

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-314

Complainant: No. 1299610680A

Judge: No. 1299610680B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge.

The complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: January 24, 2007.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on January 24, 2007.

This order may not be used as a basis for disqualification of a judge.



CJC-06-314

[Redacted]

[Redacted]

[Redacted]

JUSTICE Ct.

[Redacted]

[Redacted]

Complaint AGAINST
HEARING OFFICER

[Redacted]

[Redacted]

Plaintiff went to the Judicial office to learn if there is a time limit to file a complaint. He was told, "No." this case was heard on [Redacted]

w/o intent & certainly w/o desire, plaintiff has become an activist. He is [Redacted] yrs. old & was introduced to the study of body language at [Redacted] over [Redacted] yrs. ago. Much, much more is said in body language than in verbalization. When a person meets another, w/o awareness of the

reason, he or she will like or dislike the person.

A judge finds it difficult to rule in favor of a person the judge dislikes. Plaintiff knew he was

disliked by & he will prove it &

also prove, she favored the defendant.

PLAINTIFF'S EDUCATIONAL BACKGROUND

After receiving his BA. & MA., plaintiff received his J.D. & learned thru. that experience, he didn't want to be an attorney. However, because of the J.D. experience, he can file his own cases & as an activist has done so. The defendant, in an effort to defame the plaintiff sent the H.O. a list of the cases he has filed. The defendant, in his ignorance, thinks filing law suits is improper. Plaintiff asked

the defendant to list each case plaintiff has filed & state why the case is frivolous & was filed with the wrong intent. Defendant didn't answer, because he couldn't.

CASE BACKGROUND

Plaintiff moved to [] Az. four yrs. ago & purchased a house in the [] complex. there is a homeowners assn. & a bd, of which plaintiff was not told, for the 1st yr. there was no problems.

Plaintiff was dating a very, good looking young lady by the name of [] [] she is [] yrs. his junior & was employed by the [] Az. for [] yrs. she had a house in [] Az. & was driving 80 miles a day R/T.

Plaintiff's house is 5 minutes from her pl. of employment & she moved into Plaintiff's home; that is when the harassment began. the fat, old ladies couldn't handle the sight of []

the president of the assn. started the harassment & w/o listing all the details, plaintiff fought back with law suits & the following resigned: the 1st & 2nd presidents, the V.P., the director of enforcement & his a/c. & the director of landscaping. the 2nd president was [] the wife of the defendant.

Her husband, [] is her lackey, wimp puppet & she sent him to plaintiff's house to trespass on his land & to take pictures

+ harass [] + the brutal attacks worked.

[] became ill, couldn't work + lost her job.

Plaintiff went to the annual assn. meeting. they give you only 5 minutes to speak.

Before his time expired, [] grabbed plaintiff by the L. elbow + pulled him from the mic. Plaintiff was being treated for a L. elbow injury by [] of

[] Az. + [] made the problem worse. Plaintiff sued + [] settled with him.

following, plaintiff came home + there was a message for him, call [] He called + [] said, [] doesn't speak on the phone. (He often speaks on the phone.)

they decided to meet at plaintiff's house, but plaintiff didn't know why. they met + [] spoke for 20 minutes + said nothing. [] had come to measure plaintiff's bush on his front lawn because there was an argument whether it fell into the contract to be cut. It did, but they never cut it. Plaintiff called the sheriff + he sent them away.

the following is the last attack which is the reason for this law suit. Plaintiff has enclosed his reply to defend which explains the 4th attack. It is exhibit 4 + begins on pg. 3. Line 14.

the defendant was accompanied by his wife, 2 ladies from the [] & an old man from the [] bd. I have written to the defendant for their names, addresses & phone numbers & when I receive them, I will forward them to you. Plaintiff was alone. Plaintiff stated to H.O. [], the four people were not defendants or witnesses. She answered, this is an open ct. rm. & they may speak & if what they have to say is irrelevant, I will stop them. She didn't.

Plaintiff was told to begin & did so, but didn't realize at the time, H.O. [] [] failed to ask the people to

raise their R. hands & swear under oath
to tell the truth. Plaintiff is not appeal-
ing for a new trial, he is seeking the
original trial be held with the partici-
pants raising their R. hands & swearing
under oath to tell the truth.

the Incident leading to the case.

Plaintiff had R. Shoulder Treatment
 in [] by orthopedic Dr. []
 [] at the [] Pt. in []
 Az. He told him to go to the gym
 & examine the weights & equipment &
 report back for an exercise plan.

Plaintiff had hernia surgery on []
 [] & went to the [] Rec. Gym on []
 []

He arrived at the gym at 7:03 & looked at the weights for 7 minutes. He stated, he didn't see the defendant in the gym & defendant spent a great deal of time & presented a number of papers trying to prove plaintiff saw him when it is irrelevant.

Plaintiff was dressed & was walking slowly because he had surgery a few days before. The defendant can't leave plaintiff alone, because defendant was on duty as a monitor from 6P to 7P & it was 7:10P. He said, if you are going to workout, you have to sign in & show me your card.* Plaintiff didn't know he was the gym monitor & that is when defendant pushed

-9-

*Ex 1., para 3.

his credentials in plaintiff's face cutting his bottom lip. Please see Ex. 1., para. 4.

Please also see Ex. 2., 2nd para. the lines are underlined. In Ex 1., para 4, defendant said, plaintiff was standing close. He was standing closer than 6 inches when he was hit.

Plaintiff told defendant he was going to sue him for battery. Defendant heard what was said & understood the statement & had an opportunity to answer, but remained silent which is evidence of guilt. If you are innocent, you answer. Ex. 2, para two, last line.

At the hearing, plaintiff finished his presentation & defendant was to speak, but he was overcome by guilt & emotion, & couldn't speak. H.O. said,

Now [] just calm down & take it easy & you will be okay. A judge or a hearing officer must not take the side of one of the parties by trying to help him or her make a presentation. Defendant couldn't continue & his wife, who was not a defendant or a witness, sat at the defendant table with her husband & she became the defendant & or his attorney & H.O. [] permitted her to speak for a half hr. as the defendant or his attorney, because she presented the defense the defendant could not.

Plaintiff raised his hand twice to object, but H.O. [] would not permit him to speak. [] presented a

great deal of paper work trying to prove plaintiff saw defendant in the gym when plaintiff didn't see him. So what! It is irrelevant whether plaintiff saw defendant in the gym, but H.O. [redacted] didn't stop her. She is the family boss & her husband is her lackey wimp & it is disgusting to view [redacted] spent time trying to prove plaintiff saw defendant in the gym, by stating plaintiff had to see him because when you come in the front entrance, you pass the glass covering of the gym. Plaintiff lives a block away & enters thru the back entrance. She told H.O. [redacted] plaintiff is not allowed in the justice ct.

in [] Az. & this is a flat out lie. Plaintiff corrected [] & H.O. []

[] said nothing to her.

H.O. [] was negatively influenced by defendant, when he filed with the ct., cases plaintiff had filed. Plaintiff requested of defendant he prove the cases filed were frivolous & filed in bad faith. He didn't do so, but it didn't make any difference to H.O. []

[] the decision in a case should not depend on previously filed cases. It should depend on the facts of the case at bar. & the law.

[] begged H.O. []

[] to rule in her favor & make

plaintiff stop filing cases against them.

H.O. [] again favored defendant

& his wife & said to []

why don't you go to an attorney & he

will work for you in preventing law suits.

[] has it all backwards.

they should stop harassing plaintiff &

there will be no law suits & H.O. []

should have told her so, but she couldn't

because she was biased.

When plaintiff filed documents with the ct., he sent each document copy to the defendant. However, the defendant didn't & he knew he should have, because he sent copies of the cases to the ct. & the plaintiff. But when plaintiff sent pictures

to the ct. & defendant, the defendant's wife prepared a defense to the pictures & presented it in ct. w/o sending the defense pictures to plaintiff & plaintiff couldn't reply to defendant properly at the hearing, because he needed other documents he would have prepared, if he knew the defense defendant's wife was offering. At the hearing, [] one by one, gave the picture defense papers to plaintiff because she knew he should have them, but it was much too late for plaintiff to prepare a reply. plaintiff brought this to the attention of H.O. [] [] but she said nothing. this is another situation of her bias. this was an important issue in the hearing because

H.O. [] relied upon it to make her decisions when plaintiff couldn't reply.

Plaintiff's Picture Defense REPLY

the pictures sent by plaintiff to the Ct. & defendant are Exhibit 5. the 1st thing the plaintiff is accused of is cutting the picture. the bottom of the picture was cut to fit it into the envelope.* []

[] made this presentations at the defense table because her husband, the defendant, fell to pieces with guilt & couldn't make the presentation. [] acted as the defendant & as his attorney which are violations of the civil code, but H.O. []

[] said nothing. Plaintiff raised his hand to object, but H.O. [] wouldn't

-16-
*Nothing of the picture was lost by the cut.

acknowledge him + [redacted] was permitted to continue as the defendant or as the attorney for the defendant.

The 2nd item is that, "plaintiff seems to be 'pouting' her lower lip out to make it look like it is swollen." After making this statement, [redacted] offered no proof substantiating her claim + in so making the claim, she has accused the plaintiff of presenting false evidence to the ct. intentionally which is a felony. She states in the 3rd item, "the sky is very cloudy + it is taken in a parking lot." So what! [redacted] makes this statement w/o offering any info. why it is pertinent. She then states, "Date not specified on picture." The date the

pictures were made, the people at Walgreens were having trouble with the machine + the date didn't print on the back of the pictures. Plaintiff has enclosed a statement proving his statement + it is Exhibit 6.

Concerning the 2nd picture in Ex 5, at the pg. bottom, [] states, the 2nd picture was received on [] with no correspondence. When plaintiff reviewed his case file, he learned that he had not sent the bottom picture with the top picture. Ex. 5 was prepared by [] she stated to H.O. [] [] that the cut could have occurred at a later date. Again, she has accused plaintiff of presenting evidence to the

ct. that is false. Please see Ex. 6 in
which [] of the photo dept. at
Walgreens, states the pictures were dropped
off + processed on [] It was
the only roll of film left at Walgreens
& both pictures were on that roll. the
defendant has the plaintiff's permis-
sion to go to Walgreens to ascertain
if plaintiff had dropped off another
roll of film*. Plaintiff had hernia
surgery on [] & the incident
occurred on [] the roll of
film was dropped off at Walgreens on
[] + picked up on []
Please see Exhibits 6 & 7.

*on to any store.

Exhibit 5 was prepared by [redacted]

[redacted], defendant's wife & she made the defense presentations while sitting at the defense table after defendant went to pieces when he was asked to speak. Plaintiff objected, but to no avail. [redacted] sent to the ct.

cases plaintiff had filed, but didn't include the cases were frivolous & filed in bad faith. This proves she knew info sent to plaintiff had to be sent to the ct. 1st However, she didn't send Ex. 5 to plaintiff knowing that if she did, plaintiff would have an opportunity to defend. We know, she knew, plaintiff should have been sent the info., because

-do-

after she presented it in ct., she gave plaintiff Ex.5 knowing, at that time, plaintiff would not have the exhibits to defend. Plaintiff objected to this at the hearing, but again, to no avail.

[redacted] pulled a slow one on hearing officer [redacted] + she bought it.

In the bottom picture of Ex.5, [redacted] states, "the sky is very blue with few clouds. so what! If you look at the picture it is full of clouds. In no. 2), she states the picture is taken near Plaintiff's house on a different day, this is false, but if it were true, what would it prove? the bottom picture was

taken on [] at about 1P. later in the day, plaintiff's lower lip was more swollen, & when he went to Walgreen's on the afternoon of [], he had the picture taken in the parking lot of Walgreens. He would have taken the top picture at the same time as the bottom picture, but he thought, the bottom picture would be enough, but then his bottom lip became more swollen, so he took the picture of the bottom lip. the date problem is resolved in exhibit 6. In 3), at the bottom of Ex. 5, [] states, "the "cut" on the lip looks like a typical self inflicted injury one could get by biting the inside of their lip with their own

teeth or perhaps having a (virus) sore.

When [redacted] was in the lobby before trial, she was with her husband & three witnesses & she was explaining that plaintiff presented false evidence to the ct. Plaintiff is filing a complaint against them in the [redacted] ct. Superior ct for defamations & invasion of privacy by false light. She has charged plaintiff with a felony w/o proof & she has published it.

In order to cut your lip with your teeth, you would have to turn your lip into your teeth because the cut is at the top of the inside of the lip. Plaintiff didn't have a cold or a virus. Also, isn't it a

coincidence that the cut happened on

[redacted] when plaintiff told defendant,

he was going to sue him for hitting

him, as he has in the past & the picture

was taken on the [redacted] Defendant's

witness heard plaintiff say to defendant,

I am going to sue you. Please see Ex. 2.,

at the bottom of the 2nd para.

In order for plaintiff to self inflict the

cut, he would have to turn his lip over

his lower teeth & bite down hard. this is

a ridiculous charge. [redacted]

makes accusations w/o any proof.

H.O. [redacted] is incompetent & bias &

should not be a hearing officer until she

receives more training.

the word in Az. is that the
small claims ct. is a joke. Maybe
you can do something about it. this
ct. is very important to the people
& it should be a ct., the people can
rely upon.

thank you for your service.

Respectfully Submitted,