

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaint 07-220

---

Complainant: No. 1316810172A

Judge: No. 1316810172B

---

**ORDER**

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judges. The issues raised involve legal and procedural matters outside the jurisdiction of the commission. The commission is not a court and cannot review evidence to determine whether or not a judge's decision is correct. Therefore, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: October 1, 2007.

FOR THE COMMISSION

/s/ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on October 1, 2007.

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

## VERIFIED COMPLAINT AGAINST JUDGES

### I. The Parties CJC-07-220

#### A. Complainant

Complainant, KENNETH W. REED, is presently in the custody of the Arizona Department of Corrections at its Stiner Unit which is located within the confines of the Arizona State Prison's Lewis Complex in Buckeye, Arizona.

#### B. Miscreant Judges

1. Respondent Judge BARBARA R. MUNDELL is presently employed as the presiding judge of the Arizona Superior Court, in and for Maricopa County.
2. Respondent Judge MARGARET H. DOWNIE is presently employed as a judge of the Arizona Superior Court, in and for Maricopa County

### II. The Facts

1. The Complainant is a legal rights activist who, during the past twelve years, has frequently petitioned the courts to redress a wide variety of wrongs done to him by an equally diverse number of individuals, agencies and public entities. The Complainant has never brought any civil action against any individual, agency or public entity for any improper purpose, or upon a claim which he did not believe was well grounded in fact or based upon a reasonable interpretation of the law.

2. Among the many petitions he had reason to file, the Complainant had previously invoked the jurisdiction of Arizona's appellate courts to review certain judicial decisions that Respondent Judge Downie had made. As a result of the Complainant's having publicly questioned whether Respondent Judge Downie had faithfully discharged a duty required by law and had otherwise performed her duties fairly and impartially, Respondent Judge Downie harbored feelings of ill will and resentment towards the Complainant and nurtured a desire to make reprisal against him.

3. Complainant is informed and believes that, on some date which is not known

exactly to him, Respondent Judges Mundell and Downie agreed between themselves to fabricate a pack of lies in order to wrongfully denounce the Claimant as a "vexatious litigant," as a pretext for implementing a villainous plan they had devised to restrict the Claimant's access to all of Arizona's courts of original jurisdiction in Maricopa County.

4. On July 21, 2006, without according to the Complainant any notice or an opportunity to be heard, Respondent Judge Mundell authored Administrative Order No. 2006-090 and directed the clerk of the Arizona Superior Court, in and for Maricopa County, to enter it upon the public record. Administrative Order No. 2006-090 contains those defamatory denouncements and prescribes those unwanted restrictions which the Respondent Judges Mundell and Downie had contrived against the Complainant. A true copy of Administrative Order No. 2006-090 is appended hereto as the Attachment.

5. Contrary to the publicly made denouncements Respondent Judges Mundell and Downie fabricated in Administrative Order No. 2006-090, Complainant has never named Governor Janet Napolitano as a defendant in any lawsuit.

6. Contrary to the publicly made denouncements Respondent Judges Mundell and Downie fabricated in Administrative Order No. 2006-090, no judge of any Arizona court, or, at the appellate level, no panel of judges, has ever found any cause brought by the Complainant to have been factually or legally frivolous.

7. Contrary to the publicly made denouncements Respondent Judges Mundell and Downie fabricated in Administrative Order No. 2006-090, no judge of any Arizona court, or, at the appellate level, no panel of judges, has ever found any cause that was commenced by the Claimant to have been vexatious or maliciously prosecuted.

### III. Claims of Malversation and Turpitude

1. With a premeditated and malicious intent to publicly malign the Complainant and to do injury to his reputation, Respondent Judges Mundell and Downie did improperly use their office and standing to commit the torts of libel and fraud

against the Complainant.

2. For their having first conspired, and then for their having executed the plan they so devised to deny to the Complainant both equal protection of the laws and any exercise of his right to due process of law, Respondent Judges Mundell and Downie did breach the loyalty oaths they each gave to support the Constitution of the United States of America, and the Constitution of the State of Arizona.

3. Respondent Judges Mundell and Downie who together caused Administrative Order No. 2006-090 to be filed with the clerk of the Arizona Superior Court, as an official governmental record, did commit the preparatory crime of Conspiracy which is defined under A.R.S. § 13-1003(A) and then too the ensuing crime of Tampering with a Public Record which is defined under A.R.S. § 13-2407(A).

#### IV. Conclusion

Respondent Judges Mundell and Downie together abused the public's trust, denigrated the integrity of the Arizona Superior Court, and, by so doing, brought Arizona's judiciary into disrepute, for no other purpose than to persecute the Complainant and to satisfy their own vindictive motives. For this these judges must be held accountable.

Under penalty of perjury I verify: that I alone authored the foregoing Verified Complaint Against Judges; that, excepting any statement I made upon information and belief, every statement contained in my Statement of Facts I know to be true; and that every statement I made upon information and belief in my Statement of Facts, I unreservedly believe them to be true.

Date: August 12, 2007

Kenneth W. Reed  
Kenneth W. Reed  
Complainant