

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-343

Judge:	No. 1097114838A
Complainant:	No. 1097114838B

ORDER

The complainant alleged a superior court judge did not properly perform her judicial duties and violated the law by denying his mother's request for a hearing.

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

Dated: February 19, 2014.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on February 19, 2014.

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

I, _____ request an investigation of Judge _____ of _____ Arizona for the following reasons:

1. During my trial, it was determined by _____ that it was not necessary to trace any flow of funds allegedly stolen* by my employee, _____, from deposits into the corporate account to disbursements from that account, thus proving how such funds were allocated. The plaintiff claimed that her money was used to fund cars I built as well as home improvements to property located at _____ in _____. No specific "trail of spending" was ever established, yet such monetary judgments were made against me. Is this correct procedure?

Further, the City of _____ continued to hold the accounting books and records for my company _____, thus prohibiting me from showing I had income and establishing a source of funds to build such cars and make such home improvements WITHOUT the use of money from the Plaintiff. Numerous attempts to collect my books were denied.

2. At trial, it was revealed that approximately _____ of the allegedly stolen* money was not stolen at all. The plaintiff, _____ actually signed numerous checks to my company, _____ which she claimed were signed without authorization by _____. This makes _____ a liar. It was agreed that this money would be deducted from any awards to the Plaintiff. _____ did NOT follow through with this adjustment in her Judgment.

3. In her Judgment, _____ gave _____ the accounting books and records for my company, _____ which were removed from the property at _____. These confidential records included hundreds of thousands of dollars in credit card transactions with the names, addresses and credit card numbers of my customers. It doesn't make sense that the Plaintiff would be awarded this confidential information. Is this even legal under federal guidelines?

4. During the closing remarks of the trial, _____ the Plaintiff's attorney, presented a slide show to the jury. In that "Dog and Pony" show, he placed a picture of me next to a picture of Sargent Shultz from the television show "Hogan's Heroes." Shultz was wearing a Nazi uniform and helmet. He compared me to the character of a Nazi war criminal and told the jury that I was "evil." Also, just as closing remarks were beginning, _____ let a class of at least _____ young _____ enter the courtroom. They exited while my lawyer began his closing remarks which I believe disrupted the jury's concentration. Was this a mockery of justice?

5. In her Judgment, _____ gave the Plaintiff my mother's house via "Quite Title" in settlement for what was deemed a fraudulent transfer of property. "Quite Title" was one of the options given to the jury on its ballot. However, it was clearly predetermined by the Plaintiff's attorney that the ballot on this particular issue was supposed to be taken into advisement only by the Judge. This did not happen, in my opinion, as _____ just adopted the jury's verdict without full consideration.

When I could no longer afford my house in _____, AZ, I gave the property back to Chase, the lienholder. I did the same when I gave back the property at _____ in _____ to my mother. (The loan was set up via a Title Company and I was making payments to that Title Company.) The transfer of the _____ house was not considered fraudulent, yet the transfer of the _____ property was considered fraudulent. How could two different outcomes prevail with the same set of circumstances? The complex issue of fraudulent transfer was not addressed with points of law. What about the money I still owed my mother for the house in _____ Does she not deserve loan repayment? Also, Deed in Lieu of Foreclosure ("Friendly Foreclosure") was exercised but never addressed in her Judgment visa vie real estate state law by _____. My mother is presently appealing this decision via legal process. My concern is that the Judge may have overstepped her bounds here and will continue to fuel the frivolous aspect of this lawsuit, as the Plaintiff's lawyer continues to intimidate and confuse issues by NOT addressing points of law.

6. Further, during my _____, _____ mother's appeal process, _____ denied a hearing concerning sequestered social security and retirement monies which have since been awarded to the Plaintiff. I was told that this denial was against the law and my mother was entitled to a hearing. Social Security monies provided by the government are necessary for my mother's survival.

In summary, while I understand it's not unusual for the Plaintiff's lawyer to write a Judgment, I believe _____ "rubber stamped" this decision and did not perform her duty as a Judge. This is truly troublesome since so much of the jury's ballot was to be taken "by advisement" and not as the final decision and outcome. Additionally, she has unilaterally denied due process in my mother's right to appeal. I believe the above behaviors are not befitting of a Judge, and therefore need to be investigated.

_____ criminal lawyer, _____ advised her to take a plea bargain. He told her that no amount of "evidence" was going to prevent her from going to jail. She was threatened with _____ in prison. With a plea, she was told she would get just _____. She is now serving an _____ sentence. She tried to fire this attorney and her record was sealed.