

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 14-127

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge was biased and unfair at the trial in his dissolution proceeding.

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

Dated: May 28, 2014.

FOR THE COMMISSION

/s/George A. Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on May 28, 2014.

*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

2014-127

COMPLAINT AGAINST A JUDGE

Your Name: MR. [REDACTED] Judge's Name: [REDACTED] Date: [REDACTED]

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times, and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

THE PETITIONER IS MAKING CLEAR THAT HE IS NOT IN ANY MEANS REQUESTING A CHANGE OF JUDGE BUT RATHER THE IMPROPRIETIES STATED BY JUDGE - [REDACTED] WITHIN THE TELEPHONIC SESSION OF : [REDACTED] WHEREIN AND THROUGH DOCUMENTION SAID JUDGE - KNEW (VIA MAILINGS) THAT THE PETITIONER WAS AND STILL IS INCARCERATED AND NOT FOUND GUILTY OF ANY CRIME AS ALLEGED BY HIS ESTRANGED WIFE (WHICH SHE BLANTANTLY AND DELIBERATELY STATED ON [REDACTED]). THE PETITIONER ON OR ABOUT [REDACTED] BECAME IN RECEIPT OF DIVORCE PAPERS FILED BY HIS ESTRANGED WIFE NO STATED OR WRITTEN BASIS AS HER REASONS) WHY. ON OR ABOUT [REDACTED] A TELEPHONIC SESSION WITH ONE NAMED - [REDACTED] THE INITIAL AND ONLY AGREEMENT VERBALLY WAS FOR THE LADDER - ELECTRIC DRILL AND - SHOP VAC NOTHING ELSE [REDACTED] I [REDACTED] FILED WITHIN PAPERS SENT TO ME AT THE [REDACTED] JAIL I REQUESTED SPOUSAL SUPPORT FOR ROUGHLY \$ [REDACTED] OR MORE AND INQUIRED DURING OF THE PHONE CONFERENCE ABOUT [REDACTED] DIVISION OF MARITAL PROPERTY/ASSETS... MS/MR [REDACTED] STATED THAT I WAS NOT ENTITLED TO ANYTHING (ALLEGEDLY) DUE TO THE MARRIAGE NOT BEING OVER [REDACTED]. THEN SENT ME A COPY OF: [REDACTED] 9 - MAINTENANCE; COMPUTATION FACTORS (HIGHLIGHTED) [REDACTED]. HOWEVER, WITHIN EITHER SECTION DOES NOT REFERENCE ANY LENGTH OF MARRIAGE WHICH THE COURT MAY OR MAY NOT CONSIDER. AS OF : [REDACTED] I, MR. [REDACTED] FILED A HAND WRITTEN DIVORCE APPEAL & CONTESTMENT TO [REDACTED] STATING [REDACTED] FOR APPEAL & CONTESTMENT IT IS APPARENT BY JUDGE - [REDACTED] PREJUDICES ON: [REDACTED] HE PAID ABSOLUTELY NO MIND OR CONSIDERATION TO WHAT I, MR. [REDACTED] HAD FILED TO

(Attach additional sheets as needed.)

THE COURT, SAID JUDGE AND HIS COURT WERE FULLY AWARE OF MY STATUS AND AT ALL TIMES MY WHEREABOUTS AS EVIDENCE BY THE MAILING TO THE [REDACTED] JAIL ADDRESS OF: [REDACTED] ARIZONA [REDACTED] IN ORDER TO SET UP THE PREVIOUS PHONE STATUS CALLS.

WHEREAS, ON [REDACTED] THIS PETITIONER, BELIEVES TO BE, BIAS; NON IMPARTIAL; MALFEASANCE; MISFEASANCE; EQUIVOCATED AND IMPROPRIETIES OF JUDGE - [REDACTED], AS OF [REDACTED] AND THE FOLLOWING VIOLATIONS OF: ARIZONA CODE OF JUDICIAL CONDUCT Rules: 1.2; 2.2; 2.3; AND 2.6 RESPECTIVELY HERETO:

RULE 1.2: PROMOTING CONFIDENCE IN THE JUDICIARY.

A JUDGE SHALL ACT AT ALL TIMES IN A MANNER THAT PROMOTES PUBLIC CONFIDENCE IN THE INDEPENDENCE, INTEGRITY AND IMPARTIALITY OF JUDICIARY, AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY. (IN RE: [REDACTED]) (IMPROPRIETY = AN IMPROPER ACT OR REMARK)

- 1). I MADE STATEMENT AT PHONE CONFERENCE THAT MY WIFE HAD COMMITTED ADULTERY WITHIN THE MARRIAGE, (VIOLATION OF: A.R.S. 13-1408) JUDGE [REDACTED] RESPONSE - SHE'S NOT YOUR PROPERTY..., WHEN I MADE MENTION OF WIFE'S ADULTERY AND INFIDELITY IN THE MARRIAGE WITHOUT ANY DIVORCE.
- 2). MAKING REMARKS SUCH AS - "DO YOU HAVE ANY RECEIPTS TO PROVE WHAT YOU PAID FOR IN THE MARRIAGE" KNOWING FULL WELL THE RESPONDANT HAS BEEN JAILED EVER SINCE [REDACTED] AND THE PLAINTIFF ([REDACTED]) HAD ACCESS TO EVERYTHING RELATING TO THE PLAINTIFF - MR. [REDACTED].
- 3). IT IS BELIEVED JUDGE [REDACTED] BASED HIS DECISIONS PREJUDICIALLY AS WELL AS ERRONEOUSLY BY THINKING THE RESPONDANT HAD COMMITTED WRONGFUL ACTS THAT THE PLAINTIFF - [REDACTED] ALLEGED AT THE TELEPHONIC HEARING [REDACTED].
- 4). IT ALSO APPEARS MORE COMMUNICATIONS BY THE COURT WERE WITH THAT OF THE PLAINTIFF - [REDACTED] THAN EQUALLY WITH THE RESPONDANT, IN GENERAL.
- 5). JUDGE [REDACTED] COMPLETELY IGNORED ANY, AND ALL WRITINGS TO HIM BY THE RESPONDANT AND PARTICULARLY THE DIVORCE APPEAL & CONTESTMENT FILED: [REDACTED] BY THE RESPONDANT.
- 6). JUDGE [REDACTED] COURT RECORDS ALL REFLECT ADDRESSING MAILINGS TO THE RESPONDANT AT - [REDACTED] MAKING SAID JUDGE FULLY AWARE OF THE RESPONDANT'S PHYSICAL WHEREABOUTS AND PRESENCE AT ALL TIMES AND KNOWING FULL WELL THAT THERE WAS NO WAY OR MEANS FOR THE RESPONDANT TO HAVE ANY PHYSICAL RECORDS OR DOCUMENTATION OF HIS MARRIAGE OR OTHER MATTERS WITH HIM DUE TO HIS MALICIOUS INCARCERATION DUE TO HIS MALEVOLENT WIFE'S ACTIONS OF HER FEIGNED ALLEGATIONS,

IT WOULD ALSO APPEAR THAT JUDGE [REDACTED] WAS ALSO IN VIOLATIONS OF OTHER, ARIZONA CODE OF JUDICIAL CONDUCT.

### RULE 2.2 IMPARTIALITY AND FAIRNESS

A JUDGE SHALL UPHOLD AND APPLY THE LAW, AND SHALL PERFORM ALL DUTIES OF JUDICIAL OFFICE FAIRLY AND IMPARTIALLY.

1). WHERE WAS JUDGE [REDACTED] IMPARTIALITY AND APPLICATION OF LAW UNDER A.R.S. § [REDACTED] ADULTERY WHEN THE RESPONDANT TOLD HIS COURT THAT HE HAS COMMITTED SAID VIOLATION DURING 04 NOV 2013 (TELEPHONIC) HEARING, AND HIS HONORS' REPLY WAS "SHE IS NOT YOUR PROPERTY". THIS IS NEITHER APPLYING LAW NOR, ANY SHOWING OF IMPARTIALITY WITHIN THE PROCEEDINGS OF [REDACTED] BY MAKING SUCH BIAS STATEMENT, AND THE COMMENTS FOR THE RESPONDANT TO PRODUCE RECEIPTS (\*PARTICULARLY OVER A TELEPHONIC DIVORCE HEARING\*) FOR PURCHASES MADE WITHIN THE MARRIAGE (MARRIAGE FROM [REDACTED]) SUCH COMMENTS WERE: A). NOT IN THE INTERESTS OF JUSTICE;  
B). NOT OF IMPARTIALITY BY ANY MEANS;  
C). THE PREJUDICE IMPOSED UPON THE RESPONDANT PURELY BASED ON THE MALFACTORS OF THE WIFE'S DUPLICIOUS UNPROVEN ALLEGATIONS MADE TO JUDGE [REDACTED] COURT.

2). JUDGE [REDACTED] ADDITIONAL COMMENTS AS WELL WERE HIS JUSTIFICATIONS THAT THE RESPONDANT'S "BASIC NEEDS" ARE BEING MET (MERELY BECAUSE OF HIS INCARCERATION WITHIN SHERIFF- [REDACTED] ILLICITLY RAN TAILS), THIS WAS HIS JUSTIFICATIONS TO DENY SPOUSAL SUPPORT TO THE RESPONDANT COMPLETELY.

### QUESTION:

JUST HOW EXACTLY IS A RESPONDANT TO DEFEND HIMSELF OR HIS LAWFUL INTERESTS BEING INCARCERATED IN A PREJUDICIAL JAIL SYSTEM?

RULE 2.3 BIAS, PREJUDICE, AND HARASSMENT

A. A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE, INCLUDING ADMINISTRATIVE DUTIES, WITHOUT BIAS OR PREJUDICE,

IT IS BELIEVED JUDGE [REDACTED] MADE HIS ERRONEOUS COMMENTS AND DECISIONS ABOUT THE DIVORCE MATTERS BASED ON CONTINUAL FEIGNED INFORMATION BY THE PLAINTIFF, [REDACTED].

RULE 2.6 ENSURING THE RIGHT TO BE HEARD

A. A JUDGE SHALL ACCORD TO EVERY WHO HAS A LEGAL INTEREST IN IN A PROCEEDING, THE RIGHT TO BE HEARD ACCORDING TO LAW,

1). APPARENTLY JUDGE [REDACTED] PAID NO MIND TO THE RESPONDANTS' CONCERNS AND ISSUES RAISED BOTH IN WRITING AND VERBALLY AT THE TELEPHONIC "HEARING", [REDACTED]

B. A JUDGE MAY ENCOURAGE PARTIES TO A PROCEEDING AND THEIR LAWYERS TO SETTLE MATTERS IN DISPUTE, BUT \*SHALL NOT COERCE\* ANY PARTY TO INTO SETTLEMENT.

1). THE RESPONDANT FEELS HE WAS SUBLIMINALLY COERCED TO SETTLE WITHIN THE DIVORCE PROCEEDING OVER THE PHONE PARTICULARLY WHEN THE RESPONDANT COULD NOT ADEQUATELY DEFEND HIS ISSUES OR INTERESTS OVER A BIAS PHONE CALL (BASICALLY EX PARTE) AND NOT BEING ALLOWED TO PHYSICALLY HAVE ANY ACCESS TO ANY NECESSARY RECEIPTS, OR DOCUMENTS TO PROVE HIS CLAIMS, PURCHASES DURING THE MARRIAGE OR PRE-MARRIAGE PURCHASES, AND ESPECIALLY WHEN THE PLAINTIFF HAS FULL CONTROL OVER THE RESPONDANTS' RECORDS DUE TO HIS ILLICIT INCARCERATION THANKS TO THE PLAINTIFF'S MALICE.

2). REVIEW LETTER E-FILED [REDACTED] TO RESPONDANT "ORDER TO APPEAR" E-FILED TO [REDACTED] TO RESPONDANT "ORDER TO APPEAR"

BOTH LETTER CLEARLY STATE: [REDACTED]

1<sup>ST</sup> LETTER DATED [REDACTED] - [REDACTED]

\*NO TRANSPORT FOR RESPONDANT, [REDACTED]

2<sup>ND</sup> LETTER DATE [REDACTED] - [REDACTED]

AGAIN \*NO TRANSPORT FOR RESPONDANT MR [REDACTED] FROM TIME [REDACTED] OR ANY OTHER JAIL.

WHEREFORE, THE RESPONDANT - MR. [REDACTED] WITHIN [REDACTED]  
[REDACTED] HUMBLy PRAYS FOR LAWFUL REDRESS OF THE PREJUDICES  
IMPOSED DURING TELEPHONIC DIVORCE PROCEEDING OF: [REDACTED]  
[REDACTED] THAT HE BE ABLE TO PHYSICALLY DEFEND HIS INTERESTS  
WITHIN THE MATTERS RATHER THAN THE ET PARTE WHERE MRS [REDACTED]  
WAS ACCORDED TO BE PHYSICALLY PRESENT BEFORE JUDGE [REDACTED]'S  
COURT AND MR. [REDACTED] WAS REFUSED EVEN WITH WRITTEN REQUEST  
TO HAVE A TRANSPORTATION ORDER PUT IN FOR THE RESPONDANT  
FROM [REDACTED]

RESPECTFULLY - IN GOOD FAITH,

Submitted By: [REDACTED] THIS [REDACTED] DAY OF