

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-412

Judge:

Complainant:

ORDER

April 1, 2020

The Complainant alleged a superior court judge was biased against the husband and had prejudged the case in a family law matter.

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 does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. 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).

Copies of this order were distributed to all appropriate persons on April 1, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2019-412

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.

It is my opinion that Judge _____ violated the Judicial Code of
Conduct rule 2.3 when he refused to modify the spousal maintenance that
pays (\$ _____). Case

The Respondent in this case had a right to an unbiased ruling by the judge; a right to a fair ruling not based on bias, race, sex, gender, ethnicity and socioeconomic status. It is difficult to prove that a judge has been biased as a decree and case histories do not indicate ethnic background of the parties. However, in the case of _____ (case _____), we clearly have proof of bias in the _____ courts; making rulings that are lenient for an African-American _____ and punitive for the white _____

We, the public, are well aware that the many years of experience and of the consultation/conferring that the judges do amongst each other which lead to various rulings. It is interesting to note that Judge _____ seemed to be extremely reluctant to modify a ruling made by Judge _____ (_____ shortly after this initial ruling).

Additionally, Judge [redacted] has violated Rule 1.1 (compliance with the law) as demonstrated by our attorney [redacted]. The law stated that Judge [redacted] shall look not only at the White [redacted] ability to pay but the wife's need for continued support. He neglected to consider her financial circumstances as well as the husband's decrease in income.

Judge [redacted] violated Rule 2.6 when he announced on the day of the hearing that he had already " [redacted] " but he would " [redacted] ".

Judge [redacted] also allowed a supplemental pleading by Attorney [redacted] past the deadline which was against the court rules.

On [redacted] Attorney [redacted] filed a motion for a new trial based on a violation of these court rules by Judge [redacted] and stated an abuse of discretion by Judge [redacted]. Judge [redacted] of course, denied the motion for a new trial. He also refused to acknowledge evidence submitted by the Respondent and in his denial of a New Trial declared that the Respondent had " [redacted] " which is false. Clearly, Judge [redacted] did not want to overturn or modify a ruling made by Judge [redacted].

Judge [redacted] in allowing such a disparate ruling and not even allowing the benefit of stare decisis (because the [redacted] case had been decided just [redacted] prior) has, in doing so, violated the Respondent's Fourteenth Amendment rights to Equal Protection under the Law. If not for [redacted] unfortunate public display of violence, this would have never come to light.

Judge [redacted] makes a footnote on his ruling that the matter of the amount of Spousal Maintenance should have been decided by the Appellate Court. However, the problem of declining income at the time was the issue and hence, the request for modification. A respondent expects the Judge to make rulings on past cases (of which he has plenty of experience and conferring resources), not to exempt himself from making important and unbiased decisions by planting footnotes in his rulings.

Judge [redacted] should be removed from the bench because he has not only violated the Judicial Code of Conduct but also has violated Civil Rights in the process. He should also be made to pay restitution to the Respondent. It is unfortunate that this type of disparity of rulings and violation of civil rights are allowed to happen in the [redacted] Court. We seek further investigation into this matter, appropriate acknowledgment and restitution.

I have included a number of documents for reference:

- 1. Comparison sheet with facts photos ([redacted])**
- 2. [redacted]**
- 3. Copy of the Decree:**
- 4. Copy of the Child support order**
- 5. Judge [redacted] ruling dated [redacted]**
- 6. [redacted]'s supplemental pleading dated [redacted]**
- 7. [redacted] motion to strike supplemental pleading dated [redacted]**
- 8. [redacted] motion for a New Trial dated [redacted]**
- 9. Judge [redacted] denial for a New Trial dated [redacted]**
- 10. Acknowledgement of a [redacted] by ex-wife's attorney**
- 11. W-2s submitted to the Court for review by Judge [redacted]**

Your review of the matter is greatly appreciated.

Case:

Date of filing:

Judgment Decree:

Ruling:

Husband pays

No. of Children:

No. of children and age at

Dissolution:

Years married:

Income of

Petition to Modify Spousal

Maintenance:

Case:

Date of filing:

Judgment Decree:

Ruling:

Wife pays :

No. of Children:

No. of children and age at

Dissolution:

Years married:

Income of

(income at time of filing is unknown)

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his ex who he claimed that she abused their son, then
manufactured a domestic-violence incident that cas-
caded into a conspiracy.

**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.**