

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-418

Judge:

Complainant:

ORDER

June 28, 2023

The Complainant alleged improper rulings by a superior court judge hearing a family 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 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 Colleen E. Concannon, Scott C. Silva, and Christopher P. Staring did not participate in the consideration of this matter.

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

2022-418

Ariz. Com. on Judicial Conduct
1501 W Washington St. STE 229
Phoenix, Ariz. 85007

RE: Formal Complaint against: _____, of the _____

To Whom it May Concern:

This is a formal complaint against the above named judge for violations of the Code of Judicial Conduct; specifically Rules: 1.1, 2.2, 2.3, 2.4, and Rule 2.9. This Court has established a clear pattern of indisputable bias towards this complainant.

FACTUAL RELEVANT BACKGROUND

In _____, the Petitioner filed her complaint for dissolution of marriage from Respondent _____ (see: _____) The original presiding judge was rotated and _____, was assigned to said case. _____ presided over said case until _____ upon which time _____ assumed the case.

Said case moved through the legal processes, and was fully adjudicated in _____ The Petitioner then appealed the Courts final decree, then failed to file her brief with the reviewing Court.

The Respondent had filed petition for bankruptcy discharge under Chapter 7. The Petitioner then filed an adversary complaint against the Respondent, eventually withdrawing said complaint.

From the time of the issuance of the Final Decree; the Petitioner ignored the Courts Order; refusing to pay the Respondent his pension right; refused to surrender the community home, refusal to surrender the Respondents dog to him; and refusal pay the sanction awarded in said decree to Respondent.

On _____ the Respondent filed a motion to modify and enforce the Decree. The Decree Ordered that the community home was to be "immediately sold". Finally the Court Ordered the Petitioner to vacate the community home, but the Petitioner refused to do so. On _____ the Petitioner was extricated by _____, and the Respondent took possession of said home for the purpose of readying the home for sale.

At the time of the filing of the original petition for dissolution, the community home

had been scheduled to be listed for sale, and therein the home was in pristine condition. When the Respondent entered the home on _____ he found the home to be cluttered, with what later found to be seven truck loads of Junk, for lack of a better adjective. In addition severe damage to the interior of the home had been done by the Petitioner and here paramour. The following abuses of discretion and violations of Rule have occurred in this case.

THE COURT ALLOWED WITH IMPUNITY PERJURY

The Court from _____, through _____ allowed the Petitioner with impunity to commit perjury pursuant to A.R.S. 13-2702 no less than 29 times. Each of said 29 instances of perjury were disputed by the Respondent with indisputable evidence, yet the Court failed in any matter to sanction the Petitioner. Not a single instance during the dissolution process, was the Respondent found to have been untruthful. The perjury continued in both courts.

These incidences of perjury are well documented in the record.

THE COURT ALLOWED WITH IMPUNITY THE PETITIONER TO OBSTRUCT AND VIOLATE COURT ORDERS

The Petitioner from the beginning of the dissolution process violated no less than 12 different Court Orders, with impunity. Numerous times the Respondent sought sanctions for said behaviors, but was denied each and every time, despite the evidence presented by the Respondent. These obstruction caused the Respondent severe hardships.

In _____ final decree, _____ delineated instances of the Petitioners obstruction, but despite numerous motions for sanctions, failed to enforce the sanity of the Court. _____ followed suite.

THE COURT ORDERED THE RESPONDENT TO PAY OUT 85% OF HIS GROSS INCOME FOR MORTGAGE PAYMENT

On _____ the Court ordered the Respondent to pay out _____ of his fixed income, for mortgage payments. The Respondent plead with the Court that he was unable to afford said payment and sought payments to be equally shared by parties. The Court stated that the Respondent could seek "mortgage forbearance ." The Respondent ask the Court how he could then pay a balloon payment after ninety days, of over four thousand dollars. The Court failed to respond, and continued with its order for the Respondent to pay out said amount. This caused extreme hardship on the Respondent.

**THE COURT REFUSED TO ORDER THE PETITIONER TO PAY OUT
OF THE COST OF DAMAGES TO THE COMMUNITY HOME**

The Petitioner and her paramour caused extensive damage to the interior of the community home, and had removed fixed appliances, causing damage in the process. In addition the Petitioner had damaged the exterior walls of the home. The Respondent paid out thousands of dollars in repair cost for said home, including the cost of locksmith to unlock things the Petitioner had refused to supply keys for.

The Respondent as above stated, had to remove seven truck loads of "junk" from the community home, at significant cost.

The Respondent having already been ordered to pay out of his income, sought the Court to Order the Petitioner to pay half of what should have been a hundred percent for said cost. The Respondent submitted numerous receipts, etc. in support of his motion, yet was refused.

**THE COURT DENIED THE RESPONDENT HIS
PENSION ARREARS DUE HIM**

The Respondent had motioned the Court for pension arrears that was due him dating back to denied said motion without prejudice on grounds of insufficient evidence. (The Respondent was unable to provide Office of Personnel Pension Statements.

After taking possession of the community residence, the Respondent found the evidence he needed, and again motion for said pension arrears. It was indisputable as a matter of law that the Respondent has said pension rights. then denied the Respondent said arrears pension, stating that "

"; even though the Respondent now presented more than sufficient evidence to the Court; and even though denied without prejudice.

The Court then twice delayed the Respondent a ruling on his pension, stating that more evidence was needed. This assertion was blatantly false. The Respondent had submitted all income statements for the Petitioner for the years in question. There existed no other evidence in which a calculation could have been made by the Court.

There exist no moral, ethical, or legal justification to deny a party money that as a matter of law he or she is entitled to, except for extreme bias. As a result, the Respondent lost well in excess of fifty thousand dollars. see Respondents motions of

**THE COURT ENTERTAINED EX-PARTE
COMMUNICATIONS; THEN LIED IN ITS OWN ORDER**

The Respondent had served the Court with a notice of his withdraw of his motion regarding his pension right; then the Respondent filed a motion to vacate the forthcoming hearing.

During said period of time, the Court received an ex-parte communication regarding disparity of distribution of the proceeds from the sale of the community home. The Court then issued an Order stating the Court denies the Respondent's motion to vacate said hearing, because the Petitioner had raised issue of the disparity spoken of in the ex-parte communication.

The Court lied. It would have been impossible for either party to have raised an issue regarding any disparity of the distribution of the proceeds of the sale of the community home, because the statement of distribution hadn't been prepared until post, the last hearing held by the court. The Court not only violated its duty by entertaining and accepting the information found in the ex-parte communication, but then the Court lied and denied motion to vacate said hearing because the Petitioner had previously raised the issue found in the ex-parte communications.

SUMMARY

The Respondent can provide this tribunal with any, and all evidence, in support of this complaint upon request. The record and the evidence is indisputable. Cracks are beginning to form in the public confidence of our Judiciary. The ACJC has long refrained from their scrutiny of Judges, reserving punishment only for the most severe of cases.

Most likely not in my lifetime, but over the next decade or so, the "cracks" will become revolt. There should be no greater calling that the sanity of our Judiciary.

Regards,