

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 20-362

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Judge:

Complainant:

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**ORDER**

April 21, 2021

The Complainant alleged a superior court judge had a conflict of interest in handling a civil matter and perjured himself in a criminal matter.

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 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 member Denise K. Aguilar did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 21, 2021.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2020-362

**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.

## Narrative:

While reviewing a telecommunications complaint, I reviewed the website. This website appears to have arisen from the a former business-owner's complaints about his experience with the county court system. The business-owner sued numerous citizens for defamation based on rumors spread by individuals and a rival business that he, a owner, was a child molester. The lawsuit included copies of social media posts admitting that the rumors were malicious and intended to ruin his business. The FBI also investigated this issue due to claims that the business-owner's ward was an interstate kidnapping victim. Child protective agencies investigated claims the ward was being abused. State and federal agencies also investigated the business-owner following red flag reports which the business-owner alleged was a swatting attempt. The Dept. of Law Enforcement is currently investigating a related issue.

The defamation defendants included individuals with close relationships to the assigned judge and the city attorney who failed to disclose his status as a litigant while representing other defendants. The assigned judge and the city attorney is now in private practice. The business-owner appears to have suffered substantial criminal retaliation after filing the lawsuit which included, online death threats, assaults, stalking with intent to injure or kill, a burglary where his home was destroyed and ' was painted on the walls and, later, attempted arson. The business-owner's ward suffered similar aggression which often took a dark sexual tone. The business-owner claims the crimes against his ward occurred while she was legally a child but has only published evidence of stalking and harassment after she was of legal age. The evidence does reflect an effort to cyberbully the young woman about a childhood sexual assault and boasts of success after she attempted suicide. Medical and psychological records delivered in another matter support the business-owner's claims and reflect that the young woman is still receiving psychological treatment due to the assaults.

Individuals have acknowledged sending electronic communications to the young woman and surveilling her before she was of legal age but no further information has been obtained. All of these individuals also claim that the business-owner is spying on them and violating their civil liberties and have attempted to file complaints regarding illegal surveillance and systems hacking. has a prior arrest record involving juveniles. has prior arrests for disorderly conduct, assault, harassment and stalking and one has no prior criminal history.

The business-owner has refused to deliver evidence in his possession and has previously expressed his dissatisfaction with investigative authorities declaring that he will do it himself so it is done correctly. The business-owner publishes evidence online sometimes following many and of his own investigations. These included online discussions planning some of the crimes and admissions posted by suspects to social media. None of these crimes appear to have been investigated. I reviewed and documented the statements still available online and have requested documentation from the business-owner and service providers for statements no longer available online. The business-owner has stated in prior interviews that he reported some crimes, but not others and law enforcement claims they were aware of the incidents but did not investigate because no incident reports were filed. The defamation lawsuit and other documents available on the public record evidence the business-owner documenting pages of alleged crimes and filing court motions requesting the court refer the alleged crimes to law enforcement. These included allegations of witness tampering and witness intimidation.

audio recording which appears to be witness tampering has been published online. I also reviewed and documented several statements posted by suspects to social media claiming that they were untouchable due to local connections. During this time, the former city attorney delivered letters to public records and public entities in the state of insinuating that he was prosecuting the business-owner for child molestation instead of defending himself and others from a defamation lawsuit. Another defense attorney was sanctioned by the bar for unprofessional behavior during the case. That attorney characterized the conduct as " and was later named as a defendant.

The business-owner claims his defamation case was summarily dismissed after a relative of the assigned judge reassured defendants online that the case had been taken care of. I reviewed and documented social media commentary from individuals who offered guarantees from an undisclosed official source that the case would be taken care of. Of these individuals had bonafide connections to the county justice system. In addition, defendant was the of a county prosecutor and another was in a romantic relationship with a Both of these individuals have been investigated for crimes involving fraud in the past. The only record of the business-owner making a criminal complaint with the county Sheriff was taken by a deputy who was the brother of another defendant and elected to file the complaint as an information report instead of an incident. Similar claims of harassment against the business-owner were characterized as incident reports. It does not appear that the claims against the business-owner were investigated either. city police report numerous claims of harassment from and against the business-owner. None of which appear to have been investigated or seem to merit investigation. An employee and dispatcher for the city police was also named as a defendant in the defamation lawsuit. The business-owner also claims that the judge was bribed, that an individual in who the business-owner charged with capital child molestation was transferring money to several persons involved, that the drug cartel controls the local judges and that his appeal was block by the court. The claim that the court failed to process his appeals appears to be legitimate based on public records. The lawsuit consisted of hearings. The of which declared the business-owner who had no prior litigation history in to be a vexatious litigant and dismissed all claims. According to the business-owner claims against litigants liable by default were also dismissed. Most of the business-owner's claims about the manner in which the lawsuit was conducted have been validated.

In the business-owner moved to county and attempted to change his name in a confidential filing. This filing was delivered to the possession of a defense attorney who provided it to suspects. The suspects then published the business-owner's new name online with renewed rumors of child molestation in the new location and numerous taunts encouraging the business-owner to engage in a mass shooting or other violent retaliation. I also reviewed and recorded online solicitations to criminally victimize the business-owner and his ward in county. County Sheriff's assisted in placing the business-owner and his ward in a state protection program. The business-owner appears to have filed suits for injunctions in county and these were transferred to county. At this time the business-owner began behaving erratically, abruptly ceased cooperation with authorities, abandoned his lawsuits and published websites defaming those who defamed him with similar claims of pedophilia and child trafficking. In the business-owner was sued in the same court under the same cause of action by the former city attorney. In the case against the business-owner a permanent injunction brought down the websites and final judgment was summarily granted with service on a state agent. The state agent confirmed that it informed either the court or serving party that service of process was not executed on the respondent.

AZ Court Judge , assigned to the lawsuit against the business-owner, was featured prominently on these websites along with several other public figures. The website resembled the and published possibly legitimate, fact-based, claims of public corruption commingled with seemingly malicious allegations of child trafficking. Judge entered the order bringing down the websites and expanded his order to any other locations hosting or republishing the business-owner's content. also attempted to compel and other search engine services to censor any reference to the content featuring both the plaintiff before him and himself. This content included surveillance video and police reports of an assault and battery case wherein Judge perjured himself in court testimony as a criminal defendant. A campaign ad published on times by Judge is titled " ' and contains meta tag descriptions presumably

designed by Judge [redacted] to compete with the assault and perjury video published under the the same title. The assault and perjury video was posted to the front-page of the website he ordered brought down in its entirety. The order states that Judge [redacted] reviewed the website and determined the entire website to be unlawful.

Content of a similar theme to the defunct websites is now published at [redacted]. The [redacted] content appears to have been edited based on claims about the original websites to narrowly avoid prosecution or contempt charges. The [redacted] site is hosted off-shore through what appears to be a [redacted] and funding scheme designed to sever legal ties to the source. It merits note that the original site also could not be linked to the business-owner against whom the injunction was granted. The [redacted] registration for the original website that Judge [redacted] court order brought down was listed as "[redacted]". This is an anagram for "[redacted]" and a reference to the perjury he sought to conceal in a criminal charge that arose after [redacted] shoved a young man through a window for, according to [redacted] ". The reference to [redacted] remains unknown. Because the website was published before Judge [redacted] was assigned to the case involving the website or any case involving the business-owner, this leads to questions regarding how the business-owner knew Judge [redacted] would be assigned to his case. This use of code also follows a pattern another federal agency has characterizes as taunting and teasing wherein the business-owner has a reputation for baiting investigators to evidence like a punchline rather than providing it in a forthright manner. The original site also featured a blank area in the "[redacted]" footer which has now been filled in with Judge [redacted] name. The new website also has a more commonly searched name than the original website.

Numerous residents, attorneys and journalists speak of judicial corruption in [redacted] county as a foregone conclusion but most refuse to file complaints for fear of retaliation. Many residents of this county are presently addressing legal issues on social media and via retaliation in lieu of proper reporting. Many are using more extreme methods than the business-owner but the business-owner seems to have a talent for triggering public officials. There are presently social media posts on local Facebook pages offering bounties or payments for retaliation against a various insults and offenses. Judge [redacted] or someone acting on his behalf also appears to be engaging in this conduct by posting threats of retaliation to social media where individuals discuss issues of public corruption in [redacted] county and have discussed Judge [redacted] specifically. The [redacted] website publisher, who is presumptively the aggrieved business-owner or his agent, claims to have captured internet protocol and machine access control numbers proving [redacted] county courthouse computers posted similar threats but he has ignored all efforts at communication. A federal agency has confirmed that the business-owner has demonstrated an ability to breach the VPN services and firewalls used to frustrate cybercrime investigations. It is also believed that efforts to compel or seize evidence from the business-owner at this time would likely result in loss of evidence. The website publisher appears to have been motivated by his experiences with the court system in [redacted] county to take matters into his own hands and punish individuals he claims abused his ward and were protected from prosecution by the court. The website could also be characterized as a conspiracy site publishing any wild claim that comes along. The website publisher runs with whatever claims are made and interweaves these wild conspiracies with real evidence of real crimes that appear to have been pushed under the rug by actual public corruption. Information which cannot be legally disclosed renders it unlikely that the business-owner could be prosecuted even assuming a case could be formed based on the libelous website and a nexus to the sites established.

The website administrator is a [redacted] who has stated that he/she is following instructions to remove only direct threats and material involving juveniles and will not cooperated to remove hate-speech or incendiary comments regardless of their veracity.

Despite being hosted off-shore, the current website appears narrowly edited to comply with applicable US laws and is considered satirical by [redacted] authorities. It is my opinion that this website was designed to exploit the vulnerabilities inherent in a county ripe with public corruption and to punish those the business-owner believes benefited from that corruption. There is not sufficient evidence for a criminal referral regarding the website content or the alleged public corruption that elicited it. The felonies committed against the business-owner took place between [redacted] and [redacted] and were not properly investigated. Although the statutes have not run on many of the crimes committed against the business-owner and his ward, his distrust and refusal to cooperate in a mature manner makes any conviction unlikely. An attorney representing the business-owner's former ward says she wants to forget about her experiences in [redacted] never had access to her father's files and will oppose any involvement through counsel. Both have echoed the concerns of other witnesses who fear they will not be protected while the accused use state powers to terrorize them. I have made [redacted] anonymous professional conduct referrals based on the public record itself. I believe the state of Arizona has been seriously negligent in preserving the public trust in and around [redacted] county.

Complaint v.

At present [redacted] complaints, mostly boiling down to defamation and civil matters, have evolved out of what appears to be an abuse of discretion by law partners Judge [redacted] and former Judge [redacted] in cases which should have been removed from the county. Nearly every complaint against the website publisher or business-owner mirrors complaints made by the business-owner in his defamation lawsuit. If your commission has not already addressed the issue of Judge [redacted] perjury and misuse of office, I would appreciate you looking into this or your assistance in preventing Judge [redacted] political ambitions from further eroding the public trust.

This complaint specifically charges Judge [redacted] with:

1. Behavior unbecoming of an officer of the court based on his social media conduct.
2. Inappropriate public commentary about a case before him.
3. Inappropriate ex-parte communication.
4. Abuse of discretion with the appearance of impropriety.
5. Deception.
6. Failure to recuse himself from a case having a direct impact on him.
7. Issuing orders which resulted in the censoring of factual information politically damaging to himself.
8. Issuing orders which enjoined arguably libelous speech about himself.
9. Perjury in a criminal court case. Assault and Battery / Criminal Damage.
10. Conduct in his personal life unbecoming of an AZ state judge.

This complaint generally urges the AZ Commission on Judicial Conduct to proactively address the culture of impropriety in the [redacted] county judicial system.

Cc: Honorable  
Honorable  
Special Agent

Encl.: General Findings re:

Police Report

**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.**