

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-266

Complainant: No. 1429810209A

Judge: No. 1429810209B

ORDER

The complainant alleged that a superior court judge improperly allowed a case to proceed against him without jurisdiction or a competent witness, did not allow him to be heard, ignored case law, issued erroneous rulings and failed to explain his decisions.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing the information provided by the complainant and the minute entry related to the hearing, the members of the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission has no jurisdiction to determine the legal sufficiency of the judge's decisions. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: November 23, 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 November 23, 2011.

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

COMPLAINT AGAINST A JUDGE

This statement is being provided to support my complaint filed against Hon. Trial Judge, Division 5, Arizona Superior Court in Pima County with reference to case C2011

I site the PREAMBLE of the ARIZONA CODE OF JUDICIAL CONDUCT which states "that an independent, fair and competent judiciary will interpret and apply the laws that govern us. The role of the judiciary is central to American concepts of justice and the rule of law." It goes on to say that "the canons and sections are rules of reason. They should be applied consistent with constitutional requirements, statutes, other court rules and decisional law and in the context of all relevant circumstances."

I believe that Judge acted contrary to the Code of Judicial Conduct Rule 1.1
Compliance with the Law.

I believe that Judge acted contrary to the Code of Judicial Conduct Rule 1.2
Promoting Confidence in the Judiciary.

I believe that Judge acted contrary to the Code of Judicial Conduct Rule 2.2
Impartiality.

I believe that Judge acted contrary to the Code of Judicial Conduct Rule 2.6
Ensuring the Right to Be Heard.

Rule 1.1 - To ensure impartiality and fairness to all parties, a judge must be objective and open-minded. A judge is to interpret and apply the law without regard to whether the judge approves or disapproves of the law in question. I believe that Judge improperly allowed a case to proceed without a competent witness and without having jurisdiction. Case law was cited with a Motion to Dismiss but all objections presented were overruled. He erred in both facts and law.

Rule 1.2 - I understand that an error of fact or misinterpretation of the law may occur occasionally but I feel that Judge has been bias and one-sided in his behavior, creating an aspect of disrespect toward the judiciary through neglect of the truth. Judge has denied my motions without giving any explanations as to how he analyzed the facts and laws to reach his decisions. As a result I am filing a *Motion to Explain Rulings on Monday, October 24, 2011*. I believe that Judge abused his discretion by willfully ignoring the case law and objections that were presented in order to justify his ruling against me.

Rule 2.2 - Judge is to uphold and apply the law fairly and impartially without regard to his approval or disapproval of the law in question. A copy of the Motion to Explain Rulings is attached outlining the objections presented at an oral hearing on October 18, 2011. Judge abused his authority by not dismissing the case for lack of a competent witness and for lack of jurisdiction.

Rule 2.6—It is my Constitutional right to be heard in court and to expect a fair and impartial system of justice to review the facts, apply the law and render a decision. The United States Supreme Court ruled that a pro se litigant“is entitled to opportunity to offer proof. Haines v. Kernes, 404 U.S. 519 (1972) Supreme Court Case. Judge _____ can not deny me this opportunity.

A pro se litigant (David) standing up to a Corporate entity (Golieth) does not automatically mean that Golieth will win based on what is 'preceived' to be true. Perhaps our judges are ruling in favor of big banks so they don't see their retirement accounts continue to decrease in value as a result of the uncovered mortgage backed security fraud that is rampant in this country.

Respectfully submitted this 24th day of October, 2010