

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-348

Judge:

Complainant:

ORDER

The complainant alleged that a superior court judge was dishonest, biased against him, deprived him of his rights, and treated him rudely.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, 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(a).

Dated: February 15, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were distributed to all appropriate persons on February 15, 2017.

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

I understand the commission cannot reverse court orders or assign a new judge to a case.

I declare, under penalty of perjury, that the foregoing information and the facts I have provided upon which my allegations of judicial misconduct are based are true and correct

Signature: _____

Date: _____

INSTRUCTIONS

Use the following space or plain paper of the same size to explain your complaint. Explain why you believe what the judge did constitutes judicial misconduct. Be specific and list the names, dates, times, and places relevant to your allegations. Additional pages may be used and relevant copies of documents may be sent with your complaint (please do not send original documents). Use one side of each page only and write legibly or type your complaint. Please keep a copy of your complaint for your records.

(Please see my supplemental complaint attached) We had our divorce trial on _____ I am the Pro Se
 Petitioner (I have remained Pro Se the whole divorce).I filed the divorce on _____
 is the Respondent represented by attorneys _____ and _____ They joined this
 case in _____ presided at our trial.In _____ "Decree
 of Dissolution and Paternity Judgment" filed in this case on _____ fabricated
 testimony that he claims that I gave at trial that I never gave. These statements that he claims that I made are
 no where on the video/audio-recording of the trial nor in the trial transcript (the trial transcript is attached to this
 complaint and the video/audio will be submitted very soon).I knew when I read his final decree that
 _____ would dishonestly claim "oh I thought that's what he said" or "judge error" or "harmless error" or "I
 can say whatever I want to say because no one is going to do anything to me because I am a judge".He
 figured that everyone would believe him over me because he is a judge and I am just some Negro dad with no
 attorney. Based on how disrespectfully I have been treated by judges, attorneys and this commission I believe
 this to be the truth _____ actions were intentional, they were flaarant, unethical and they were criminal. I
 promptly contended that he fabricated my trial testimony in my _____ filed in this case on
 _____ (attached). _____ has seriously and unjustly defamed my name and my children's
 name. As a result of the lies that _____ created about me in his final decree I submitted a
 complaint to the _____ for the criminal violation of _____
 _____ asked me how I was injured as a result of
 _____ actions. I explained to him that this final decree is available at the Clerk's Office for public
 inspection and dissemination by the general public and severely defames my name and my children's name,
 particularly because it will be distributed who knows how many times over the years to my children's
 Pediatricians, Dentists and health care providers, day care providers, School teachers and
 administrators, possibly to my job, and whoever else may see this document. I told him that
 creating lies about me in his court order is tantamount to a police officer creating false witness statements or
 evidence in a police report to effect an arrest on someone _____ invited me to come back for a
 second meeting with him and the _____ I am currently preparing for that meeting. I also
 explained to the _____ that the _____ is engaging in a "pattern and
 practice" of depriving fathers in family court of their most fundamental rights protected by the United States
 Constitution. In addition to the second meeting the _____ also encouraged me to express my
 complaints with the _____ which I am still working on as
 well. In his final decree _____ expressed his animus for me on several occasions I have
 pointed this out as well as the testimony that he fabricated in detail in " _____ Opening
 Brief (Second Copy)" that I filed in our divorce appeal with the _____ on
 _____ (copy is attached). _____ has been "under advisement" for
 _____ now since _____

I have also pointed out more of the fabricated testimony that
 Reply Brief" filed in our divorce appeal as well on
 supplemental complaint I would like to rely on these two documents to point out the judicial misconduct that
 has engaged in. I also pointed out judicial misconduct that
 complaint addressed to
 in a document entitled "
 This document was submitted by hand delivery to
 I would like to rely on this document as well to point out judicial misconduct
 committed by At our trial on kept rushing my testimony and he was
 rude and unprofessional with me and he yelled at me several times and said
 He was very disrespectful to me. He treated me as a second class citizen. His female assistant or
 bailiff who prepared the exhibits was also very rude to me because she fed off of rude courtroom decorum. I
 also pointed out judicial misconduct committed by in a document entitled
 Change of Judge for Cause" that I filed in our divorce on and I would like to rely on this document as well
 to point out judicial misconduct (attached). In his final divorce decree incorporates language that encourages
 the mother to go to with our two children where she is certain to disappear with them. He did this in
 retaliation against me for speaking out on the judicial misconduct of other judges. I would also like to rely on a document
 entitled RESPONSE TO RESPONDENT'S MOTION FOR ORDER COMPELLING DISCOVERY AND
 HIS MOTION TO QUASH LETTER OF INTENT TO RELOCATE THE CHILDREN TO AND REQUEST FOR
 GEOGRAPHICAL RESTRICTION OF CHILDREN'S RESIDENCE, filed in this case on to show judicial
 misconduct of
 On we are scheduled for a hearing in which is the presiding judge to determine if he will give
 the mother permission to move to with our two children. has not recused
 himself from this case because he wants to make certain that HE and ONLY HE is the judge to preside over this hearing so he
 can GRANT permission to the mother to move to with my daughter and my son
 where as American Citizens they are subject to being kidnapped or murdered or both and the mother is
 certain to disappear with them ensuring that I the Dad will never see them again and that they will never see their older sister
) and their younger sister here in Arizona ever again. are very close and I
 have been very much involved in their lives since they were both born. This is the ultimate revenge for
 to achieve against me for speaking out on judicial corruption within the system. His motive for
 staying on this case is one hundred percent corrupt and evil-RETALIATION and complete destruction of the father-child
 relationship. I will not allow to sunder my family with impunity. wants to play GOD while
 walking with the devil. is an enemy to the best interest of my children and an enemy to justice. He is a very
 dishonest judge and a horrible person, he has a corrupt mind, an unrighteous heart and an evil spirit. So far
 has proven to be untouchable here in the state of Arizona. He flagrantly deprives me of my most fundamental constitutional
 rights then he spits in the face of this Negro father and I am expected to like it. Well I do not like it and I don't have to. And I do
 not have to respect him either, EVER. I will not acquiesce to this 1950 Mississippi style practice of law. To me he is not a man, he
 is a DEVIL. We are at war for the welfare, safety and future of my two children and I will treat as the
 enemy at all times because that is exactly what he is. I will keep my face to the foe. I will fight to preserve the father-child
 relationship with all the blood in my body. He has the audacity to play games with my children's future, but this is no game to
 me. When it comes to my blood children I am a soldier to the finish. He has ALLOWED the mother and her
 attorneys and to lie to the court and fabricate lies about me in open court with
 impunity. has not acted as a minister of justice, only as a COWARD WITH POWER. A righteous person would not
 have committed the sins in which is guilty of. His actions are tantamount to domestic terrorism. I hope
 that this commission will punish in a manner that will serve as a meaningful deterrent to him and to any
 other judge to refrain from engaging in this same or similar conduct in the future. Based on the way I was so flagrantly
 disregarded by this commission in my complaint against I have zero confidence that you will punish
 for his misconduct or even hold him accountable in any way. I fully expect that you will again spit in the
 face of this Negro complainant. I am merely filing this complaint as a formality and evidence to show the
 how this commission is complicit in the deprivation of a citizen's rights protected by the
 Constitution of the United States because you condone, facilitate, encourage and perpetuate the ethical misconduct of judges in
 the state of Arizona (Which is the core of the problem). judges like do not fear your commission, because
 if they did they would not engage in ethical misconduct, they would be SCARED to, but they know you will not inflict any
 deterrent punishment upon them. Only and maybe a "public reprimand" at most that is published in some document that 99
 percent of people in Arizona will never see or even know exists. Your commission clearly discriminates and sends a clear
 message that you are not going to sanction any judge based on the complaint of a Negro citizen. Had you punished judge
 judicial misconduct that would have served as a deterrent to to refrain from
 unethical conduct. I spent all that time on her complaint and making copies for nothing. You dismissed my complaint with no
 articulation as to how you came to that conclusion. Why should a citizen of Arizona even waste their time with this process?
 Now this case is a runaway train involving my two children whom I love so dearly. is supposed to "Avoid
 impropriety or the mere appearance of impropriety". That sounds like just a bunch of talk to me. Some hogwash. YOU DO NOT
 PUNISH JUDGES SO THEY DO NOT FEAR YOUR COMMISSION. My blood children are not on this earth so they can be
 used as pawns of oppression by or any judge. Let the chips fall where they may in this case.

To: The Arizona Commission on Judicial Conduct

From:

Phone:

Email:

Address:

Complaint on: /

Divorce Case:

Petitioner:

Respondent:

Children involved: The parties have two minor children together; a daughter now age and a son now age

When and where judicial misconduct took place: At our final trial for Dissolution of Marriage on in the located at

Who was present: I. personally appeared as Pro Se Petitioner in the case, Respondent personally appeared with her two attorneys and a female Hispanic Spanish speaking interpreter was present (for), Police Officers and an unknown Caucasian female who was with attorneys and two woman who are part of staff (one is a Baliff)

COMPLAINT OF JUDICIAL MISCONDUCT
AGAINST

TO THE ARIZONA COMMISSION ON JUDICIAL CONDUCT:

INTRODUCTION

My name is I am the Pro Se Petitioner in the above referenced case. The Respondent and mother of my two children is . She came to the United States from Mexico in and is a Mexican citizen. Both of our children are citizens of the United States. Our daughter has dual citizenship in the United States and Mexico. was born in Mexico but has lived here in Arizona since she was months old. received her U.S. citizenship from me her father through the U.S. Consulate in Mexico when she was months old. The United States is

my children's Country of habitual residence. Our son was born in Arizona and has lived here his whole life. I initiated this Divorce on in and I were married in on . We were together for about two and a half years prior to the marriage and were married for approximately seventeen days before we separated. We have been separated and have not lived together since

I have remained as a Pro Se party from the very beginning. Within the system I have been treated very unfairly by the judges and indeed I have endured gross injustice.

JUDICIAL MISCONDUCT COMMITTED BY

I'M TIRED OF BEING IGNORED. I'M TIRED OF BEING STEPPED ON. I'M TIRED OF THE DISREGARD FOR MY CHILDREN'S EMOTIONAL WELFARE AND PSYCHOLOGICAL DEVELOPMENT.

has engaged in violations of the following rules of the Arizona Code of Judicial Conduct against me:

Arizona Supreme Court Judicial Ethics Advisory Committee/ Advisory Opinion 98-02 **Disqualification Considerations When Complaints Are Filed Against Judges**

Discussion

"While a motion for a change of judge for cause is determined by a neutral judge, the Code of Judicial Conduct places a continuing and affirmative duty on the judge to recuse himself or herself from any proceeding in which his or her "impartiality might reasonably be questioned." This affirmative ethical standard may require considerable introspection and intellectual honesty on the part of the judge during any phase of a court proceeding regardless of whether a complaint has been filed with the Commission."

"Canon 3E deals with the issue of disqualification and provides that a judge must disqualify himself or herself whenever the judge's impartiality might reasonably be questioned. The canon describes a number of situations in which a judge's impartiality would reasonably be questioned, and in those situations recusal is mandatory. The canon makes it clear, however, that the requirement of disqualification is not limited to the situations described in the canon."

"Additionally, any complaint of bias against a judge by a litigant or an attorney under the code must be supported by specific facts and circumstances sufficient for a reasonable person who is uninvolved in the proceeding to make a determination of whether the judge's impartiality might reasonably be questioned."

“Of course, if the judge against whom a complaint is filed believes the circumstances described in the complaint are true and show that the judge’s impartiality might reasonably be questioned, the judge must recuse himself or herself. Also, if, for whatever reason, the judge develops a personal bias that would inhibit the judge’s ability to remain impartial and deal fairly with the parties, the judge must recuse himself or herself.”

“The objective standard clearly requires disqualification when any of the factual conditions described in Canon 3E are present. But as one legal scholar has noted, this is not the only requirement of this standard: The objective standard appears to require disqualification not only when there is in fact impropriety, but also when there is an appearance of impropriety. Indeed, it has been stated that avoiding the latter is “as important to developing public confidence in the judiciary as avoiding impropriety itself.”

“Id. at 16. Again, the test is whether an objective, disinterested, fully informed observer would reasonably question the impartiality of the judge.”

“4. Does the complaint cause any actual personal bias that will interfere with the judge’s impartiality? If so, the judge must recuse himself or herself.”

“5. Does the complaint allege specific facts and information regarding matters extrajudicial to the pending proceeding as the basis for the complaint? If so, does the complaint, even if believed by the judge to be untrue or erroneous, contain specific facts which would cause a reasonable person to question the judge’s impartiality or create an appearance of impropriety to a reasonable person if the judge remains on the case? If the answer is yes, the judge must recuse himself or herself. Here the judge must take into account the risk of injustice to the parties in the particular case and the risk of undermining public confidence in the judicial process.”

ARIZONA CODE OF JUDICIAL CONDUCT

PREAMBLE

An independent, fair, and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the rules contained in this code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.

Judges should maintain the dignity of judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence.

This code establishes standards for the ethical conduct of judges and judicial candidates. It is not intended as an exhaustive guide for the conduct of judges and judicial candidates, who are governed in their judicial and personal conduct by general ethical standards as well as by the

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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.**