

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 20-044

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Judge:

Complainant:

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**ORDER**

May 21, 2020

The Complainant alleged that a superior court commissioner failed to accommodate his disabilities, improperly granted continuances, and made erroneous evidentiary rulings in his family court 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).

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 May 21, 2020.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

20-044

**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.

PLEASE SEE ATTACHED LETTER...THANK YOU.

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

RE: COMPLAINT AGAINST \_\_\_\_\_ COUNTY COURT JUDGE  
 CASE NO: \_\_\_\_\_ – HEARING ON \_\_\_\_\_

To Honorable Commission Members:

I, \_\_\_\_\_ (hereafter \_\_\_\_\_, bring this formal complaint against Judge \_\_\_\_\_ of \_\_\_\_\_ County Court, assigned to Case Number: \_\_\_\_\_, a family law matter for Modification of Child Support, on this \_\_\_\_\_

I affirm, under penalty of perjury, that the foregoing information and the allegations contained in the attached complaint are true.

**WHAT I BELIEVE JUDGE \_\_\_\_\_ DID THAT CONSTITUTES JUDICIAL MISCONDUCT**

**VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990 (42 U.S.C. § 12101) / TITLE II OF THE AMERICANS WITH DISABILITIES ACT AND SECTION 504 OF THE REHABILITATION ACT**

Resulting in the unlawful discrimination against \_\_\_\_\_ by Judge \_\_\_\_\_ in the administration of Arizona family court proceedings, and its activities and services, with regards to not providing adequate and requested accommodations on this case pertaining to \_\_\_\_\_ s hearing impairment (Tinnitus) which he receives disability for from the Department of Veterans Affairs, and in accordance with Title II of the Americans with Disabilities Act (ADA) and section 504 of the Rehabilitation Act.

Resulting in \_\_\_\_\_ being treated by Judge \_\_\_\_\_ on the basis of generalizations or stereotypes as Judges are required to work with litigants with mental health problems in situations that can cause significant frustration and/or an increase of stress and anxiety. It is important that such feelings not get in the way of decision making by Judge \_\_\_\_\_ or any other Judge assigned this case going forward.

Resulting in the lack of high-level communication as needed from the court's functionaries and ADA coordinator(s).

Resulting in incompetence or unfamiliarity with current ADA law which has contributed to denial of due process rights under the ADA by the court in addition to causing an increase of stress, depression, anxiety, insomnia and sleep disturbances to AEC.

**VIOLATION OF THE FEDERAL RULES OF EVIDENCE (FRE) AND ARIZONA RULES OF EVIDENCE FOR COURTS**

Resulting in un-authenticated and improper Facebook posts submitted by the opposing party and accepted into evidence by Judge [redacted] against [redacted] on this case, which could potentially be fraudulent, fabricated and/or manipulated by the opposing party, as previously proven by [redacted] and his mother and sister to Judge [redacted] in previous court filings, that the opposing party manipulates Facebook posts and attempts to mislead Judge [redacted] and the Arizona family court on this case.

Resulting in a failure by Judge [redacted] to satisfy the authentication requirement of accepting social media evidence into family law cases, particularly in this case, supposed Facebook posts provided to the opposing party by an unknown and un-authenticated third party person who has access to personal Facebook account without [redacted] knowledge and consent.

Resulting in a failure by Judge [redacted] in accepting Facebook posts and other documents into evidence without establishing authentication foundation facts from the opposing party such as, but not limited to, what actually appeared or was displayed on the Facebook site; who owns the Facebook site; and where the evidence consists of written posts on the site, is the authorship of the posts attributable to that owner; or where the evidence consists of a photograph or video, is it a fair and accurate representation of what the scene depicted at the claimed time. As previously mentioned above, it is proven and on the record in previous court filings to Judge [redacted] before the [redacted] hearing, that the opposing party manipulates Facebook posts and attempts to mislead Judge [redacted] and the Arizona family court on this case by inaccurate representations of what the Facebook post/scene actually depicted.

#### **VIOLATION OF DUE PROCESS RIGHTS BY DELAY AND UNTIMELY RESOLUTION OF THE CASE**

Resulting in **Major Financial Burden(s)** to [redacted] by Judge [redacted] allowing this case to be continued from the original hearing date of [redacted], which has put [redacted] in debt with his mother in the amount of [redacted] USD for her willingness in paying legal fees direct to [redacted] new legal representation which was needed in order to continue the case with adequate and aggressive legal representation.

Resulting in **Major Psychological Burden(s)** to [redacted] by Judge [redacted] allowing this case to be delayed and continued from the original hearing date of [redacted], which has put [redacted] in the VA emergency hospital on several occasions since the hearing due to mental health breakdown(s), from increased levels of stress, anxiety, sleep disturbances and insomnia as a direct result of this delayed action.

Resulting in [redacted] rights being denied, his disabilities exploited, and [redacted] will sustain life-altering losses, both financially and psychologically, by unfairly being dragged through this never-ending parade through the Arizona family court system.

Resulting in [redacted] having to request extended deadlines for legal filings to this case due to being severely symptomatic of his PTSD/depression which is a direct result of the actions of Judge [redacted] delaying this case.

#### **VIOLATION OF FAILING TO UPHOLD JUDICIAL RESPONSIBILITIES TO PROVIDE A FAIR VENUE AND FOR SEVERE MENTAL HEALTH LITIGANTS (AKA 'LEGAL ABUSE SYNDROME')**

Resulting in an increase of stress, depression, anxiety, insomnia and sleep disturbances to [redacted] since the last court hearing on [redacted] and verified and documented by the Department of Veterans Affairs behavioral and mental health professionals at the [redacted] VA mental health clinic.

Resulting in the smearing of reputation by the opposing party, lies being manufactured in court by the opposing party, and false accusations being made against by the opposing party, which were not verified and allowed by Judge , and have caused an increase of stress, depression, anxiety, insomnia and sleep disturbances to since the last court hearing on and again, these increases in mental health disorders have been recently verified and documented by the Department of Veterans Affairs behavioral and mental health professionals at the VA mental health clinic.

Resulting in allowing the opposing party to submit perjured statements both on actual prior evidence submittals on this case and verbally in court on , and when asked specifically by Judge to the opposing party who she has been receiving Facebook posts from personal account, the opposing party stated a lie while under oath thus committing the act of perjury and Judge allowed that to occur before and during the hearing on without no consequence to the opposing party.

Resulting in Judge allowing the opposing party to continue to abuse or misuse the family court system in order to attempt to maintain power and control over and his current partner, a method also known as 'vexatious' or 'abusive litigation', or 'stalking by way of the courts.'

**VIOLATIONS OF THE VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999, VETERAN ENTREPRENEURSHIP TRAINING ACT OF 2019, VETERANS BENEFITS ACT OF 2003 (P.L. 108-183) AND THE VETERANS BENEFITS ACT (P.L. 109-461)**

## **GRADUATE OF THE PROGRAM**

**Program Website:**

## **GRADUATE OF THE**

**Program Website:**

Resulting in failure to support as an American Service-Disabled Veteran Entrepreneur by helping to preserve and increase his Service-Disabled Veteran-Owned Small Business participation in Federal contracting, which could benefit Federal agencies, the taxpayers and also his children in the future.

Resulting in Judge failure to further help to improve and empower opportunities for continuous pathway to growth as an graduate and entrepreneur, which would help to further enhance a potential sustainable business that could create additional jobs and wealth in the future.

Resulting in Judge failure of not adequately understanding and supporting the unique esprit de corps of a female military partner and care taker like my partner of 14 years and graduate of the , who is attempting to learn the business savvy skills necessary to assist in their Service-Disabled Veteran-Owned Small Business (SDVOSB) venture by helping to integrate her training learned in the EBV-F program along with caregiver

**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.**