

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-153

Complainant: No. 1443710976A

Judge: No. 1443710976B

ORDER

The complainant alleged that a superior court judge conspired with several assistant attorneys general to terminate her parental rights.

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

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

2012-153

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 Maricopa 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 unlawfully stripped Complainant 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 5th and 14th 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) continued the pattern and practice to deny her access to all court documents for her to use in her defense, which began in May 2009 and continues to this day by his successor, Judge

2) suppressed Complainant's exculpatory evidence, including Dr. report (**Exhibit 1**)

that proves the original CPS allegations as false, Dr. report (**Exhibit 3**) that proves

Complainant has no mental health issues, Terros Families First Substance Abuse Certificate

(**Exhibit 4**) that proves Complainant successfully completed substance abuse and Complainant's

Parent Aid Certificate (**Exhibit 6**) that proves successful completion.

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, and

6) committed misrepresentation, fabrication and fraud in his orders.

Judge Order of May 16, 2011 (**Exhibit 15**) proves that he obstructed justice and continued to suppress Complainant's exculpatory evidence and willfully omitted Dr.

report from his ruling terminating Complainant's parental rights, which contains fraud,

misrepresentation, and fabrication as Judge repeated CPS' false allegations as fact and

relied on hearsay testimony of CPS worker 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).

- 1) Dr. report (**Exhibit 1**) proves Isaiah was seizure free in May 2009 as medical professionals ruled out seizures **June 6, 2008** refutes Judge **false claim** Pg. 5 Statement 3. “In May 2009, Isaiah was suffering from seizures at the time Isaiah was removed from his Mother’s care due to **medical neglect...**”
- 2) Isaiah’s Hearing Evaluations (**Exhibit 2**) proves Isaiah was **NOT** suffering hearing loss also refutes Judge **false claim** Pg. 5 Statement 3: “Mother refused to make an appt. with a pediatrician with respect to a possible hearing loss by Isaiah.”
- 3) Complainant’s Parent Aid Certificate Nov. 30, 2010 (**Exhibit 6**) also refutes Judge **false claim** Pg. 6 Statement 15. “Mother has not completed her parent aide.”
- 4) report to the FCRB and to the court April 5, 2010 (**Exhibit 5**); Complainant’s Terros Families First Substance Abuse completion certificate Jan. 26, 2010 (**Exhibit 4**) also refutes Judge **false claim** Pg. 6 Statement 16: “Mother was non-compliant in providing these urinalyses. She tested only some of the time..., by failing to consistently test as required.”

Judge committed fraud when he fabricated mental health issues in his Order of May 16, 2011 (**Exhibit 15**) terminating Complainant’s parental rights with full knowledge there were no Doctor’s reports on the record to corroborate any mental health issue of Complainant as he had struck and un-admitted Dr. report July 29, 2009 (**Exhibit 3**) from the record May 5, 2011 as follows:

May 5, 2011 (**Exhibit 13**) [Coury un-admitting Dr. report]: -Pg. 6: “What is the probative value of Exhibits 8 and 9? This is the grounds of alleged or not mental health. I am having a hard time finding how they’re necessary.”

-Pg. 7: "I'm going to grant Mr. motion to reconsider the admission of Exhibits 8 and 9. I'm going to un-admit them – they are **not** admitted in evidence. They have **not** been considered. They will **not** be considered."

May 16, 2011 (Exhibit 15): [Coury's [void] Order terminating parental rights] -Pg. 7 Statement 18: "Mother's refusal to treat her **mental health issues** on an ongoing basis (starting in Oct. 2010) affects her ability to parent and puts her children at risk."

-Pg. 7 Statement 20: "Mother failed to participate in individual counseling a counselor who was skilled in counseling patients who had personality disorders was selected.

-Pg. 8 Statement 25: "Profound **concerns** exist about Mother's ability to be minimally adequate parent to her children. She has unresolved and untreated substance abuse concerns and **mental health issues**."

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 obstructed justice and suppressed Complainant's exculpatory evidence, including Dr. report to usurp the judicial process in conspiracy with CPS, the Atty. General, Tom Horne, and Asst. Attorney Generals; Tyne R. Naven, Marissa A. Florio, Vernon Harris, Eryn M. McCarthy, and Dawn R. Williams 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 (9th 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 (9th

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 (9th 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.)

Judge obstructed justice to aid CPS and the Asst. Atty. General’s named herein, with the AG’s malicious prosecution of Complainant when he overtly denied Complainant (**Exhibit 10**) to terminate her court appointed attorney, which Complainant fired FOUR times, and in defiance of Complainants request to represent herself with her mother as ‘Next Friend’ in violation of Complainant’s 6th Amendment right to representation of her own choice, “A Court cannot force a lawyer on an accused.” Judge further denied Complainant with the agenda that Atty. would NOT present her exculpatory evidence, including Dr.

report of June 18, 2009 that prove 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 (9th Cir. 1981).

April 15, 2011, after several futile attempts by Complainant to have her court appointed attorneys place her exculpatory evidence on the record, Complainant attempted to place her exculpatory evidence, including Dr. [redacted] report 'on the record' herself in a 'Motion to Void Judgment' (**Exhibit 7 cover page**) in Superior Court and she filed the same motion in the Supreme Court Case CV- [redacted] (**Exhibit 8 cover page**). The minute entry of April 19, 2011 (**Exhibit 9**) proves Judge [redacted] held a hearing, which Complainant was not informed of, nor present and further proves Judge [redacted] obstructed justice, suppressed Complainant's exculpatory evidence to aid the AG with the malicious prosecution of Complainant, rather than an impartial adjudicator when he stated: "The Court has considered the Motion to Void Judgment filed by Mother, [redacted] in the Motion, Mother seeks to void this Court's Orders of May 13, 2009, and November 4, 2009, on the grounds that Mother's rights have been violated with these Orders. THE COURT FINDS **no merit** to Mother's Motion. It is ordered taking **no action** on Mother's Motion other than to (a) direct that it be filed in the Court file and (b) to note that, if it was considered on the merits, the Motion would be **denied**" in violation of Arizona Rules of Evidence Rule 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," which subverted the administration of justice and constitutes fraud in his Order.

The signature receipt dated July 22, 2011 (**Exhibit 11**) proves Atty. [redacted] failed to provide Complainant the minute entry of April 19, 2011, therefore obstructed Complainant's right to appeal Judge [redacted] Order denying Complainant's 'Motion to Void Judgment,' which contained exculpatory evidence, including Dr. [redacted] report, which prove no medical neglect – seizures.

Complainant's 'Motion to Recuse' Judge [redacted] filed May 3, 2011 (**Exhibit 14 cover page**)

cited “judicial bias, prejudice, suppression of her exculpatory evidence, and denial of her constitutionally protected due process rights” was disregarded and denied by Judge [redacted] and Judge [redacted] overtly refused to recuse himself in violation of the Due Process Clause of the 5th and 14th Amendments of the Constitution and in violation of 28 U.S.C. §455(a) “Any justice, judge, or magistrate judge of the United States 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. Balistrieri*, 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) and in defiance of Complainant’s testimony ‘on the record’ May 3, 2011 (**Exhibit 12**) as follows:

-Pg.10: “Judge [redacted] will **not** put any of my evidence on the record....”

-Pg. 19: “He [Judge [redacted]] won’t put my evidence on the record,” “medical records for my kids, that there was no medical neglect, my attorneys **refused** to admit them.”

-Pg. 20: “Judge [redacted] has my evidence in the Motion to Void Judgment.”

-Pg. 31: “Dr. [redacted] the neurologist, it was July 16 [18, 2009] when he [Isaiah] was in the care of CPS it was on the medical record that there was no medical neglect – and he [Isaiah] wasn’t having any seizures.”

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 exhibited overt defiance violating his oath in 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)’; *Unites States v. Lee*, 106 U.S. at 220, 1 S.Ct. at 261 (1882).

“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)’; *Unites States v. Lee*, 106 U.S. at 220, 1 S.Ct. at 261 (1882). “State courts, like federal courts, have a constitutional obligation to safeguard personal liberties and to uphold federal law.” *Stone v. Powell*, 428 US 465, 483 n 38, 96 S.Ct. 3037, 79 L.Ed 2d 1067 (1976).

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 [redacted] for obstruction of justice pursuant to 42 USC §1985 “Conspiracy to interfere with civil rights” and 18 USC §1503 “Omnibus Clause” and Judge [redacted] 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 10th of June 2012

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