,,,that it is my opion the federal court order that also sold on the open market at 201 w jefferson, be upheld. the term NULL AND VOID means all actions stop and therefore judge davis had no authority to obstruct and conceal discovery to federal judge case,until judge case made his recommendations of the illegal siezure while in bancruptcy protection, ,, judge davis could not go forward,nor could he "FORGIVE" gross misconduct by ms abernathy, commissioner murphy, commissioner wotruba,they could not foreclosed on my house even though it was listed in the bancruptcy, when over \$17,000 was collect toward the mortgage to alledgingly pay for the house, at least that is the ROUGE , ms abernathy and commssioner murphy alledge why they obstruct

...a federal court order..the record will show MS abernathy , once again involved in gross misconduct and shows that she with held my foreclosure papers from me ,until the house was sold..it should be noted the VA papers ms aberanthy poses was only in my name and service was recieve and accept not by me , but a unknown person..ms abernathy was in custody of the notice... and refused to give them to me.. judge davis a out of schedule assignment cannot forgive that either... judge davis cannot grant custody while the children are in a state of abduction in mexico and then demand that i seek visitation with my children every other week end in mexico? judge davis lack the authority to raise a dismissed case without notice, service and hearings (dr 95-) and bury gross criminal misconduct (dr 92-) and then prohibit me from informing federal judge case,nor can the board investigator and judge threaten me with jail if i report the obstruction of the federal court order or report ms abernathy and comm murphy behind closed door gross misconduct involving the federal court order.

judge davis rulings are all null and void...he cannot reward ms abernathy \$3500.00 attorney fee's nor can he forgive misconduct involving obstrcution of the federal court order. judge davis cannot raised a dismissed case behind closed doors, to cover up the obstruction even though there is a underground econmomy to do so, a common practise by corrupt judicial officers judge davis cannot act on behalf of a unknown 3rd party and enter a case he is not authorized to do so,until federal judge case made his rulings...judge davis cannot issue order of custody when the children arent even in the country. judge davis cannot order me to pay child support and not have a hearing?, and federal mandates prohibbitted from obtaining custody by virtue of wrongful removal as was done in this case..nor can judge davis cover up a child abduction by issuing orders when NO ONE WAS EVER SERVED,OR HAD A HEARING.

Ms abernathy and her legal strategy work well,however i want every dime siezed from me thru fraud.. the board has a duty to report to the postal inspectors and state attorney office gross misconduct by ms abernathy and commssioner .. that upon further investigation if NULL AND VOID that the actions by judge davis, commssioner murphy,comm and wotruba are NULL AND VOID and the orders enter by judge davis i sNULL AND VOID then the board should involved the FBI in which clearly show how easy this attorney was able to manipulate the court. raises great concern.. a family was attacked and children were harmed by corrupt judges commssioners and in my opion this attorney.. that anything goes.....

How do u lose your house that you were force to pay for it,? how do lose your children when the courts are raciast and corrupt? how does a federal court order get sold and violated? how does fraudenlent instrument created by this vulgar and vile attorney ms abernathy used to obtained money and sanction by a out of scheduale commssioner?