

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-498

Judge:

Complainant:

ORDER

July 14, 2023

The complainant alleged a superior court judge pro tem improperly denied a change of venue and interfered with access to transcripts and court records for 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 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 July 14, 2023.

This is the third complaint I am filing with this department, since the last two claims I have provided were completely ignored. The actions that the _____ county court and _____ are only getting substantially worse. _____ should have recused herself from this case since _____ County is completely inappropriate venue for the matter. No party in this case resides or has resided in _____ County except for the attorneys who were positioned against me and _____ herself. Proof of residency of the other party and my daughter, were promised to me in this case along with multiple other things, which were directly promised to me from _____ herself. I have requested transcripts since the very first hearing, and I asked for the transcripts at every single hearing, and through multiple written letters and emails but every request has been repeatedly ignored. The court reported even had me fill out a form for them which I did multiple times and have sent it through email and through the mail, but again have been ignored. _____ even stated that I can also retrieve the video calls through zoom, but zoom said I have to go through the court for them. This of course makes it impossible for me to not only properly proceed through the case, but it also makes it impossible for me to appeal it. _____ has not informed me of certain rights in the case, including my right to appeal extremely important but extremely immature decisions and rulings, along with final decisions in the matter. My documents have been ignored and in the attached document, it will show several but not all attempts to request documentation through email as well as physical mail, that were sent.

I have been denied access to the appropriate officials within _____ County. Every number that I dial with regards to _____ is transferred to a voicemail, or I am transferred to a completely different department, different that what is posted online to the public. The information I am requesting is suppose to be readily available to the public for recourse and specifically instances exactly like this. _____, the clerk of the _____ had me describe to her exactly what I was requesting, and she even had me fill out a form and send it through email. This was last _____, days before _____, and now when I call her, the voicemail says she won't be back until _____. Attached is a large file containing a lot, but not all, supporting documents and requests that are relevant to this case. I began as the plaintiff in the matter _____, and was turned into the defendant. The entire case is a fallacy, and to say I don't have recourse in this matter, is itself a fallacy. Attached in this document is my health diagnosis, and there is specific legislation where having certain health and mental health conditions allows you to be protected from unfair treatment.

_____ was not concerned with my mental health, nor was _____ Agency or any other opposing party. Not we're they concerned with the implications of how this could affect my

offspring in the matter. I am a man, a natural person and my offspring belongs to me. There are laws that make it illegal not to disclose health conditions of the entire family to the adoptive parents, and there have been wrongful adoption lawsuits that have been won because parties failed to disclose this information. My rights have been completely infringed on and ignored in this matter, and again it is completely untrue to claim I have no recourse in the matter. The disability act provided in the supporting documents protects me from the unfair treatment that I endured and suffered, and this case has only made my health exponentially worse. Not to mention the explicable affects my daughter, my offspring is going through.

If doesn't provide oath of office and the surety bond/insurance information of the court then technically that court is vacant. This and other laws that describe this situation are in the supporting documents, and they are on the website, and this clause is not just for it describes the procedures for every state. Plus we live in the United States of America and all caselaw is relevant, since even out of state caselaw was used against me in the trial. Either way my rights were never formally provided, my daughters dna test was never taken even know from promised personally that she accomplish doing this.



I'm not trying to make this about the other parties in the matter since this all comes down to not performing her duties and failing uphold her oath. There needs to be accountability and there needs to be special action in this matter, since special but egregious action was taken against me throughout the entire case. I go into fourth detail in the supporting documents , but even explaining this much is literally giving me a panic attack, and nobody, especially someone with should be forced into this situation, where I am being ganged up on by people who have more resources financially and legally.

I will continue to seek recourse and I won't stop until this mess is made right. Again has repeatedly lied, and has withheld extremely important documentation, and has repeatedly infringed on my rights, and everyone else continues to act like I have no recourse. I hope this complaint is taken a bit more serious than the last two.



Record & Proof of Surety & Bond Request for
Judge for Court & ..
Request for official oath of office .

Background- Attached document clearly lays out the purpose of all types of bonds

The statutes requiring the Official Bond will often use phrases such as “the bond of each public officer required by law to give Bond must . . . be made payable to the [State].”³⁴ Other Official Bonds that may be procured are those given by an employer or officer of a local agency and will be made payable to the head of that particular local municipality or agency.³⁵ As seen throughout the various statutory provisions, Official Bonds are not issued for the protection of a public official or employee himself, but rather to protect the entity that is employing that officer or to protect the public from any injuries caused by the public official or employee’s acts while in office. For example, the Tennessee Code provides as follow.

Every official bond executed under this code is obligatory on the principal and sureties thereon:

....

(3) For the use and benefit of every person who is

injured.³⁶

Most often is the case that an Official Bond ensures the faithful performance of the official's duties while in office. The standard of "faithful performance" provides a broad range of coverage from lapses in fidelity through ordinary negligence. The above-cited Tennessee Code provision states in full as follows:

Every official bond executed under this code is obligatory on the principal and sureties thereon:

- (1) For any breach of the condition during the time the officer continues in office or in the discharge of any of the duties of such office;
- (2) For the faithful discharge of the duties which may be required of such officer by any law passed subsequently to the execution of the bond, although no such condition is expressed therein;
- (3) For the use and benefit of every person who is injured, as well by any wrongful act committed under color of such officer's office as by the failure to perform, or the improper or neglectful performance, of the duties imposed by law.³⁷

These bonds are being requests for a establishing paternity petition that was initiated by me:

case _____ in _____ Court with
judge _____.

This case was than wrongfully and illegitimately moved to an irrelevant county: _____ County by _____ who represented the responding party in my petition. My petition was eligible to have a default hearing since the didn't reply within the time period in _____ County. I called every day to the court to check.

The matter involved my daughter and the reasons why I am seeking these bonds are as follows.

1. _____ Clerks instructed me that paternity cases need

to be filed in the city in which the child resides in. I paid close to a thousand dollars in filling fees, just to represent myself in the matter and never was informed about informa pauperis forms. I could barely afford these fees in the first place and the fees that would come after this, which caused me to waste and drain funds and resources would be substantially more.

2. My daughter did not live in _____ and neither did her mother. They both lived in _____, and the only one who lived in _____ was _____.
3. _____ Agency first contacted me informing me they had my daughter and promised to help me recover her since it was law to do so. They instructed me to take a dna test and _____, personally promised me that she would assist in facilitating the other half of the test done for my daughter, in order to speed the process of recovering my daughter.
4. _____ Court and their officials wouldn't allow me to schedule a hearing over a zoom visit until, I hired a private attorney. They never offered me a public defender, and demanded that I was present in _____, on extremely short notice of time. This alone raises many questions, but I don't want to sound like I'm speculating.
5. _____ my attorney refused to properly represent me and Cary out the decisions I made. She allowed the opposing party to pick the social worker, but most importantly _____ didn't stop the venues from being changed when she told me that she actually had the knowledge and power to do so. I spent _____ dollars with her which she promise to refund, but she did not. I did not ask her for a refund. She played a huge factor in the demise of my case. She than sent me a bill for _____ dollars stating it was for establishing paternity but as I mentioned, I did that on my own. When I asked how many cases had she done with _____ and _____, she became cagey and would hang up on me, since she was already paid, and she was resigning she didn't need

**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.**