

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 12-152

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Complainant:	No. 1443700294A
Judge:	No. 1443700294B

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**ORDER**

The complainant alleged that a superior court judge conspired with assistant attorneys general and court-appointed counsel to terminate her parental rights. She further alleged the judge failed to recuse himself when the rules required him to do so.

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, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: July 25, 2012.

FOR THE COMMISSION

/s/ George Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on July 25, 2012.

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

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2012-152**

**COMPLAINT AGAINST A JUDGE**

**Your Name:**

**Judge's Name:**

**Date:** June 6, 2012

AZ Superior Court Judge

subjected Complainant,

(Case JD ) to a pattern and practice of obstruction of justice, suppression of all exculpatory evidence, including Dr. report of June 18, 2009 (**Exhibit 1**) that proves the original CPS allegations of "medical neglect - seizures" as false in criminal conspiracy with attorneys he appointed as public defenders, the Attorney General's Office, and CPS with whom he operates County Superior Court as a criminal enterprise in violation of 18 USC §371 "Conspiracy." "[The Federal conspiracy statute] which does not require 'mission accomplished,' only 'mission attempted,' an overt act by the conspirators in an effort to accomplish the mission satisfies the requirement of the statute." *Root*, 366 F.2d at 383.

Complainant has suffered as a result of Judge overt denial of an impartial tribunal, which has unlawfully stripped of her sovereign right to parent her sons unmolested in her own home via a pattern and practice of CPS fraud and perjury, judges and prosecutors that obstructed justice, suppressed exculpatory evidence, malicious prosecution and due process violations used to unlawfully remove Complainant three sons in violation of Complainant's Due Process rights guaranteed by the Fifth and Fourteenth Amendment, "The State shall not deprive any person of life, liberty, or property, without due process of law nor deny to any person within its jurisdiction the equal protection of the laws", *U.S. Constitution, XIV § 1* and other harmful treatment prohibited by state and federal statutes and US codes.

Judge                    demonstrated extreme bias and prejudice towards Complainant when he;

- 1) declared she “was not a party to the case” and denied her access to all court documents for her to use in her defense, this continues the pattern and practice since May 2009,
- 2) suppressed Complainant’s exculpatory evidence and
- 3) stifled Complainant from addressing the court,
- 4) suborned perjury from CPS workers,
- 5) conspired with the AG’s Office to maliciously prosecute Complainant while suppressing exculpatory evidence and other unconstitutional acts so extreme it reveals a psychological break from the oath that he took to uphold the Constitution and rule of law as well as to protect the integrity of the legal profession and a Defendant’s rights to a fair tribunal.

   is a dangerous domestic enemy of the Constitution and his actions while posing as a judge is destructive to society - as are all lawyers and judges that belong to the abuse industries kidnap for profit scheme in courts they operate as criminal enterprises to plunder federal Title IVE funds.

Judge                    continues to this day to obstruct justice by suppressing Complainant’s exculpatory evidence, Dr.                    report to usurp the judicial process in conspiracy with CPS, the Atty. General,                    , and Asst. Attorney Generals;                    and                    in violation of 18 USC §1503 “Obstruction of Justice,” which contains an omnibus provision directed towards “whoever\*\* corruptly\*\* obstructs, or impedes, or endeavors to influence, obstruct, or impede the due administration of justice\*\*\*.” *Falk v. U.S.*, 370 F.2d 472, 476 (9<sup>th</sup> Cir. 1966). “The omnibus provision is all embracing and designed to meet any corrupt conduct in an endeavor to obstruct or interfere with the due administration of justice.” *Falk*, 370 F2d at 476; *U.S. v. Lester* 749 F.2d 1288, 1293 (9<sup>th</sup> Cir. 1984). “If a parties actions, constitute at least an endeavor to conceal, if not

outright concealment, under §1503, that is all that is necessary to obstruct justice.” *U.S. v. Lench*, 806 F.2d 1443, 1445 (9<sup>th</sup> Cir. 1986) “No fraud is more odious than an attempt to subvert the administration of justice.” *Hazel-Atlas Co. v. Harford Co.*, 322 U.S. 238,251,64 S. CT 997, 88 Le.d. 1250 (1944) (Roberts, J.dissenting.)

appointed attorney, on Feb. 23, 2012 in succession to the appointment of on Sept. 23, 2011 by Judge with the agenda they would not present Complainant’s exculpatory evidence in the underlying case JD18007, including Dr.

report of June 18, 2009 that proved the original CPS allegations of medical neglect due to “seizures” as false in violation of AZ.R.of Evidence 402 “**All relevant evidence is admissible**” and in violation of Judicial Canon 3 (C) (1) (a) “personal knowledge of disputed evidentiary facts concern a proceeding.” Withholding evidence is a corrupt act pursuant to 18 USC §1503, ‘corrupt’ means for an evil or wicked purpose’ and Black’s Law Dictionary defines ‘corruptly’ to mean with ‘a wrongful design to acquire some pecuniary or other advantage,’ meaning the act must be done with the purpose of obstructing justice. This definition of ‘corruptly,’ the destruction or concealment of documents can fall within the prohibition of the statute. The destruction or concealment of documents results in the improper suppression of evidence, and thus the influencing, obstructing and impeding of judicial proceedings....See *U.S. v. Rasheed* 663 F.2d 843, 852 (9<sup>th</sup> Cir. 1981).

Judge continues to obstruct justice to aid CPS and the Asst. Atty. General’s named herein, with the AG’s malicious prosecution of Complainant when he continued to appoint new public defenders after Complainant fired them in defiance of Complainants request to represent herself with her mother as ‘Next Friend’ in violation of Complainant’s Sixth Amendment right to representation of her own choice, “A Court cannot force a lawyer on an accused.”

**Every** motion Complainant filed, even after Complainant fired her court appointed attorneys, her 'waiver of right to counsel was accepted' by the court [ ] **finally** on March 23, 2012 (**Exhibit 2**); Judge [Sept. 2011 – Jan. 2012] via a pattern and practice suppressed, ignored and dismissed Complainant's MOTIONS as follows; Sept. 23, 2011 'Motion to Dismiss;' **Denied** Nov. 15, 2011; Nov. 15, 2011 'Motion to Expedite Ruling for (Motion to Dismiss);' **Denied** and struck from record Nov. 16, 2011.

Judge [ ] via a pattern and practice continues to suppress, ignore and dismiss Complainant's filings as follows; Feb. 2, 2012 'Motion to Void Judgment;' **Denied** Feb. 28, 2012; Feb. 8, 2012 'Judicial Notice of Adjudicative Facts: Exculpatory Evidence;' **Ignored**; Feb. 28, 2012 'Motion to Expedite Ruling;' **Ignored**; March 16, 2012 'Judicial Notice of Adjudicative Facts: Exculpatory Evidence;' and 'Motion for Reconsideration'; **Ignored** as Judge [ ] stated on Feb. 28, 2012 "The Court informs mother that is will not consider her pro per filings since she is represented by counsel" in violation of Complainants request to represent herself.

Judge [ ] continues to obstruct justice by the following malicious acts:

1.) Feb. 2, 2012 Judge [ ] obstructed justice, knowingly suppressed Complainant's exculpatory evidence and committed fraud when he repeated CPS' false allegations as fact in his Order when he stated: "Mother continues to have unresolved mental health issues." (**Exhibit 3** Dr. [ ] report proves no mental health issues) "Mother continues to have unresolved substance abuse issues." (**Exhibit 4** proves no substance abuse issues) "Mother has a history of domestic violence." (**Exhibit 5** proves no domestic violence per CPS)

Judge [ ] relied on **hearsay** testimony of CPS workers [ ] and [ ] without expert testimony and authenticated reports from Doctors on the record to corroborate these findings in violation of Federal Rules of Evidence 602 "A witness may not testify to a matter unless evidence is introduced sufficient to support a finding" and in violation of the US Supreme Court ruling on March 8, 2004 9-0 "hearsay evidence in child abuse/neglect cases is not admissible" *Crawford v. Washington* 541 U.S 36 (2004).

The audio transcripts of this hearing reveal [redacted] testified that she never witnessed Complainant abuse/neglect her child, never observed Complainant under the influence, acknowledged that she is not a substance abuse expert, and admitted that everything she put in her reports to the court she had obtained from previous reports [hearsay] in violation of 18 USC §1621 "Perjury"; ARS 13-2702 "Perjury"; and 18 USC §1622 "Whoever procures another to commit any perjury is guilty of subornation of perjury";

2.) Feb. 2, 2012, Judge [redacted] refused Complainants request to sanction CPS for 'fraud and perjury' and the AG for malicious prosecution in overt defiance of Judicial Canon Rule 2.15(A-D) "A judge having knowledge that another judge [or lawyer] has committed a violation of this code that raises a substantial question regarding the judge's[or lawyer's]honesty, trustworthiness, or fitness as a judge....shall inform the appropriate authority, " in violation of 42 USC §1986 "Action for neglect to prevent conspiracy," "it is a felony for anyone who knows of a violation of another person's civil rights that fails to prevent the violations," and in violation of 18 USC §4 "Misprision of Felony."

3.) Complainant filed a 'Motion to Dismiss' on March 23, 2012, [same day the counsel was waived] and Judge [redacted] continues to obstruct justice as he has suppressed, ignored and refused to rule on Complainant's motion, nor did the Attorney General respond.

4.) [redacted] dismissed Complainant's 'Motion to Void Judgment' the same day it was filed, April 25, 2012 [after hearing ended] in defiance of Complainant's request (without counsel, Sui Juris) "Respondent demands Judge [redacted] refrain from acting as a lawyer for the Attorney General as witnessed on March 23, 2012 when he dismissed Respondent's 'Motion to Dismiss' prior to the Attorney General's response. Respondent further demands the Attorney General respond and address Respondents exculpatory evidence submitted herein, specifically CPS fraud and perjury and Dr. [redacted] report of June 18, 2009." Judge [redacted] **denied** Complainant's 'Motion to Void Judgment' prior to the court receiving a response from the Attorney General!

May 9, 2012 Complainant filed 'Respondent's Answer to ADES' Response to Mother's Motion to Void Judgment' as the Asst. Atty. General Daryl Dowdel filed a response to Complainant's 'Motion to Void Judgment' on May 2, 2012, and Judge Ishikawa admitted in open court that he was unaware of the AG's response on May 9, 2012!

5.) Complainant has continuously been denied court documents to use for her defense since May 2009 and another example is \_\_\_\_\_ Court Counsel for Custodian of Records responded May 16, 2012 (**Exhibit 6**) to Complainant's request for copies of court proceedings of April 25, 2012 and May 9, 2012 (**Exhibit 7**) to use for her defense. He falsely claimed Complainant must file a '*motion*' to obtain records and misquoted AZ.R.Juv.P. 46 and 47, which cites that records of court proceeding be withheld from the '*public*' and further misquoted AZ. Sup.Ct.Rules 123(b)(14), (16); h '*public access*' to obstruct justice. Complainant is '**a party to the case,**' and in defiance of Juv.Ct.Rules of Proc., Rule 44 (A) 'Disclosure and Discovery,' "All information which is not privileged shall be disclosed."

Complainant previously requested court transcripts, and the audio recording of the hearing held on Feb. 2, 2012 from court appointed attorney, \_\_\_\_\_ which his email (**Exhibit 8**), proves Atty. \_\_\_\_\_ sent Complainant the audio recording and he filed no such '*motion*' to obtain this audio transcript!

Judge \_\_\_\_\_ in overt defiance of Ariz.R.P.Juv.Ct. 103(F) "The filing of a notice of appeal specifically divests this Court of its jurisdiction" is proceeding with the action to unlawfully terminate Complainant's parental rights while obstructing justice and suppressing Complainant's exculpatory evidence as Complainant's 'Notice of Appeal' was filed on March 1, 2012 in Division One, Case 1 CA-JV 12-0041.

Complainant's 'Motion to Recuse' Judge \_\_\_\_\_ (**Exhibit 9**) filed April 20, 2012 was disregarded and denied by Judge \_\_\_\_\_ Judge \_\_\_\_\_ refuses to recuse himself in

violation of Complainant's Due Process rights guaranteed by the 5<sup>th</sup> and 14<sup>th</sup> Amendments of the Constitution and in violation of 28 U.S.C. §455(a) "Any justice, judge, or magistrate judge of the U. S. shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." (b) He shall also disqualify himself in the following circumstance: (1) "**personal knowledge of disputed evidentiary facts concerning the proceeding**"; "positive proof of the partiality of a judge is not a requirement, only the appearance of partiality." *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 108 S.Ct. 2194 (1988) "what matters is not the reality of bias or prejudice but its appearance"; *United States v. Balistreri*, 779 F.2d 1191(7th Cir.1985) "It is important that the litigant not only actually **receive justice**, but that he believes that he has received justice." *Pfizer Inc. v. Lord*, 456 F.2d 532 (8th Cir. 1972)

As cited above, Judges **do not** have discretion to refuse to disqualify themselves. They are bound to follow the law. Should a judge not disqualify himself as required by law, then the judge has given an example of his "appearance of partiality" which further disqualifies the judge then the judge is in violation of the Due Process Clause of the U.S. Constitution. "The right to a tribunal free from bias or prejudice is based on the Due Process Clause." *United States v. Sciuto*, 521 F.2d 842, 845 (7th Cir. 1996). The Supreme Court has held that if a judge wars against the Constitution, if he acts without jurisdiction, he has engaged in treason to the Constitution. If a judge acts after he has been automatically disqualified by law, then he is acting without jurisdiction, and that suggest that he is then engaging in criminal acts of treason. Should a judge issue any order after he has been disqualified by law, and if the party has been denied of any of his / her property, then the judge has acted in the judge's personal capacity and not in the judge's judicial capacity.

Judge \_\_\_\_\_ named as a Defendant and formally served April 18, 2012, in Complainant's 42 USC §1983 Civil Rights Complaint in U.S. District Court, Case CIV 12 022 4 as a result of \_\_\_\_\_ willful violations of Respondent's civil rights, due process rights and his contempt for the law, the rules of evidence and his oath to uphold the Constitution. It has long been held as boilerplate law that a judge who is a defendant must disqualify/recuse themselves. Further a



Judge who has been named a defendant loses neutrality. “The neutrality requirement helps to guarantee that life, liberty and/or property will not be taken on the basis of an erroneous or distorted conception of the facts of the law” *Marshall v. Jerrico, Inc.* 466 U.S. 238, 242 100 S.Ct 1610,64 L.2d 182 (1980). “The Due Process Clause entitles a person to an impartial and disinterested tribunal in both civil and criminal cases. This requirement of neutrality in adjudicative proceedings safeguards the two central concerns of procedural due process, the prevention of unjustified or mistaken deprivations..” *Marshall v. Jerrico*, 100 S.Ct 1610, 466 U.S. 238 (U.S. 4/28/1980); at [21] see *Carey v. Piphus*, 435 U.S. 247, 259-262, 266-267 (1978).

Judge exhibited overt violations of his oath of office pursuant to the AZ Constitution *Article VI Item 26*; the U.S. Constitution; 28 USC §453 “Oaths of Judges” and 5 USC § 3331 “Oath of Office.” Oaths of office are a statement of loyalty to the Constitution, as well as an oath to the state... It is considered **Treason, Perjury**, a high crime to betray a sworn oath of office pursuant to 18 U.S.C. §1621 “Perjury”; 18 U.S.C §2381 “Treason”; 18 U.S.C §2384 “Seditious Conspiracy” and 5 U.S.C Sec. §8312 “Conviction of certain offenses”.

The US Supreme Court has held that if a judge wars against the Constitution, if he acts without jurisdiction, he has engaged in **treason** to the Constitution. If a judge acts after he has been automatically disqualified by law, then he is acting without jurisdiction, and that suggest that he is then engaging in criminal acts of treason. Should a judge issue any order after he has been disqualified by law, and if the party has been denied of any of his / her property, then the judge has acted in the judge's personal capacity and not in the judge's judicial capacity. U.S. Supreme Court Chief Justice Marshall in 1821 wrote: it is “**treason on the constitution**” when a judge “**usurps [the jurisdiction] that which is not given,**” which means that if a judge makes up law, and claims power that he does not have, it is an act of treason, *Cohens v. Virginia*, 6 Wheat. 264, 5 L.Ed 257 (1821). The U.S. Supreme Court re-iterated this holding in *U.S. v. Will*, 449 U.S. 200 (1980) by affirming the statement of Chief Justice Marshall and declaring that violation of law purposely by a judge is unconstitutional.

The US Supreme Court also states: “No judicial officer can war against the Constitution without violating his undertaking to support it.” *Cooper v. Aaron*, 358 U.S. 1, 78 S. Ct. 1401 (1958). “Any judge who does not comply with his oath to the Constitution of the United States, wars against that Constitution and engages in violation of the Supreme Law of the Land. If a judge does not fully comply with the Constitution, **then his orders are void**”, *In re Sawyer*, 124 U.S. 200 (1888), he is without jurisdiction, and he/she has engaged in an act or acts of treason. *U.S. v. Will*, 449 U.S. 200, 216, 101 S. Ct. 471, 66 Ed.2d 392, 406 (1980); *Cohens v. Virginia*, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821). “No man in this country is so high that he is above the law. NO officer of the law may set that law in defiance with impunity. All the officers of the government....are bound to obey it.” *Butz V. Economou*, 98 S.CT. 2894 (1978)'; *United States v. Lee*, 106 U.S. at 220, 1 S.Ct. at 261 (1882).

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Pursuant to the duties of the Judiciary committee to ‘preserve the integrity of the judicial process,’ ‘to protect the public,’ ‘maintain high standards for the judiciary,’ maintain the ‘administration of justice’ and for the substantive reasons detailed above Complainant requests this Judiciary committee impose sanctions against Judge Ishikawa for obstruction of justice pursuant to 42 USC §1985 “Conspiracy to interfere with civil rights” and 18 USC §1503 “Omnibus Clause” and Judge overt violation to the Arizona Constitution Article 6.1 Section 4 for his “willful misconduct, willful and persistent failure to perform his duties, his habitual intemperance and conduct prejudicial to the administration of justice” regarding Complainant in that he has brought the judicial office into disrepute, which is mandated by 42

USC §1986 “Action for neglect to prevent conspiracy”

Submitted this 6<sup>th</sup> of June 2012

All statements made herein are factual, truthful testimony as stated.