

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 22-384

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Judge:

Complainant:

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**ORDER**

June 28, 2023

The Complainant alleged a superior court judge violated a parent's rights when hearing a juvenile case.

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 members Colleen E. Concannon, Joseph C. Kreamer, and Scott C. Silva did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 28, 2023.

Comp

2022-384

To; commission for judicial conduct

**AFFIDAVIT, CHANGE OF TERMS OF CONTRACT,  
TESTIMONY SHOWING UNCONSTITUTIONAL  
ABROGATION OF PEOPLES SECURED,  
FUNDAMENTAL RIGHTS, IN AN ADMINISTRATIVE  
JUVENILE JUSTICE COURT, AND DUAL OFFICE  
HOLDING AND OTHER MALADMINISTRATION BY  
JUDGE.**

Comes now Affiant, I, \_\_\_\_\_, one of the People as seen in Arizona Constitution Article 2 Section 2 and all 50 State Constitution's Bills and Declarations of Rights, sui juris, in this court of record, am giving you affirmed due notice that you may give due care, regarding the unconstitutional use of a juvenile justice court to falsely declare validity and verification of criminal allegations, made with no testimony of a firsthand fact witness, sworn under oath or affirmations administered by a magistrate or an officer of the court authorized to administer such oath, and then, use the same false, unaffirmed criminal allegations, in the same juvenile justice court to take a fundamental liberty interest right from two of the people by declaring that the infant son of \_\_\_\_\_ and \_\_\_\_\_ is a ward of the state, all with no due process notice, no constitutionally mandated trial by jury in a court of record, under the rules of the common Law, and no possibility of criminal jurisdiction in a justice court venue, no subject matter jurisdiction and no in personam jurisdiction provided to the court in sufficient pleadings under oath or affirmation. The above-mentioned acts, and Judge \_\_\_\_\_ statement on the court record that the justice court being conducted then was a court of record in compliance with the arizona constitution, were committed by judge \_\_\_\_\_ in court room \_\_\_\_\_ in the \_\_\_\_\_ regarding case # \_\_\_\_\_ at \_\_\_\_\_, and are maladministration and attacks on the peoples rights secured by the constitution of Arizona, and therefore are violations of the judicial canons and the judicial code of conduct.

Notice the following Constitutional provisions which are mandatory

Arizona Constitution article 6 sec. 28. Justices and judges: dual office holding: political activity: practice of law

Section 28. Justices and judges of courts of record shall not be eligible for any other public office or for any other public employment during their term of office, except that they may assume another judicial office, and upon qualifying therefor, the office formerly held shall become vacant. No justice or judge of any court of record shall practice law during his continuance in office, nor shall he hold any office in a political party or actively take part in any political campaign other than his own for his reelection or retention in office. Any justice or judge who files nomination papers for an elective office, other than for judge of the superior court or a court of record inferior to the superior court in a county having a population of less than two hundred fifty thousand persons according to the most recent United States census, forfeits his judicial office.

Arizona Constitution article 2 section 4; DUE PROCESS OF LAW no person shall be deprived of life, liberty or property without due process of law.

Arizona constitution article 6 section 15 The jurisdiction and authority of the courts of this state in all proceedings and matters affecting juveniles shall be as provided by the legislature or the people by initiative or referendum.

Arizona Constitution article 6 section 30, courts of record (A). The \_\_\_\_\_, the \_\_\_\_\_ and the \_\_\_\_\_ shall be courts of record. Other courts of record may be established by law, but \_\_\_\_\_ shall not be courts of record.

Please take further notice of the definition of "court of record" from Blacks Law 4 th ed. -Courts may be classified and divided according to several methods, the following being the more usual: Courts of record and courts not of record. The former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgements, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded... A court of record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of the common law, it's acts and proceedings being enrolled for a perpetual memorial... Courts may be at the same time of record for some purposes and not of record for others...

Please take further notice that the above definition shows that a court of record is a judicial tribunal, which is different from the administrative program used in Arizona under the unlegislated title 42 non-positive law. Furthermore, the magistrate is independent of the tribunal which will be shown to not be the case below as the whole title 42 program, which is run by the Secretary of Health and Human Services and all parties are contracted under the same entity including the whole "neglect and abuse" court, (which does not have the generally used seal), that exists nowhere in the Arizona Constitution. A court of record is to move under the common law, which presents a problem as the legislature does not write common law, the people who created the Arizona Constitution did however write it in the Arizona State Constitution declaration of rights.

Also notice that the consent of the governed references the oath sworn by public servants that makes the public servants trustees and makes those public servants subject to governance by the Laws and provisions of the constitutions of Arizona, the United States of America and all 50 states bills and declarations of rights. We the

People are not governed by legislative enactments, rules or regulations, as provided in;  
Where rights secured by the constitution are involved, there can be  
no legislation or rulemaking which would abrogate them.

ARIZONA CONSTITUTION ARTICLE 2 SECTION 2, All political power is inherent in the  
people, and governments derive their just powers from the consent of the governed,  
and are established to protect and maintain individual rights.

Please notice that the Constitution states "just powers" and that these just  
powers are established to protect and maintain individual rights. No place  
within the Arizona Constitution allows any judge, sheriff or private agency  
using unlawful, unconstitutional statutes, to violate or abrogate the individual  
rights of the people.

Virginia constitution article 1 section 2 People the source of power That all  
power is vested in, and consequently derived from, the people, that  
magistrates are their trustees and servants, and at all times amenable to  
them.

Notice Affiants claim that the Arizona legislature has created statutes giving  
authority to the department of child safety that the legislature does not  
possess to delegate and in so doing DCS has been unconstitutionally  
authorized to abrogate a private liberty interest secured by the constitution  
from legislative abrogation.

Please notice; Maxim of Law, 11 b A derivative power cannot be greater than  
that from which it is derived.

Maxim of Law 11 f, power can never be delegated which the authority said to  
delegate never possessed itself.

Please note that Children are a liberty interest, the secured due process rights  
of the people are the common Law, and those things in the declarations of  
rights are mandatory. please notice the following supreme court decision;

The Fourteenth Amendment provides that  
no State shall "deprive any person of life, liberty, or property, without due process of law."  
We have long recognized that the Amendment's Due Process Clause, like its Fifth  
Amendment counterpart, "guarantees more than fair process."

The Clause also includes a substantive  
component that "provides heightened protection against government interference with  
certain fundamental rights and liberty interests." Id., at 720; see also

The liberty interest at issue in this case—the interest of  
parents in the care, custody, and control of their children—is perhaps the oldest of the  
fundamental liberty interests recognized by this Court. More than 75 years ago, in  
, we held that the "liberty" protected by the  
Due Process Clause includes the right of parents to "establish a home and bring up  
children" and "to control the education of their own." Two years later, in  
, we again held that the "liberty of parents and  
guardians" includes the right "to direct the upbringing and education of children under  
their control." We explained in that "[t]he child is not the mere creature of the  
State; those who nurture him and direct his destiny have the right, coupled with the high  
duty, to recognize and prepare him for additional obligations." Id., at 535. We returned to  
the subject in , and again confirmed that  
there is a constitutional dimension to the right of parents to direct the upbringing of their

children. "It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder." Id., at 166. [Emphasis by Highlight Added]

**Social Security Act 1935 (1101 (6)(d) (CPS/DCS creation Law) (d) Nothing in this Act shall be construed as authorizing any Federal official, agent, or representative, in carrying out any of the provisions of this Act, to take charge of any child over the objection of either of the parents of such child, or of the person standing in loco parentis to such child.** [Emphasis by Highlight Added]

Please notice that affiant claims that article 6 sections 15 of the Arizona Constitution provides that Juvenile justice courts are legislative tribunals, Not courts of record.

Please also notice that Arizona Constitution, article 6 section 30 provides that "but justice courts SHALL NOT BE COURTS OF RECORD".

Please notice that the provisions of the Constitution are mandatory, and judge use of the justice court system in a manner not prescribed by law and constitutional mandate is a violation of mandatory constitutional provisions which resulted in the abrogation of rights secured by the constitution, and is maladministration and an attack on the secured rights of

and their issue and a Direct attack on the constitution which may be considered treason. Such non compliance with the constitutional due process mandates and rights to a trial by a jury of peers in a court of record and conducting a justice court in a form other than what is required by law makes void all that touches those unlawful acts done without authority granted by the people through their Constitution. All of the above mentioned acts of , are violations of the rules of judicial conduct and should be investigated and if found to be true, proper authorities should be informed so judge young can be prosecuted.

Please take notice of,

Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void; and that courts, as well as other departments, are bound by that instrument.

Please take notice that you have evidence that is part of a title 42 program where there is a partnership between, DCS entities, attorneys, the entire neglect and abuse court staff, CASA and guardian ad litem and other entities under the federal Secretary of Health and Human Services: (see evidence below)

Title 42 674 payment to states (2) (b); "75 percent of so much of such expenditures ( including travel and per diem expenses) as are for the short-term training of current or prospective foster or adoptive parents or relative guardians, the members of the staff of state licensed or state approved child care institutions providing care, or state licensed or state approved child welfare agencies providing services, to children receiving assistance under this part, and members of the staff of abuse and neglect courts, agency attorneys, attorneys representing children or parents, guardians ad litem, or other court appointed special advocates representing

children in proceedings of such courts, in ways that increase the ability of such current or prospective parents, guardians, staff members, institutions, attorneys, and advocates to provide support and assistance to foster and adopted children living with relative guardians, whether incurred directly by state or by contract".

has unclean hands because of her accepting federal title 42 funds for acting as a judge in a legislative tribunal incurring private law and legislative enactments upon people who are not subject to such private law or legislative enactments, while at the same time sitting as a judge in the county superior court, thereby violating Arizona Constitution article 6 sec. 28, and vacating her seat as a superior court judge.

Please take notice that this is a contract and affidavit. If you fail to respond, point by point, with constitutional provisions that outline where you got authority to trample the rights of the people as shown above, you agree that any and all infringements were done knowingly, with full intent, and understanding of your duties based on the Arizona State Constitution you swore to protect. You also agree that if you do not respond to this affidavit/contract within 5 business days, all that is written within this affidavit/contract is true and shall stand as law and will be able to be used as evidence against you in any court of the People, and that no court of record will be able to hear the matters herein, but you agree that all is true and the matter is forever settled. You also agree to be liable for \$5000 per day for each day that you do not respond after the 5 days expire. If you do not answer with the constitutional provisions authorizing the above-mentioned infringements, you also agree that this matter may be taken to federal arbitration with an arbitrator of my choice. You may have remedy by returning any children you have erroneously been given authority to have removed, using anything other than a court of record. Moving by the common laws, all these acts were done by fraud and the fact that the legislative tribunals/DCS courts, and other actors have made wealth off of the cases, without giving full disclosure to the people that it was not what was required to remove the children is maladministration.

**RULE 2.15. Responding to Judicial and Lawyer Misconduct (A)** A judge having knowledge that another judge has committed a violation of this code that raises a substantial question regarding the judge's honesty, trustworthiness, or fitness as a judge in other respects shall inform the appropriate authority.

**(C)** A judge who receives information indicating a substantial likelihood that another judge has committed a violation of this code shall take appropriate action.

1. Taking action to address known misconduct is a judge's obligation. Paragraphs (A) and (B) impose an obligation on the judge to report to the appropriate disciplinary authority the known misconduct of another judge or a lawyer that raises a substantial question regarding the honesty, trustworthiness, or fitness of that judge or lawyer. Ignoring or denying known misconduct among one's judicial colleagues or members of the legal profession undermines a judge's responsibility to participate in efforts to ensure public respect for the justice system. This rule limits the reporting obligation to those offenses that an independent judiciary must vigorously endeavor to prevent

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COMPLAINT ON ITS WEBSITE.**

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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.**