

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-167

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was biased against him and issued erroneous decisions.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Dated: October 4, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were distributed to all appropriate persons on October 4, 2017.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2017-167

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.

SEE ATTACHED

My wife filed for divorce in [redacted] It was initially set before another Judge who had [redacted] My wife's attorney requested, and was granted, a continuance. On [redacted] changed the Judges around and this case was set for a Temporary Order hearing in [redacted] in front of Judge [redacted]. In speaking with multiple attorneys, Judge [redacted] is a person who allows his religious beliefs to dictate his rulings. A part of Judge [redacted] religious beliefs is to look unfavorably on suicide and suicide attempts. I just so happened to have a suicide attempt in [redacted]. After my suicide attempt, while in a local behavior health hospital, I took my retirement out to pay off bills so that my wife and children could survive without my paycheck. This behavior health hospital had [redacted] communal telephones for the patients to use. All cell phones were taken away from patients and locked away during their stay. The patients a [redacted] were not allowed access to any computers. The only way that I could get phone numbers and account numbers to pay off the bills was to **CALL MY WIFE.** [redacted]; but as my wife got up on the stand and stated that she [redacted] he ruled [redacted]. The interesting thing is that during my wife's testimony she agreed that [redacted]

Another aspect was the testimony of my wife and her attorney. In their filing of the divorce it was stated that I took my retirement and went on a spending spree for myself and used none of the monies for the community (I had all receipts to prove that the money was used for community debt). Testimony that my wife gave stated that she [redacted]

After my suicide attempt in [redacted] I was homeless until [redacted]. During my homelessness, I was trying to get treatment where ever I could. One of those places located [redacted]. As I knew the hearing was coming up I had my therapist, [redacted], write the court a letter about my progress (SEE ATTACHED). Nowhere in the letter does [redacted] even infer that I was healthy enough work. But Judge [redacted] ruled just that.

Judge [redacted] also ruled that I was [redacted] the only person that I have been a danger to has been myself. There was never any proof, nor testimony, that I have ever been a danger [redacted] I had sent a text to my dad that I would [redacted]. Even my wife testified that I had every right to do that as I was still [redacted] and there had been no order of protections filed against me.

On [redacted] a final divorce decree was agreed to and drafted by the attorney for my wife. The decree was signed by my now ex-wife and myself. My wife's attorney, [redacted], had Judge [redacted] sign it that day and filed it. In that decree it states that I am to receive:

\$ [redacted] from petitioners retirement, payment to be made [redacted] of the signing of the decree by the judge and the filing thereafter.

I have yet to receive either.

First, the money. I received an email via [redacted] from my now ex-wife unilaterally changing the divorce decree on [redacted]. She has now found out that in withdrawing the cash she would be liable for the taxes. This is something that she and her attorney should have investigated prior to drafting and signing the divorce decree. I have been in touch with [redacted] and they will give her a check for the \$ [redacted] and take extra monies for the taxes.

Then, the truck. During the temporary order hearings, I testified that

[redacted] My ex-wife testified to the same. The truck was to be driven to [redacted] by [redacted] and put back into my name in [redacted] of [redacted]. Judge [redacted] even cites it in his ruling:

“

What the Judge conveniently ignores was the fact that I testified that I had been [redacted]

During the negotiations for the divorce decree I included, both in writing and verbally with [redacted] I that I had been [redacted]

[redacted]. In the same email on [redacted] both my ex-wife and [redacted] I decided that they were not going to do this. This was in bad faith as they both negotiated the truck in the divorce decree.

A hearing was held on [redacted] without my knowledge about these two items. Not only was I not notified of the hearing by the court, but I was in the hospital from [redacted]. The hearing was held in my absence and Judge [redacted] ruled the following:

IT IS ORDERED as follows:

In the ruling for the monies to be given to me, Judge [redacted] is in fact allowing [redacted] I and my ex-wife to unilaterally change what was agreed to and signed by all parties in the final divorce decree. Reading is a second-grade skill. The decree says with **NO** ambiguity that the [redacted] to [redacted]

me within ; of the filing of the final decree. This ruling shows a **COMPLETE BIAS** against me and is completely without merit.

As far as the truck goes, the Judge even inquired as to why no attempt had been made by me to . He even cites it in his ruling for the Temporary Order hearings. The fact of the matter was that I have attempted to have | or my ex-wife facilitate the transfer of the truck title back to me. Not only was it negotiated in writing but also verbally with | on | when I signed the decree. I was never told that this would not happen and find that this was done in bad faith by . I referenced all of this in a motion to Judge | which was ignored, again, showing a **COMPLETE BIAS** toward me due to his religious beliefs.

I ask that sanctions be imposed against Judge , up to and including being removed from an office where impartiality is the key to its success.

Please find included:

Final divorce decree

Temporary Order ruling

Letter from counselor

EMAILS DEC TRUCK