

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 21-392

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Judge:

Complainant:

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**ORDER**

April 21, 2022

The Complainant alleged a superior court judge made a number of biased rulings.

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 members Christopher W. Ames and Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 21, 2022.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2021-392**

**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.

JUDICIAL COMPLAINT Case No.

TO WHOM IT MAY CONCERN

I write today to protest the travesty of justice that is the judgment by Judge [redacted] in the above referenced case. This judgment is scary and it would not be a stretch to imagine that the judge may be compromised either by way of his prior relationship with the defendants and/or their attorney or for some other reason but when a sitting judge repeatedly overrules himself in a judgment of clear facts, allows opposing counsel to argue lies in court and then accepts such lies that contradict facts in evidence to justify a bad judgment. Worse still Judge [redacted] relied on clear lies which he cited as a basis for imposing an unconscionable fine of [redacted] on the plaintiff causing further financial hardship and in the middle of a global pandemic which most certainly will harm the plaintiff who Judge [redacted] ruled was correct in the only Declarative Judgment he gave in the case which affected everything and also prevent people with tenable claims from seeking justice in our courts of law if this is what they'd get when they do. This is after Judge [redacted] had ruled in my favor on a Declarative judgment that the property did not close on [redacted] which is the principal tenable claim that made my attorneys file the lawsuit so to reverse himself and further reducing that judgment to a mere [redacted] financial claim and thus undermining the gargantuan effect it had on every other facet of the claim is indeed a shame. The law does not require a multiple number of tenable claims to determine cause and Judge [redacted] having ruled in my favor in my principal claim which by the way, the respondents argued all the way up to the end of trial that Judge [redacted] had to insist to [redacted] when she argued that we closed on [redacted] towards the end of trial, that my wife and I did not receive the benefit of the loan until when we closed in

Let me start with the judgement. Judge [redacted] stated many "undisputed facts" in his ruling and number [redacted] these undisputed fact states "Pursuant to the terms of the Note, Plaintiffs can make principal reduction payments before their due date". Judge [redacted] acknowledges this as an undisputed fact in his judgment then he goes on and overrules himself on this fact by penalizing the plaintiff for doing just that even though the promissory note and purchase agreement he is ruling on states categorically that there is no pre-payment penalty on the loan. We are allowed to prepay any/all of the principal without penalty but Judge [redacted] ruled that we still owed a [redacted] principal reduction payment from [redacted] even though that amount was already paid in from the excess payment of approximately [redacted] to redeem the property from foreclosure. That excess amount was brought about by the disingenuous actions of the [redacted] and opposing counsel in refusing to give my attorneys the default/reinstatement amount which left us with no choice than to go with the earlier wild projections made by defendants and their attorney in [redacted] in a bid to put the redemption beyond my reach as the evidence in the case snowed. After refusing to furnish my attorney with an exact amount for reinstating the Deed of Trust thus making

us go by their last fraudulent projection, we raised [redacted] from high interest loans as well as personal loans from friends to save our property, then they turn around and argue in court that once they accelerated the loan we not only redeemed the [redacted], we paid [redacted] in excess of the needed amount they refused to tell us, claiming my business must be very profitable, a business that started operations [redacted] months earlier profitable enough to pay [redacted] under extreme duress and the Judge accepted that of a business that got it's first client [redacted] months earlier in the middle of a global pandemic! Also in evidence was a clear acknowledgment in writing via email from defendant's attorney that the excess amount was being put towards a principal reduction payment and [redacted] admitted under cross examination that we were allowed to prepay on any part of the loan secured by the [redacted], yet judge [redacted] completely ignores these facts and gives judgment to his friends or at least his preferred individuals, the defendants. Judge [redacted] ruling against me on this is questionable and I have appealed his ruling. I have also filed a complaint with the Commission on Judicial Conduct because, like it says on the building of the Arizona [redacted] Court, Judge [redacted] delivered a judicial lynching to this black man by that [redacted] award of legal fees, [redacted] times what he awarded me in the clear declarative judgment he gave in my favor. It is almost like he is compensating the opposing White couple and their attorney for ruling against them on the closing date even as they argued against that at trial as the trial transcripts shows.

In Undisputed fact number [redacted] in his judgment. Judge [redacted] says and I quote

This was the crux of my whole lawsuit and Judge [redacted] agrees. He gave a declarative judgment in my favor on this a month prior to trial yet he overturns himself one month later and then further minimizes the point of this timeline by awarding [redacted] to me for interest the defendants charged me that they shouldn't have based on his only correct ruling but he never moved the timeline up from [redacted] thereby imbuing his only appropriate ruling in this case. The problem with this is that Judge [redacted] then completely ignores the fact that that timeline threw the whole contract out of whack and resulted in us being in court. If the [redacted] had applied future monthly interest only payments they received via certified funds via cashiers checks and applied those funds as agreed then the argument that I never made a payment after [redacted] completely disproves itself and I made that very argument at trial but Judge [redacted] said I was advocating for myself or something along those lines and intentionally ignored this fact. Also, [redacted] had the [redacted] not converted clearly, marked by memo, prepaid monthly interest payments using their false closing date as Judge [redacted] clearly pointed out in his declarative ruling, there would not have been any dispute in the first place. The problem was that once [redacted] and [redacted] got [redacted] from us by [redacted] as prepaid interest up until [redacted] they immediately changed tunes and arbitrarily said they had applied those cashiers checks that were clearly marked for advance interest payment towards payments dating from their fake/foisted closing date which they argued even at trial on [redacted] of [redacted] when we had not closed on the property due only to their default and they then calculated everything else based on that false closing date. Again, Judge [redacted] overruled himself on this fact to give his preferred candidates a favorable judgment. How shameful to the esteemed legal profession that the populace relies on to apply the Rule of Law. It seems White [redacted] and [redacted] had a decided advantage in Judge [redacted] courtroom against an honorable black couple just hoping for equity and justice and that the Rule of Law would prevail. [redacted] agreed and received a total of [redacted] in monthly interest only payment being advance on interest payment to run until [redacted] but then converted that money and said they applied it to monthly interest payments from [redacted] to [redacted] even though we did not close until [redacted] and had earlier agreed that interest payment was to start 1 month after closing as happens in almost all real estate transactions but Judge [redacted] just can't stand facts, he felt all I deserved was [redacted] and the [redacted] that

wrong timeline generated against me was just fine with the good judge. This was the main reason my attorneys advised that we filed a lawsuit when the defendants and their attorney refused to settle and insisted that I owed [redacted] which I didn't and that I was to pay a total of [redacted] on a [redacted] note which was preposterous and which I wasn't going to do and so I got an attorney after they had engaged one for over a month. The documentation for all of this was in evidence yet Judge [redacted] chose to ignore it and ruled that my suit was not tenable and should have never been filed. I don't know when is a better time to seek legal help than when an experienced seller and their attorney are attempting to cheat one out of over [redacted] just like that and which they carefully stepped back from once my suit was filed. This whole thing was setup to foreclose on my property and once I put up a legal fight like I am supposed to the powers that be, Judge [redacted] is punishing me, a black man for daring to sue a white man and seeking justice it seems. I am going to also request that previous cases by Judge [redacted] and Attorney [redacted] be reexamined for similar underhandedness if it is indeed determined that is what happened here.

In Undisputed fact number 11 Judge [redacted] admits and I quote

This undisputed fact is quite strange. The reason I said it's strange is that I dropped this claim once I found out an employee had forged 1 invoice to cover up for installing thermostats which he did himself and pocketed [redacted]. This was a minor part of the lawsuit that I had instructed my attorneys to drop completely months ago and the funny thing is that The Judge acknowledged this before the trial commenced that he was not allowing that claim into evidence yet he allowed opposing counsel to continually bring up that matter at trial and even overruled my attorney's objections to it as the transcripts will show at appeal. Judge [redacted] continued to allow opposing counsel to argue this point during his lodgment of claim for attorney fees even though it wasn't a matter admitted at trial and only took a subpoena and a few email exchanges for opposing counsel to deal with this and then they get awarded [redacted]. Opposing counsel had actually sought relief for [redacted] in attorney fees and was feeling so sure of their little arrangement that he perjured himself in court and when pointed out to Judge [redacted] all he could say was, [redacted]. Judge [redacted] had remarked that, forged invoice/receipt or not that claim was meritless because we signed an [redacted] promissory note only thing being that as a commercial court judge he must be aware that material defects on a property outweighs an [redacted] clause in a real estate transaction. The sellers never revealed that there was [redacted] in the building which connected the building sewer system to the city's and would always back up the toilets causing a health hazard. That ended up costing me well over [redacted] out of pocket to deal with but I didn't pursue that claim because I dropped any claims of repairs entirely yet Judge [redacted] made it a point of concern in his judgment and award of attorney fee based largely on lies he allowed in his court.

In his judgment awarding [redacted] in attorney fees against me, Judge [redacted] noted that at a settlement conference he orchestrated prior to trial at which his [redacted] Court colleague, Judge [redacted] presided and spent about [redacted] hours trying to get both parties to settle without a trial, [redacted] counsel for [redacted] who are the respondents, offered to walk away from trial and have each party take care of their attorney fees. [redacted] also said and Judge [redacted] noted that they offered to apply the excess [redacted] as principal reduction payment for [redacted] where we would have everything we were seeking but that we refused that offer and so Judge [redacted] awarded [redacted] against me. The problem is that the exact opposite is what happened at that settlement conference with Judge [redacted] an officer of the court perjured himself because we were sworn to tell the truth at that settlement conference by Judge [redacted]. This particular point

made me conclude Judge \_\_\_\_\_ is a corrupt judge who doesn't care for truth or the facts of this case and that is dangerous. My attorney, \_\_\_\_\_ was more generous and expressed to me that he thought the judge just made a mistake, several mistakes really, he had said. Surely if he brings this to Judge \_\_\_\_\_ attention and seek a new trial the judge will not allow such a blatant lie to fly in his court especially when he had cited that lie as a basis for imposing a hefty and unjust fine of \_\_\_\_\_ on the plaintiff causing further financial hardship. I told him at that time that we should skip the motion for new trial and just file the notice of appeal because I didn't believe the corrupt judge will overturn himself but \_\_\_\_\_ wanted to give Judge \_\_\_\_\_ an opportunity to correct himself. Alas! On \_\_\_\_\_ Judge \_\_\_\_\_ denied the motion for new trial stating that \_\_\_\_\_ insists he is telling the truth so motion denied. Meaning he sees this as a he said, she said situation except that it is not and these are sworn officers of the court. Judge \_\_\_\_\_ didn't even bother to confer with Judge \_\_\_\_\_ whom he had asked to run an official settlement conference in \_\_\_\_\_ and who would have given him a report back then, he just dismissed this black man's claim altogether, again. This is indeed dangerous, the impunity with which lies are told and accepted in Judge \_\_\_\_\_ courtroom and this needs to be investigated to determine if it is a pattern and if it is endemic. The bad thing is that both my attorney \_\_\_\_\_ and opposing counsel, \_\_\_\_\_ are sworn officers of the court and one of them is telling a terrible lie here and it is \_\_\_\_\_ and I am lodging a complaint against him with the State Bar this week. Judge \_\_\_\_\_ is still alive and in the \_\_\_\_\_ Court, I'm sure he can clear this up quickly if the truth still matters in American courtrooms.

Another very biased and curious ruling by Judge \_\_\_\_\_ was that my wife and I are \_\_\_\_\_ and somehow we had an advantage over the sellers and asked them not to use a realtor for the sale. This is another blatant lie and there is evidence to contradict that via emails we sent requesting a refund of the \_\_\_\_\_ in earnest money and asking that they engage a \_\_\_\_\_ as we were going to get one because it became apparent to us that they were trying to cover some defects. That aside, at trial I testified to the public information that I had only \_\_\_\_\_ prior to meeting the sellers plus my wife and I \_\_\_\_\_ which is quite different than \_\_\_\_\_ requires a different \_\_\_\_\_ and one \_\_\_\_\_ can't do both. The actual kicker is that when we first went to the property the sellers had a "For Sale by Owner" sign up which they said had been up a few months at the time and they testified that they had a real estate attorney that they worked with named \_\_\_\_\_ as the transcripts will show at the appeal so we had no advantage whatsoever \_\_\_\_\_ The fact is that the sellers never wanted to use a realtor and they saved \_\_\_\_\_ by so doing but they had their real estate attorney, \_\_\_\_\_ who they said had helped them with previous similar real estate transactions in email exchanges we had yet Judge \_\_\_\_\_ chose to punish us because of our profession even though it clearly had no bearing on the issue at hand and awarded \_\_\_\_\_ against us. Even though it had no basis in the transaction except to our disadvantage, Judge \_\_\_\_\_ made it a basis to award attorney fees against us thereby rewarding the \_\_\_\_\_ who had already saved \_\_\_\_\_ by their own decision not to use a commercial realtor before they \_\_\_\_\_

This is indeed a travesty of justice and a wicked and unfair judgment by clearly a biased judge and my previous attorneys now agree. My sincerest hopes is that this Commission on Judicial Conduct takes this complaint seriously and investigate it and Judge \_\_\_\_\_ history of complaints as I am almost positive a biased judge such as him may have other complaints by other concerned citizens.

Kind regards,