

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-396

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Judge:

Complainant:

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**ORDER**

March 1, 2024

The Complainant alleged a justice of the peace made improper rulings in a criminal case, and is past retirement age.

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. Justice of the Peace courts are not considered courts of record pursuant to Art. 6, Sec. 30 of the Arizona Constitution, and thus, justices of the peace are not subject to the mandatory retirement age of 70 set forth in Art. 6, Sec. 39 of the Arizona Constitution. 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 Barbara Brown and Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on March 1, 2024.

2023-396

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.

ON I APPEARED BEFORE JUSTICE OF THE PEACE (visiting Justice) DUE TO CHANGE OF JUDGE SERVED UPON JUSTICE OF THE PEACE in COURT) FOR BENCH TRIAL (CONSOLIDATED WITH). AT THE COMMENCEMENT OF SAID DEPUTY COUNTY ATTORNEY (PROSECUTOR) MADE AN ORAL ARGUMENT WITH RESPECT TO HIS WRITTEN "MOTION TO HOLD DEFENDANT IN CRIMINAL CONTEMPT (FILED ON) (NOT SERVED UPON ME NOTWITHSTANDING CERT. OF MAILING). SEE EXHIBIT "A" ATTACHED. I WAS BEING ACCUSED OF CRIMINAL CONTEMPT OF COURT FOR ISSUES, AND THINGS SAID, IN (A) MY MOTION FOR CHANGE OF JUDGE FOR CAUSE (UNDER PENALTY OF PERJURY; RULE 10.1 ARIZONA RULES OF CRIMINAL PROCEDURE) AND (B) MY "NOTICE OF CHAIN" I MAILED TO SOME 28 PROSPECTIVE DEFENDANTS (INCLUDING AZ. GOVERNOR & ATTORNEY GENERAL) PURSUANT TO ARS § 11-022 AND ARS § 17-821.01. VISITING JUDGE -- WITHOUT A HEARING OR AFFORDING ME OPPORTUNITY TO REVIEW SAID MOTION RE: CRIMINAL CONTEMPT OR ANY CHALLENGE RE: SAID ACCUSATION -- SUMMARILY HEED ME IN CRIMINAL CONTEMPT AND ORDERED ME TAKEN INTO CUSTODY (AND I SERVED DAYS IN THE COUNTY JAIL). NOTE: I REFUSED TO PARTICIPATE IN SAID BENCH TRIALS FOR SEVERAL REASONS, MAINLY BECAUSE THE RULE 10.1 MOTION FOR CHANGE OF JUDGE, WHICH WAS IGNORED (EXCEPT TO HOLD ME IN SAID CRIMINAL CONTEMPT) STRIPPED FROM JUDGE ALL JURISDICTION WITH WHICH TO PROCEED. NEVERTHELESS, JUDGE "FOUND" ME GUILTY, ON EACH SINGULAR MISDEMEANOR COUNT WITH RESPECT TO EACH SAID CONSOLIDATED CASE.

ON WHICH STILL IN CUSTODY I PHYSICALLY APPEARED BEFORE JUSTICE OF THE PEACE/MUNICIPAL JUDGE WHO ADVISED ME HE WAS THERE TO SENTENCE ME FOR HAVING BEEN FOUND IN CRIMINAL CONTEMPT OF COURT. I RESPONDED SAYING " AT WHICH TIME JUDGE

# COMPLAINT AGAINST A JUDGE

STATED:

SEE/HEAR  
REVERSED

AUDIO RECORD. (NOT HERE PROVIDED). A MINUTE LATER JUDGE  
HIMSELF, NOW SAYING:

THIS REVERSAL WAS IN COMPLIANCE WITH RULE 35, AZ.R.CRIM.P.  
WHICH SAYS IF A TRIAL COURT JUDGE SEES CONTEMPTUOUS DISRESPECTFUL BEHAVIOR  
IN OPEN COURT DURING A COURT SESSION THE TRIAL COURT JUDGE CAN SUMMARILY,  
HOLD THE DISRESPECTFUL PERSON IN CONTEMPT ORDERING (SUMMARILY) DETENTION  
(IMPRISONMENT) IN THE COUNTY JAIL. THAT FORM OF CONTEMPT OF COURT IS CALLED  
"DIRECT CONTEMPT." BUT HERE CONTEMPT OF COURT WAS BEING PURSUED BY  
THE PROSECUTOR'S (BOYUS) MOTION WHICH IS NOT "DIRECT CONTEMPT" BUT  
RATHER, "INDIRECT CONTEMPT" (NOT SUBJECT TO SUMMARY JUDGMENT AND  
SENTENCING -- REQUIRING A DUE PROCESS HEARING). JUDGE TAKEN  
SCHEDULED THE HEARING BE HELD ON  
ONCE I WAS RELEASED FROM JAIL. I GOT BUSY AND PREPARED (AND FILED  
WITH THE CLERK OF JUSTICE (COURT)) MY "MEMORANDUM RE: CONTEMPT OF COURT"  
CONSIDERED WITH MY "MOTION TO DISMISS AS LEGALLY FRIVOLOUS / 1ST AMENDMENT  
RIGHT RETALIATION." SEE, EXHIBIT "B", ATTACHED. THERE I ARGUED THE LAW  
FORBIDS PUNISHING A PERSON FOR DISPARAGING COMMENTS LEASED AGAINST  
THE TARGETED JUDGE IN A RULE 10.1 MOTION FOR CHANGE OF JUDGE FOR CAUSE  
CITING ARS § 12-410 WHICH READS:

"NO JUDGE OR COURT SHALL PUNISH FOR CONTEMPT ANYONE'S  
MAKING, FILING OR PRESENTING THE AFFIDAVIT PROVIDED FOR  
BY § 12-409, OR ANY MOTION FOUNDED THEREON."

ARS 312-409 is the list of causes enumerating the various forms of "causes" with respect to a motion for change of judge → for "cause."

I also argued federal law strictly forbids government retaliating against a plaintiff exercising his or her 1st Amendment right to redress of grievances (and a "notice of claim" is a mandatory prerequisite to filing a law suit against government).

Ninety-nine percent (99%) of the factual allegations the said prosecutor presented in his said motion to hold me in contempt of court was selected from my said Rule 10.1 motion for change of judge for causes and my said "notice of claim."

At "hearing" on \_\_\_\_\_, no one from the \_\_\_\_\_ County Attorney's office was present. Just my son \_\_\_\_\_ and me!  
When Judge \_\_\_\_\_ entered the courtroom he started off saying "

and I immediately responded "

"which snapped Judge \_\_\_\_\_ out of his clear example of dementia/ senility! Judge \_\_\_\_\_ then attempted to state the case numbers for the audio record and read-off the 1st case number from the case folder and, instead of lifting the said 1st case file folder to retrieve the 2nd case number from the 2nd case file folder → he started peeling through pages of the 1st case file folder. The assisting court clerk ( ) saw what Judge \_\_\_\_\_ was doing and instructed

Judge TO REMOVE THE TOP CASE FOLDER-FILE TO GAIN ACCESS TO THE LOWER/ 2ND CASE FILE- FOLDER. Judge THEY MANAGED TO READ THE TWO CONSOLIDATED CASES INTO THE AUDIO RECORD.

Judge THEN STARTED TALKING ABOUT PLEADINGS IN THE RECORD I HAD RECENTLY CAUSED TO BE FILED SUBJECT TO THE TWO (2) UNDERLYING MISDEMEANOR CASES (DISPLAYING COMPLETE CONFUSION AS TO WHAT WAS GOING ON). I ADVISED JUDGE THOSE PLEADINGS WERE NOT PERTINENT TO THIS CRIMINAL CONTEMPT ALLEGATIONS, BUT FOR THE UNDERLYING MISDEMEANOR CASES.

AT THAT TIME JUDGE SAID HE JUST READ MY SAID "MEMORANDUM RE: CONTEMPT OF COURT" AND CONSOLIDATED "MOTION TO DISMISS AS LEGALLY FRIVOLOUS/ 1ST AMENDMENT RIGHT RETALIATION" (ATTACHED HERETO) AND RULED ".

I COULDN'T BELIEVE WHAT I JUST HEARD. I'VE BEEN AN AGGRESSIVE STUDENT OF THE LAW (AND BIBLICAL LAW) AND KNOW A 1ST-YEAR LAW STUDENT LEARNS THAT "PROBABLE CAUSE" ASKS → WAS A CRIMINAL ACT COMMITTED, AND IF SO DOES IT APPEAR THIS SUSPECT COMMITTED THE ACT? FACTS ARE THE SOLE CONCERN OF A PROBABLE CAUSE DETERMINATION. THE LAW DOES NOT ENTER THE EQUATION UNTIL LATER, IN COURT! FOR INSTANCE IF EVIDENCE IS SEIZED BY LAW ENFORCEMENT ~~AND~~ AMENDMENT EXCLUSIONARY RULE SUPPRESSION IS NOT FACTORED - IN AT THE PROBABLE CAUSE DETERMINATION PROCEEDING.

AT ONCE I COULD SEE SOMETHING IS TERRIBLY WRONG WITH JUDGE

MENTAL COGNITIVE CAPABILITIES. I ASKED JUDGE

" HIS ANSWER: "

" I THEN

ASKED HIM: "

" AND AGAIN JUDGE

STATED: "

" THIS IS EXTREMELY UNACCEPTABLE, ESPECIALLY WHEN THE PROSECUTOR'S MOTION REGARDING CONTEMPT OF COURT IS ASKING I BE SENTENCED TO MONTHS IN JAIL, AND EVEN MORE IMPORTANT THE LAW COMPLETELY IMMUNIZES ME FROM PUNISHMENT FOR ANYTHING INCORPORATED INTO MY RULE 10.1 MOTION FOR CHANGE OF JUDGE FOR CAUSE, OR FROM GOVERNMENT RETALIATION FOR MY EXERCISING MY 1<sup>ST</sup> AMENDMENT RIGHT TO REDRESS OF GRIEVANCE (I.E., SUING

COUNTY GOVERNMENT; NOTE: I'LL PRESENT THIS COMMISSION WITH A COPY OF BOTH RULE 10.1 (MOTION AND "NOTICE OF CLAIM" UPON REQUEST).

MY ENTIRE DEFENSE IS THE LAW! IT IS MORE THAN OBVIOUS TO ME (AND MY SON) IS SUFFERING FROM DEMENTIA AND/OR SENILITY.

JUDGE GROSSY LACKS THE MENTAL PROWESS TO SIT AS JUDGE!

I'M NOT TRYING TO RIDICULE OR SNEER JUDGE. HE APPEARS TO ME TO BE A DECENT MAN! MY SON "GOOGLED" JUDGE AND ADVISES ME HIS BACKGROUND AS A JUSTICE OF THE PEACE IS WITHOUT BLEMISH!

BUT MY SON ALSO ASCERTAINED JUDGE IS YEARS OLD! ARTICLE 6 OF THE ARIZONA CONSTITUTION REQUIRES AN ARIZONA JUSTICE OF THE PEACE

**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.**