

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-270

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was prejudiced against him and improperly failed to disqualify herself from a civil case.

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: November 25, 2015

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on November 25, 2015.

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

2015-270

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

COMPLAINT AGAINST A JUDGE

Your name: _____ Judge's name: _____ Date: September 25, 2015

The question is not whether the Honorable _____ is impartial in fact, but rather whether reasonable men might question her impartiality under all circumstances. *United States v. Gigax*, 605 F. 2d 507 (10th Cir. 1979).

I. FOUNDATION

It has been the contention of Plaintiff _____ for some time that there was an obvious bias against him demonstrated by _____ throughout Case No. _____ (hereafter, "Case"). Although there are numerous situations that occurred during the case, many of which will be detailed in this complaint, the difficulty in making such an assertion had been to establish the underlying foundation for such a prejudice to exist in the first place. There was no historical record to connect _____ with _____ or any mutual associates or circumstances to his knowledge. However, these unexplained reoccurrences of unjustified bias were made abundantly clear when _____ of _____ broke the story on _____ (*see*, Exhibit A), subsequently receiving extensive local and national media attention, that

What is of particular interest to
is the connection created by the sex offense charges (specifically being that of assault
with the intent to rape, sodomy or oral copulation), where in name and details of these
charges could be found online listed in the database of 775,000 profiles of charged and convicted
perpetrators of sex offenses (*see*, Exhibit C). was associated with the dissemination of
this information via the websites Offendex.com and SORarchives.com (hereafter, “websites”)
that were the center of the case being litigated before

It is important to detail the significance of the many circumstances surrounding this situation.

In 2013
and 2014, doing a basic Google search of the name or
would return a first page result, top ten (actually #2), of the database profile provided by the
websites detailing the sex offense charges occurring in California. This same Google search of
did NOT provide additional results from any other sources (only the websites associated

with the case) about his criminal history for the next six (6) Google result pages - statistically limiting the views of those searching this deep to less than .1 of 1% (*source*, Search Engine Watch¹). The websites involved in this litigation were the best and virtually exclusive online resource available to uncover the factual criminal history of [redacted] and thus was a direct threat to his objective of hiding in anonymity and obscuring his whereabouts.

In 2013 and 2014, during the entire litigation, there were irrefutable reasons the continued publication and easy accessibility of this information by the websites would be detrimental personally and PROFESSIONALLY to both [redacted] and [redacted] and was the basis for the previously unexplained prejudiced treatment experienced by [redacted] throughout the case.

[redacted] is requesting this judicial committee review the many substantial facts related to this litigation that clearly demonstrate that a fair and impartial trial was not afforded to [redacted] and that [redacted] engaged in pervasive Abuse of Judicial Process.

II. LEGAL STANDARDS

It has been difficult for [redacted] to deal with a Justice System experience that has been repeatedly unfair and bias in its handling of the circumstances of this case. As a pro per litigant it is a difficult situation to navigate the complexity of the legal system under the best of circumstances. However, with the internet has come the means to locate previously difficult legal

¹ See, e.g., SearchEngineWatch.com, <http://www.searchenginewatch.com>

resources that allow easy access to the information to at least familiarize oneself with the legal process. As long as you are literate, you can read the Arizona Rules of Civil Procedure², the Arizona Code of Judicial Conduct³ and search for case law that can be cited in your filings as you are capable of at least comprehending the legal standards. The issue has been that what is written (the law) and what was actually practiced by _____ throughout this case are two completely different concepts.

The research done by _____ found the provided legal standards stated in this complaint and he expected and assumed the same to be those practiced during the course of the case. However, _____ did not operate by judicial conduct dictates and precepts of the proper Rules and Code but rather was clearly motivated far more by personal and professional considerations that were affected by the existence of the websites database of convicted sex offenders

There was no way for _____ (or the general public and/or even the closest of professional associates) to surmise the truth of the nefarious reality driving the conduct displayed by _____ during the entirety of the case. The point to be determined with this complaint is whether the legal standards cited actually apply to the judicial process for the general public and pro per litigants or they are just subterfuge for confusion and complexity to be employed and/or ignored by learned attorneys and judges at THEIR own independent discretion with no actual accountability.

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² Hereafter, the Arizona Rules of Civil Procedure will be referred to simply as “Rule ___”.

³ Hereafter, the Arizona Code of Judicial Conduct will be referred to simply as “Code”.

A. ARIZONA CODE OF JUDICIAL CONDUCT

The provisions of the Code “apply to all judges” within this State. Rule 81, Part A, Arizona Code of Judicial Conduct, Rules of the Supreme Court of Arizona (hereafter, the “Code”). Every judge in Arizona “shall comply with the law, including the Code of Judicial Conduct.”

1) See Code, Rule 1.1

Each Arizona judge “shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.”

2) See Code, Rule 1.2

Comment that “[t]he test for appearance is whether the conduct would create in reasonable minds a perception that the judge violated this code or engaged in other conduct reflects adversely on the judge’s honesty, impartiality, temperament, or fitness to serve as a judge.”

3) See Code, Rule 2.2

The public’s “[c]onfidence in the judiciary is eroded if judicial decision making is perceived to be subject to inappropriate outside duties if judicial office fairly and impartially.”

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TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**