

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-373

Judge:

Complainant:

ORDER

February 19, 2020

The Complainant alleged a superior court judge refused to direct the clerk of the court to issue a certificate.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission member Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 19, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2019-373

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.

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Taken from your Mission Statement: Our mission is clear and simple; we are dedicated to providing a safe, fair and impartial forum for resolving disputes, enhancing access to our services, and providing innovative, evidence-based practices that improve the safety of our community and ensure the public's trust and confidence in the Judicial Branch. And in the online Judicial Branch of Arizona in _____ County pamphlet it says: Courts don't belong to judges. They belong to all members of the community. If that is true why has my husband been deprived of obtaining the legal and lawful "

_____, for the enforcement of his Due Process Rights and the equal protection pursuant to the law to secure his right to a jury trial at law? Question: What are the mechanisms for ensuring that Arizona Superior Court judges are ethical, fair, impartial and prompt in their rulings and in diligently executing the business of the court?

The Arizona Code of Judicial Conduct says: "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." Inherent in all the rules contained in the 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. But how can confidence be maintained when judges don't abide by the Arizona Declaration of Rights, specifically, Article II, Section 2, 3, 4, 6, 11, 23, 24, 32, and 33, and the Federal Bill of Rights. The code is intended to provide guidance and assist judges in maintaining the highest standards of judicial and personal conduct, and to provide a basis for regulating their conduct through disciplinary agencies therefore this writ is put forth just for that reason. The Holy Bible which is the ultimate law for mankind says in *Isaiah 29:21* "...those who with a word make a man out to be guilty, who ensnare the defender in court and with false testimony deprive the innocent of justice."

Judicial Misconduct and Violations of the Law

Count One: Obstructing Process

1. Next Friend has encountered judicial misconduct by _____ Judge _____ of Superior Court of Arizona In _____ County at _____ for not having the clerk certify her legal and lawful writs and providing the “ _____ ” as stated on the Superior Court Filing Fees schedule for _____ County, effective _____

And Title 29. Partnership § 29-854, Rules of construction exempts common law writs from court rules therefore, Next Friend submitted a \$ _____ Money Order for payment of the court fee under reservation of all rights reserved. In order to determine whether the officers of the court of record was acting in good faith Next Friend sent two letters to _____ dated _____ and _____ his response was to ignore my questions. And the Inquiry Notice, dated _____ to Judge _____ was met with passive silence. In an attempt to determine if they were operating in bad faith due to my papers being met with passive silence, I was force to send those three notices. The legal and lawful proceeding for securing a “ _____

_____” for my husband’s Writ of Error Coram Vobis, an ‘action on the case’ of No. _____ There is a clear case of “ _____

_____” against my husband by the clerk of the court who was most likely directed by a judge of the Superior Court of the State of Arizona for the County of _____ not to comply with the law.

a. Obstructing process. In criminal law, the act by which one or more persons attempt to prevent or **do prevent the execution of lawful process**. See e.g. 18 U.S.C.A. § 1501 et seq. [Emphasis Added].

b. ACTION: Judicial remedy **or the enforcement or protection of a right**. White v. White, 98 Ind. App. 587, 186 N.E. 349, 351. It includes all the formal proceedings in a court of justice attendant upon the demand of a right made by one person of another in such court, including adjudication upon the right and its enforcement or denial by the court. Black’s Law 4th Edition. [Emphasis Added].

c. The Constitution of the United States and the acts of Congress, recognize and establish the distinction between law and equity. **The remedies in the courts of the United States are, at common law...** - Thompson v. Railroad Companies 73 U.S. 134. [Emphasis Added].

d. **Suits at law shall be commenced by writ or process, under the seal of the court, and signed by the clerk,** and be tested in the name of the judge, (or if that office shall be vacant, of the clerk) and shall issue... to the marshal of the district, commanding him to arrest or summon the defendant, (as the case may be) and shall be returnable on the first day of each term. Eliza Brown v. Frances Swann 34

U.S. 1. [Emphasis Added].

e. "...a civil action, **a suit either at law** or in equity, the right of challenge remained at common law", The United States v. Richard Johns 4 U.S. 412. [Emphasis Added].

Count Two: Duty to Obey Law was not Adhere to by the Court Officers

2. Next Friend's proceeding in the Writ of Error Coram Vobis of special finding, is her positive statement of facts for legal interest in my husband's previous proceeding, in opposition to the court's fiction judgment and the color of law Order of Confinement that begun on _____ sign by Judge] _____ Next Friend's husband does not consent to the court's fiction judgment and the color of law Order of Confinement. The Presiding Judge _____ did not order the clerk of the court _____ to certify Next Friend's legal and lawful papers for the action on the case that would have introduce into evidence by filing of Writ of Error Coram Vobis for his suit at law. It appears that Judge _____ ran inference to deny Next Friend's husband of his protected right to a jury trial at law according to your RULE 2.5. (Competence, Diligence, and Cooperation). The Arizona Declaration of Rights, specifically, Article II. Section 2, 3, 4, 6,11, 23, 24, 32, and 33, and the Federal Bill of Rights secures the right to jury trial at law. Also, Title 29 § 29-854. Rules of construction has exempted all common law writs thereby said papers can be certified without restriction or fee. However, if Next Friend is force to pay the filing fee, payment will be made with reservations of all rights reserved. The court officers have been given the law and they must follow it because "
" includes suits at law.

a. PAPER: "A written or printed document or instrument. A document filed or **introduced in evidence** in a **suit at law**, as, in the phrase "**papers in the case**" and in "papers on appeal." Any writing or printed document, including letters, memoranda, legal or business documents, and books of account, as in the constitutional provision which protects the people from unreasonable searches and seizures in respect to their "papers" as well as their houses and persons. Black's Law 6th Edition. [Emphasis Added].

b. Article II. Declaration of Rights: 23. Trial by jury; number of jurors specified by law
Section 23. **The right of trial by jury shall remain inviolate.** Juries in criminal cases in which a sentence of death or imprisonment for thirty years or more is authorized by law shall consist of twelve persons. In all criminal cases the unanimous consent of the jurors shall be necessary to render a verdict. In all other cases, the number of jurors, not less than six, and the number required to render a verdict, shall be specified by law. [Emphasis Added].

c. RULE 2.6. Ensuring the Right to Be Heard: (A) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right

**THE COMMISSION'S POLICY IS
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.**