

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-127

Judge:	No. 1468710784A
Complainant:	No. 1468710784B

ORDER

The complainant alleged a superior court judge violated the rules of civil procedure and his due process 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, along with the electronic court record, 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 court rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: June 13, 2013.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on June 13, 2013.

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

IN THE SUPERIOR COURT, OF THE STATE OF ARIZONA,
IN AND FOR THE COUNTY OF PINAL

CONFIDENTIAL

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

JUDICIAL
COMPLAINT

Attached Complaint

gives the following information, under penalty of perjury:

Judicial Misconduct of Judge

Canon 1

Rule 1.1 Compliance with the Law

"A judge shall comply with the law, including the Code of Judicial Conduct."

Hon. [redacted] violated Rule 1.1, Canon 1 of the Judicial Code of Conduct, in that he violated AZ Rules of Civil Procedure, alongside the Due Process rights of [redacted] during Judge [redacted] improper adjudication and actions of inappropriately modifying [redacted] motion without notice or approval; in addition to other violations of state and federal statutes.

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2 On Oct. 11, 2011, [redacted] had appropriately filed an *Order to Show Cause*. While
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4 awaiting adjudication, on or about Nov. 13, 2012, Judge [redacted] stepped outside the scope of
5 jurisdiction when he inappropriately modified [redacted] ; filing, without notice or approval, from
6 an *Order to Show Cause* to a *Motion for Reconsideration*. Judge [redacted] inappropriately modified
7 the procedural intent of [redacted] ; motion, without either his prior notice or approval. Each
8 litigant has a very specific purpose behind filing the motions that they file, thus Judge
9 clearly violated the due process rights of [redacted].
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12 As a result of Judge [redacted] willful violations, the Plaintiff within these matters hence has
13 a litigatory advantage, due to the inappropriate procedural intent, set via Judge [redacted]. This
14 litigatory advantage clearly harmed [redacted] showing clear malice and bias. Subsequent to
15 modifying the procedural intent of [redacted] ; motion, Judge [redacted] inappropriately adjudicated
16 on [redacted] now modified *Motion for Reconsideration*, which did harm Defendant
17 even further.
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20 Rule 1.1, Canon 1 clearly states that, "*A judge shall comply with the law...*". Based on the
21 material facts presented and the willful actions of Judge [redacted] pursuant to standing Arizona
22 Code of Judicial Conduct; Judge [redacted] should be found guilty of violating the
23 Arizona Code of Judicial Conduct, alongside the appropriate AZ Rules of Procedure and Arizona
24 Revised Statute. [redacted] has willfully violated a multitude of of Rules of Conduct, through
25 which a proper investigation into the matters, will prove.
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28 Additionally, [redacted] violated Canon 1, Rule 1.1, in that he failed to uphold Arizona
29 Civil Procedure Rule 42(f); as appropriately motioned for by [redacted] t
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2 **Rule 1.2 Promoting Confidence in the Judiciary**

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4 *"A judge shall act at all times in a manner that promotes public confidence in the*
5 *independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the*
6 *appearance of impropriety."*
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8 Hon. [redacted] violated Rule 1.2, Canon 1 of the Judicial Code of Conduct, in
9 that he did not promote public confidence or impartiality of the judiciary. There stands a great
10 many case law, making obvious that current United States public confidence does *not* stand with
11 [redacted], in any of their respective sectors of business or law. The actions of Judge
12 [redacted] give nothing but the appearance of impropriety; as it appears all adjudications within this
13 case have intentionally, and unjustly benefited the Plaintiff [redacted]. The appearance of
14 impropriety, in relation to the apparent alliance between Judge [redacted] and [redacted], is
15 more concerning due to the financial prowess of the Plaintiff,
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19 On or about November, 2012, Judge [redacted] exhibited clear bias for the Plaintiff
20 [redacted], in his act of modifying Mr. [redacted] properly filed motion, due to the fact that
21 the subsequent adjudication on this modified motion, which provided only the Plaintiff litigatory
22 advantage over Defendant [redacted] that could not be remedied within these proceedings, from
23 that point. Judge [redacted] exhibited zero impartiality and utter impropriety, alongside the
24 appearance of impropriety and malice towards a Fortune 500 company; giving no credence to
25 appropriate State and Federal laws.
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29 What's more, Hon. [redacted] violated Rule 1.2, in that he failed to change the presiding
30 judge on the case, while enacting malicious persecution against Defendant [redacted] who is a
31 Disabled Combat Veteran. These acts by Hon. [redacted] in no way promote confidence in the
32 judiciary.

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2 **Canon 2**

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4 **Rule 2.2 Impartiality and Fairness**

5 *"A judge shall uphold and apply the law, and shall perform all duties of judicial office*
6 *fairly and impartially."*

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8 On or about November, 2012, Judge did so violate Canon 2, Rule 2.2. He failed to
9 uphold and apply the appropriate Arizona Rules of Civil Procedure, pertaining to all recent
10 adjudications; thus failing to perform all his duties fairly or impartially. The Defendant
11 specifically chose to file a *Order to Show Cause*, and Judge willful decision to modify
12 Defendant notion without prior notice or approval, falls directly outside the scope of
13 his responsibilities and duties. The modification of Defendant properly filed motion
14 clearly shows unfairness and impartiality; as modified motion specifically and only,
15 benefited Plaintiff.
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20 **Rule 2.6 Ensuring the Right to be Heard**

21 *"(A) A judge shall accord to every person who has a legal interest in a proceeding, or*
22 *that person's lawyer, the right to be heard according to law. (B) A judge may encourage parties*
23 *to a proceeding and their lawyers to settle matters in dispute, but shall not coerce any party into*
24 *settlement."*

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27 Judge violated Canon 2, Rule 2.6, when he failed to allow Defendant an
28 appropriate opportunity to be heard, according to law. On more than one occasion at the hearings
29 held on record, Defendant attempted to utter exhaustion to inform Judge of
30 material facts relating to the case at hand. Additionally, Judge violated Defendant
31 right to be heard, when he willfully modified filed motion, and then
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2 improperly adjudicated upon said filing. Judge acted outside the scope of his jurisdiction
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4 and violated not only this statute, but appropriate due process laws as well.
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6 **Rule 2.7 Responsibility to Decide**
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8 *"A judge shall hear and decide matters assigned to the judge, except when*
9 *disqualification is required by Rule 2.11 or other law."*
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11 On or about November Judge violated Canon 2, Rule 2.7, when he adjudicated on
12 matters outside his scope of jurisdiction, by adjudicating on a motion other than what was filed
13 and assigned to him. The actions of Judge inequitably removed Defendant
14 opportunity to have his argument properly heard and adjudicated upon.
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20 **RESPECTFULLY SUBMITTED**, this 29th day of April, 2013.
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