

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-041

Judge:

Complainant:

ORDER

January 12, 2024

The Complainant alleged improper legal rulings and violation of rights by a superior court judge hearing a civil 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 member Barbara Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on January 12, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023-041

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.

I am _____ years old. I have never been charged, much less convicted, of a felony, misdemeanor or even a petty offense as my best memory serves me. I have never been imprisoned before in my life. I am a grandfather of _____, a veteran and an immigrant.

_____ County _____ Court Judge _____ imprisoned me in a debtors' prison for the sole purpose of extorting my family to pay a money debt stemming from an assessment of attorney's fees in a civil case. The money debt was owed to _____ and their lawyers, _____ and _____. At the time, _____ was owned by _____ and _____, both local County residents. (Collectively "_____")

Collection of money debt after an award of attorney's fees in a civil action through coercive imprisonment is unconstitutional in Arizona. Judge _____ was fully briefed on this issue; he is fully aware. Judge received uncontroverted oral and documentary evidence that I was unable to pay the debt. Judge was fully aware that if I were imprisoned for a debt, the debt would be paid by my family or friends. The method and manner of this extortion is criminal:

On _____ I filed a Notice of Appeal. Accordingly, the following events were taken by Judge _____ in absence of all jurisdiction.

On _____ Judge _____ ordered me to appear in _____ on _____ . Judge _____ order for appearance stated a " _____".

On the following day, _____ Judge _____ also signed a clandestine Civil Arrest Warrant for my appearance on _____. It stated, in part, " _____" (Emphasis in original.) I was unaware of this clandestine civil arrest warrant until after I was imprisoned; Judge _____ never served a copy of this clandestine Warrant on me,

On _____, I appeared in person before Judge _____ not knowing about Judge _____ clandestine Warrant). Even though I appeared and satisfied the _____ "appearance" bond, Judge _____ had me imprisoned. As it turned out, this was not an "appearance" bond at all. It was money extorted from my family to pay the _____.

As anticipated, my family came to my aid and my son, _____ (" _____") paid the bond, in cash. I was released the following day. Since the _____ bond was denominated as "appearance" bond securing my appearance on _____, my son inquired where the _____ "appearance" bond would go. The Clerk responded, " _____".

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Subsequently, the _____ openly admitted that the entire imprisonment process was designed to extort my family. In his Application for payment of Bond, the _____ openly instructed Judge _____ to distribute the "appearance" bond as follows: _____ to the _____ and _____ to me.

Judge _____ was briefed on the constitutionality of debtor's prison numerous times. Judge _____ was aware of the _____ Court decision outlawing the contempt process to collect a judgment debt. Judge _____ was briefed on Art. II, § 18 of the Arizona Constitution prohibiting imprisonment for debt. There is a constitutional and absolute prohibition on what Judge _____ did. He was clearly aware that contempt citation is only available pursuant to A.R.S. §12-1556 relating to performance of acts other than payment of money. Judge _____ used the enormous power of his office to extort the money from my family on behalf of the _____. Judge _____ issued "findings of fact" that lacked even an iota, or even a syllable, of truth or evidentiary support. Even though he knew the law, Judge _____ intentionally disregarded it. Judge _____ single handedly destroyed public confidence in the judiciary. He abused the prestige of his office by acting as a strong arm collection agent for the _____. He was openly partial to the _____. He was openly biased and prejudicial. The order of imprisonment he signed was designed to force my family to succumb to his coercion and collect the judgment debt for the _____. Ultimately, he was successful in this endeavor. Judge _____ violated every conceivable canon of Arizona's Code of Judicial Conduct.

Indeed, with Judge _____ coercive extortion of me and my family, he has opened the door to any civil litigant going to jail if they are unable to pay a money judgment.

Judge _____ not only breached the standards of his office, but, along with the _____, committed crimes.

I am available to provide any detail of this sordid affair informally or through a sworn deposition. My son, who was present at the hearing at which I was incarcerated and was the person who paid the "Appearance Bond," can also be reached to provide testimony.