

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-144

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was biased against him, threatened him, engaged in ex parte communications, engaged in improper demeanor, and threatened his witnesses.

The responsibility of the Commission on Judicial Conduct is to impartially determine if a judicial officer 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 a judicial officer's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judicial officer did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Commission member Art Hinshaw did not participate in the consideration of this matter.

Dated: August 15, 2018

Copies of this order were distributed to all appropriate persons on August 15, 2018.

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

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

FOR OFFICE USE ONLY

18-144

COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

From what I and others have observed, and is shown on the record: _____ (Judge Case# _____ & _____)

We are not getting a Fair Hearing/Trial

At the very beginning of the hearing _____ used coercion and threats against me as a retaliatory measure against my request for reasonable accommodation in accordance with ADA. He responded with threats of arrest for contempt if I keep my own record of the proceedings, thus unfairly putting me at a disadvantage and showing signs of favor towards my opponent. The record shows my statements under threat and duress I then did turn off my recordings due to threats made by _____

Judges are supposed to remain a disinterested third party trier of the facts, from his behavior on the bench it appears that he was the moving party of the _____ case and in fact practicing law from the bench.

His open and threatening comments towards the witnesses in my case further evidences his bias, prejudice, and unfair favor with my opponents and has taken their side without presenting any evidence that warrants such behavior, or allowing opportunity for defense to object during ex parte communications with my opponents.

His extra judicial punishment evidenced by threats he made towards the witnesses to intimidate them in my case proves beyond reasonable doubt that he has already, contrary to ethical standards & law, taken sides with my opponents.

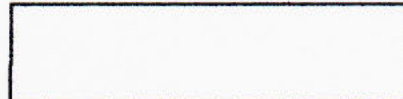
He has made extra effort to publicly berate myself and my witnesses for the exercise of our right to freedom of speech, expression and press, and unlawfully placed what appears to be a gag order against us in favor of our opponents. He did not address nor publicly shame my opponents for failing to return phone calls or maintain contact with myself or others who have been contacting them to address concerns for my children, nor did he place an order against them to maintain regular contact.

It is also unethical and unjust to participate/allow ex parte communication with any party absent the opposing party ability to object and defend, and considering the circumstances of inadequate representation due to unfamiliarity with the case denied me the fundamental right to adequate representation. My requests and objections were ignored and denied to be present for a bench approach discussion and a chambers meeting during the hearing. Though my opponents have not provided me with any clear and convincing evidence outside speculation, rumor, hearsay, and assumption. _____ did unjustly act with prejudice to _____

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He has made it clear that in the future I cannot speak: " _____ ' or inquire as to their location. He has also made it clear that _____

This is not justified by any reasonable law, or rational, and merely has been made in favor of my opponents to arbitrarily deprive me the right to keep record of my time with my children and reflect on our limited time together while _____ This is arbitrary and disability discrimination against me to depriving me of my life, liberty and pursuit of happiness, on the arbitrary and vague grounds that _____ is _____ The only confusing explanation was not based in law but merely on suspicion, and assumption that something might unfavorable happen to _____ if I take _____

From the very beginning this entire hearing has been prejudiced and slanted unequally in favor of my opponents without clear and convincing evidence. I take issue, concern, and offense with these trespasses. I question _____ ability to remain neutral and base his findings on evidence rather than hearsay, rumor, speculation, or assumption. In the interest of justice and for reasons stated herein, the law requires _____ to recuse himself from this case as it would be unethical at this point to continue on the bench.

Myself and multiple family members, witnesses, relatives, friends, neighbors and members of our community have filed a complaint against him with _____

_____ has also made it clear in court that he has a clear bias against me, and is discriminating against my gender by unequally/unfairly ordering more visitation time for my estranged wife who is engaged in bigamy, adultery, stalking, harassment, perjury and routinely ignores court orders. It is apparent that _____ is prejudice and is discriminating against me because I am _____ my gender is obviously the motivating factor in this discriminatory treatment. Not to mention his bias and prejudice against me for my service connected disability, and my religious beliefs. He has ignored his Loyalty Oath of office to support and defend the principles of due process established in our federal and state constitutions. He is ignoring the supremacy clause of the federal constitution. _____ is also making all kinds of demands and orders engaging in extra judicial punishment from the bench and appears to be the moving party to the case, thus he is practicing law from the bench in favor of _____. The unethical and unlawful behavior of this public servant is depriving _____ and I of our fundamental rights, protections, privacy and freedom. _____ has unlawfully abused his position and threatened me and my witnesses multiple times with violence through the threat of contempt for exercising constitutionally protected rights. This is criminally negligent and is a violation of witness intimidation/tampering laws and puts my case in jeopardy of an unfair trial.