

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-123

Judge:

Complainant:

ORDER

August 20, 2020

The Complainant alleged a justice of the peace engaged in improper demeanor and made erroneous rulings in various civil matters.

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 members Colleen E. Concannon and Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on August 20, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2020-123

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.

This complaint is referent to general observations as well as observations from separate cases which are ① and ②

It is apparent to the complainant that Judge does not uniformly apply the civil standard for the adjudication of innocence or guilt. In some cases he properly applies the preponderance of evidence standard and in other cases appears to ignore it.

In case ① the preponderance of evidence was clearly on the complainant's side who submitted a valid affidavit from a credible witness; the essence of which provided inductive substantiation that the defendant in this case was lying under oath in order to conceal his guilt.

The foregoing does not only represent the opinion of the complainant. I showed the affidavit to an experienced law enforcement officer. He indicated that he believed that it met the civil threshold. Moreover, the law officer who initially investigated the matter explicitly told me that

he knew that the defendant was guilty and offered to help me set up a sting operation on him.

Conversely, the defendant provided no witnesses, no documentation or evidence whatsoever to substantiate his false statements. Moreover he is career felon who is currently incarcerated in the state prison system. He has a long history of conning and swindling people out of both money and property. In fact, I attempted to get other people he had swindled to testify against him. One simply refused, one was too ill and the third agreed but at the last moment reneged and admitted that he feared retribution from the defendant.

No greater evidence of the defendant's fraudulent pattern of behavior could be observed than by what he attempted to do after Judge [redacted] ruled in his favor. Unbeknownst to me at the time (because I was never sent a copy of the motion), the defendant requested an extension of time to 'prove costs. One only needs to execute a simple deductive analysis to determine that this defendant was attempting to execute another con game to swindle even more money from me.

I pose the following question: Under what possible set of circumstances could this person in his present situation legitimately need extra time to gather documentation to prove costs. From the beginning to the end of the case the defendant was locked up in a prison. Thus everything which he initiated or which transpired under his efforts would have had to have started and ended in his presence and confinement therein. How far would he have to walk to get his documentation? Would it be from one corner of his cell to the other?

Obviously he was attempting to get permission to contrive and fabricate false documentation. Consider as well, that this defendant had no attorney, no process servers, no subpoenas, no investigations or investigators and no documents other than those which he hand wrote and mostly hand copied. Thus

what possible costs could he have incurred? The strange and sick irony herein is that this judge's tainted ruling empowered this con artist to embark upon another crime while presently incarcerated for having committed other crimes. I would think that _____ and _____ are applauding Judge _____

It is my strong belief that Judge _____ for whatever reasons feels no compulsion to be objective or fair in his rulings; and although I have some suspicions as to why, I will not waste my time speculating about it. It is not relevant. What is relevant is the unjustifiable fact that his malfeasance leads to injustice rather than justice. I believe he knew full well that this defendant was lying to him and it did not make a bit of difference in how he ruled on the matter. Is that justice?

I have also noticed regarding matters of procedural rules that Judge _____ in some cases invokes these rules when it would advantage one party or the other but in other cases ignores those rules when it would not.

For example, in case ① he specifically rejected a motion because it was "not based upon the JCRCP". Yet in case ② he ignored rule _____ of JCRCP when a motion was properly and legitimately made to impose it.

Judge _____ overtly claims to be "respectful and courteous". A more objective assessment of his courtroom demeanor would describe him as rude, arrogant, sarcastic, dismissive, condescending and curt. His entire general demeanor in my perception is suggestive of the type of person that _____ was referring to when he indicated that the true test of

a person's character cannot be revealed by their
subjection to adversity but rather in how they ply
their access to the arbitrary latitude of raw power.
As for a basis for comparison, I can only refer to
his predecessor, ... who in fact was
courteous and respectful. Moreover, it appears to me
that he was among the very few in the legal pro-
fession that was able to live up to all those
noble and magnanimous principles that legal profess-
ionals are expected to exhibit but unfortunately rarely
do. Judge ... sometimes ruled against me
but I always accepted and respected his decisions
because it was always apparent to me that he
strived to be unbiased and just. I have no
respect for Judge ... or his decisions and I
do not believe he is deserving of any. Nothing
of substance can be added to a man simply
by permitting him to don a black robe and I
consider the Arizona court system to be a lesser
place for his presence.