

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 12-184

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Complainant: No. 1412210561A

Judge: No. 1412210561B

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**ORDER**

The complainant alleged that a superior court judge intentionally failed to give him notice of a hearing and improperly ruled against him without regard to the facts or the law.

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 ruling. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: August 15, 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 August 15, 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

2012-184

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COMPLAINT AGAINST A JUDGE

Your name: \_\_\_\_\_

Judge's name: \_\_\_\_\_

Date: 7/3/12

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

COMPLAINANT FILED A COMPLAINT AGAINST PROCESS SERVER FOR COMMITTING PERJURY IN AN AFFIDAVIT, AND BECAME A FELONY BY FILING THE AFFIDAVIT INTO MARICOPA COUNTY SUPERIOR COURT. AT THE HEARING, LAST YEAR, JUDGE COULD NOT FIND BY A PREPONDERANCE OF THE EVIDENCE THAT PROCESS SERVER HAS ENGAGED IN A VIOLATION OF THE RULES. PRIOR TO THE HEARING ALL EVIDENCE AGAINST, INCLUDING AFFIDAVITS WERE SUBMITTED TO JUDGE COMPLAINANT ARGUED THE RULING AND ASKED FOR A CHANGE OF JUDGE. PRESIDING CIVIL PRESIDING JUDGE DID NOT SEE A PROBLEM. JUDGE RESUMED THE CASE. TO PUT ALL THIS INTO PERSPECTIVE, COMPLAINANT CAME TO MY HOUSE SUPPOSEDLY 3 TIMES OVER A 2 DAY PERIOD. HE HEARD NOISES INSIDE, CARS WERE PARKED IN THE DRIVEWAY, AND HE BELIEVED DEFENDANTS (US) WERE AVOIDING SERVICE, AND REQUESTED ALTERNATE SERVICE. THIS WAS GRANTED IN ANOTHER COURT. COMPLAINANT WAS OUT OF TOWN FOR 3 DAYS, WAS THE ONLY PERSON LIVING THERE, AND MY SON AND I WROTE NOTARIZED AFFIDAVITS. I HAD ALL THE DOCUMENTATION OF NOT BEING THERE (AT HOME/IN THE STATE) WAS IN LAS VEGAS IN COURT). ON 3/23/12 JUDGE SET ANOTHER HEARING, MY HEARING AND RECEIVED NO NOTICE OF THAT HEARING IN THE MAIL. COMPLAINANT DID NOT SHOW FOR HIS OWN HEARING. THE COURT WAS AWARE OF THIS AND SENT PAPERS TO THAT EFFECT. DUE TO ANOTHER CASE I HAD TO CHANGE ADDRESS WITH THE COURT. BUT I DID GET IN THE MAIL THAT I DID NOT SHOW AND THAT PROCESS SERVER WON BY DEFAULT. ON 4/19/2012 COMPLAINANT FILED IN MS A "MOTION TO VOID 03/23/2012 DEFAULT DECISION DUE TO COMPLAINANT NOT BEING NOTICED THAT A HEARING FOR 03/23/2012 WAS EVEN SCHEDULED." ON 4/23/2012, JUDGE

(Attach additional sheets as needed)

COPIES ALSO MAILED TO:

- 1)
- 2)

- PROCESS SERVER PROGRAM COORDINATOR

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2012-184

COMPLAINT AGAINST A JUDGE

Your name: \_\_\_\_\_

Judge's name: \_\_\_\_\_

Date: 7/3/12

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

ISSUED A "RESPONSE TIME SET" IN RESPONSE. KNOWING FULL WELL OF THE ORIGINAL COMPLAINT AND ARGUMENT, AND KNOWING WITH 100% CERTAINTY THAT COMPLAINANT WAS NOT NOTICED OF HIS OWN HEARING JUDGE WROTE "IT IS ORDERED IF THE PROCESS SERVER WISHES TO RESPOND HE MAY DO SO WITHIN 20 DAYS OF THE ENTRY (FILING DATE) OF THIS MINUTE ENTRY." NO WORDS HAS BEEN HEARD SINCE BY JUDGE OR RESPONDANT.

THIS CASE IS A TRAGEDY OF JUSTICE. HAS REASON TO BELIEVE THE COURT DID NOT INVITE HIM TO HIS OWN HEARING AND THE CLERK OF THE COURT WILL CONFIRM THIS STATEMENT. ONLY BY BUTTOTALLY IGNORING THE FACTS AND THE LAW, HAS IT NOT BE RULLED PROPERLY. IS IT POSSIBLE TO RECEIVE A FAIR HEARING IN MARICOPA COUNTY SUPERIOR COURTROOMS, WHICH ARE CONDUCTED LIKE "STAR CHAMBERS"! THE COMMISSION ON JUDICIAL CONDUCT HAS CONSISTENTLY FAILED TO RULE IN MY FAVOR, DESPITE THE PREPONDANCE OF EVIDENCE, AND MAY ALSO BE BIASED.

- JUDGE HAS FAILED TO:
- ① UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.
  - ② SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY, COMPETENTLY, AND DILIGENTLY.
  - ③ SHALL CONDUCT THE JUDGE'S EXTRAJUDICIAL ACTIVITIES SO AS TO MINIMIZE THE RISK OF CONFLICT WITH THE OBLIGATIONS OF JUDICIAL OFFICE (EX. LIKE RULING FOR BANKS REPRESENTATIVES TO INSURE MAINTAINING JUDGES PENSION FUNDS)

JUDGE SHOULD BE SANCTIONED. RULING IN FAVOR OF THE COMPLAINANT WITH PREJUDICE, HAVE PROCESS SERVER LICENSE REVOKED. JUDGE CANNOT BE ALLOWED TO CONDUCT HIS COURTROOM IN SUCH AN UNFAIR MANNER. COMPLAINANT PUTS THE COMMISSION RULES

(Attach additional sheets as needed)  
APPROPRIATELY, OPEN MINDEDLY, AND NOT IN FAVOR OF THE STATUS QUNO. WHEN MORE PEOPLE REALIZE HOW UNFAIR THE COURTS ARE, THE CITIZENS MAY LOOK FOR ALTERNATIVES. THANK YOU IN ADVANCE.