

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-146

Complainant: No. 1420010285A

Judge: No. 1420010285B

ORDER

The complainant alleged that a superior court judge demonstrated bias and racial discrimination by misinterpreting the evidence presented and by making incorrect rulings. After reviewing the complaint and listening to the recording of the trial, the commission found no evidence of ethical misconduct on the part of the judge. The allegations primarily concern the judge's rulings, which are outside the jurisdiction of the commission. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: September 6, 2011.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on September 6, 2011.

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

6-4-2011

RE: Case C2007 Pima County

Sirs,

I am making a formal complaint and request the committees and powers that regulate and enforce the misuse of Judicial Conduct to investigate Judge _____ of the Superior Court In Tucson Arizona. The misconduct, actions and disregard for honoring ruling by evidence will show extreme prejudice or possible mental impairment and diminished capacity by Judge _____

Judge _____ has consistently violated the standards as set in Canons 1& 2 of the Standards of Practice & Code of Conduct as adopted by the Arizona Judicial community. Judge _____ has failed to be impartial and broken the spirit of fairness to all parties by failing to be objective and open minded. Justice was not only blind, it was also deaf in this case.

Judge _____ Violated Canon 2.6 ensuring the right to be heard. During Hearings related to the subject case on multiple occasions Judge _____ failed in his duties to exercise restraint in judicial duties by putting forth his own agenda. He refused my counsels request to be heard when attempting to argue Motions to Amend by Plaintiff, Motion for Summary Judgment and Motion to Dismiss. Judge _____ reason was he had a function to attend on one occasion and He was pressed for time on another case and did not have time to allocate to this case.

Judge _____ also violated Canon 2.3 (a) &(b) by selectively showing racial bias by Mandating the Mexican Attorney to stand when attempting to make an objection. Judge _____ instructed my attorney Javier Alatorre to stand when making an objection, would purposely refuse to acknowledge his standing and overruled Mr Javier Alatorre consistently. The other attorneys in the courtroom were all Anglo and dispite the tsunami of objections made by the Anglos, the Judge did not treat them the same by humiliating them as with Mr. Javier Alatorre. This created a Circus like atmosphere that had the Jurors gasping and chuckling.

Judge _____ openly intimidated and scolded me on the stand with hostile acts, facial expressions and body language conveying a appearance of prejudice and contempt.

Judge _____ violated Canon 2.4 which requires the Judiciary to decide on facts not on inferences or prejudices. Judge _____ Ruling dated May 23rd 2011 bases his decision on a phantom agreement between parties which was never presented as evidence because it doesn't exist.. The Ruling is also in error stating the Defendant did not file on a Quiet Title Action when in fact there is a motion by Defendant in the record.

Judge _____ was selective and clearly had intentional disregard of the law by not allowing impartiality and fairness, disallowing evidence by Defendants attorney directly related by a governing entity the Arizona Department of Real Estate which investigated the Defendant. This created an unfair advantage created by Judge _____ However, Judge _____ allowed a third party statement from a deposition at the trial by the Plaintiff's attorney of a self described "Heavily medicated person with memory lapses" and sites his Ruling for the Plaintiff's witness testimony was taken into his decision to Rule..

During a motion for Summary Judgment months prior to the trial, Judge _____ made a bias statement citing that " _____ the Defendant manipulated this transaction and either by out right fraud

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or mistake caused damage to the Plaintiff. It was proved during trial that Plaintiff which is in evidence divided the property not

Without regard to hearing both sides Judge mind was already made up on the guilt of Defendant The trial was tried months later with the Jury finding in Defendant favor and against the Anglo Plaintiff after a short deliberation.

The Ruling by Judge flies in the face of the verdict by the Jurors when Judge reversed the decision which was made after a three week trial. Judge ruling creates 2 non compliant non conforming parcels that favor the Anglo Plaintiff even though the Plaintiff does not own any property adjacent to Defendant land.

The irrationality by Judge either categorizes his actions as extreme prejudice towards the Defendant or diminished mental capacity not differentiating right from wrong and the ability to digest facts presented.

I submit that an audit should be performed on this case to verify that the duties of the Judicial Office of were performed impartially competently diligently and without racial bias. I believe you will find a pattern of impropriety and racial bullying. I submit that the Jurors be contacted and interviewed to grasp the mindset actions, actual facts and evidence presented. Your finding will conclude that Judge recollection of an agreement which Judge cites does not exist, that actions by aren't in evidence and ruling favoring the Plaintiff is a travesty and his treatment of Hispanic and Mexicans in his courtroom were demeaning.

The actions and performance of Judge have fractured my belief in Justice and the right of fair and Impartial due process. If the actions by Judge fall on deaf ears this proves that the public is not best served by our system and the " Good old boys network" still covers for each other.

I understand whatever the finding are regarding my complaint, it will not impact the present Ruling made by Judge in my case. I do hope if evidence is found of unlawful or racial bias by appropriate actions will be taken to insure these violations will not be duplicated on another future party.

Respectfully,