

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 21-036

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Judge:

Complainant:

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**ORDER**

May 19, 2021

The Complainant alleged a superior court judge violated his due process rights and his rights under the ADA.

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 Christopher W. Ames and Michael J. Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on May 19, 2021.

2021-036

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

From:

Re: County Court Judge

**The Americans with Disabilities Act (ADA) was passed as a Federal Congressional law in 1990 under five (5) specific titles. The ADA is a Civil Rights law that prohibits discrimination against individuals with disabilities. The ADA Title II prohibits discrimination in all services, programs and activities provided to the public by State and local governments. Defined, the ADA term “disabled” is a legal term and not a medical term.**

In **Tennessee v Lane** 541 U.S. 509 (2004) the U.S. Supreme Court ruled that Congress did have enough evidence that the disabled were being denied those fundamental rights that are protected by the Due Process clause of the Fourteenth Amendment, among those being the right to access a court. Further, the remedy Congress enacted was congruent and proportional because, the “reasonable accommodations” of ADA were not unduly burdensome and disproportionate to the harm.

As an **ADA Title II Civil Rights** protected disabled individual I was denied my right of **Due Process** before having my Civil Rights, which includes disabilities, and property stolen from me.

In 2008 the Americans with Disabilities Act Amendments Act (ADAAA) was signed into law and became effective **January 1, 2009**. It made a number of significant changes to the definition of the **legal term** “disabled”. As a **Civil Rights** law the **ADA Title II** is the supreme law of the land as dictated by the U.S. Constitution Supremacy Clause Article VI. It prohibits discrimination against “qualified individuals with disabilities” in all programs, activities and services of public entities. It applies to all state and local governments, their departments and agencies and any other instrumentalities or special purpose districts of state or local governments.

The State of Arizona disability laws mandate **ADA Title II** compliance, the Arizona Administrative Code, Department of Law - Civil Rights Division, Article 4. The Arizonans with Disabilities Act, Section R10-3-403 provides Nondiscrimination on the Basis of Disability by Public Entities.

In accordance with the United States Code (USC) 42 USC 12131(2) I am a “**qualified individual with disabilities**” and have been since \_\_\_\_\_ when I was diagnosed with disabilities of \_\_\_\_\_

and that included a as well as I was tested on a variety of medications that all have undesirable side effects, no exceptions. After a testing period of different psychotropic medications I was prescribed and for many by the licensed and practicing Psychiatrist Dr. of

I was a Top Level Manager for the during which time I was the victim of ( ) vehicle accidents beginning in of which resulted in permanent disabling injuries. The damage to the vehicles was extensive and all were totaled. The other vehicle accidents did also cause injuries added to the already present injuries but the vehicle damage was less severe.

In of I did experience what was a continuation of repeated **ADA Title II Civil Rights** protected disability problems that began when awaking from sleep I did slide to the side of the bed to get up and on standing I fell into and bounced off the wall before falling to the floor. I was taken to the hospital for emergency treatment as I believed I was experiencing a stroke. I was diagnosed with and . Later in of I again had another similar experience. I was diagnosed with

In of I experienced another thought to be stroke that required hospitalization. After that experience I did travel to Arizona in of for neurological testing at located in Az. I was diagnosed with different disabilities on

A modification to that diagnosis was made on by the same entity. These are the long term and most concerning, but not limited to, medical disabilities that I have been diagnosed with and I do have **medical records** of these disabilities that are all **ADA Title II Civil Rights** protected:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.

In of I was suffering from serious **ADA Title II Civil Rights** protected disabilities while temporarily living, after selling my home located in in a care assisted living facility named that is located in the same town. of the **ADA Title II Civil Rights** protected disabilities I was experiencing at the time were:

- An approximate diagnosed with cancer can turn aggressive and deadly as it wants. The Oncologist advised that I had been afflicted with this cancer for a long time. Treatment for the with chemotherapy began in approximately of I suffered from the disabling effects of this disability and treatment for over extending into of

- The second **ADA Title II Civil Rights** protected disability involved long term serious side effects of the psychotropic medications . I had been taking these psychotropic medications since but these identified medications had been prescribed by for approximately . Not once during this extensive time period was I ever questioned as to any possible reduction in the prescribed medication dosage as the **ADA Title II Civil Rights** protected disabilities of and were diminishing in severity as detailed by the diagnosis where the ( ) evaluation score was detailed as indicating . The side effects or overdoing of the medications primarily and to a lesser degree was the primary cause of ever present continuously persistent escalating with injuries, and with that was for me a total

Doctor prescribed psychotropic medication side effects are **ADA Title II Civil Rights** protected disabilities as detailed by the **1997, 7<sup>th</sup> U.S. Circuit Court of Appeals**, Christian v St. Anthony Medical Ctr. 117 F 3d 1051 and the **2010 U.S. Third Circuit Court of Appeals**, Sulima V. Toby Hanna Army Depot No. 08-4684. The criteria being that the medication:

1. is required “in the Prudent Judgement of the medical profession”,
2. is not just an “attractive option”, and
3. is not required solely in anticipation of an impairment from the plaintiffs voluntary choices.

Psychotropic medications used to treat and are not “attractive options” or “voluntary choices”. Psychotropic medications are taken to exert an influence on the chemical makeup of the brain and nervous system and all have **adverse side effects**.

In of I was taken to the Hospital after experiencing a serious **ADA Title II Civil Rights** protected disability of to the floor caused by a with hours of and I was advised by hospital staff after being denied a regularly prescribed medication that they were not going to give me any medicine as I had too much in my system already as I understood, but the problem was not explained in any detail. Rather than lying in a bed doing nothing except wasting insurance money I asked to be released.

On departing the hospital on the same day that I was taken to the hospital I made a decision to conduct a complete research on all of the medications I was taking most importantly focusing on the more dangerous psychotropic medicines prescribed by the practicing psychiatrist who was not performing his medically required responsibilities. In my research I learned that the side effects and or overdosing of his prescribed medications and very closely matched the serious medication side effect problems I had been experiencing for . After my research I decided to eliminate the from my daily medication intake immediately that being the day after I left the hospital on or about I also decided that I would later reduce my dosage of the that had similar side effects but not to the level of the I considered the of with the possibility of a to be far more dangerous to my health and life than the possible withdrawal symptoms associated with the immediate removal of the doctor prescribed medication . My immediate action in removing the was later followed by a significant reduction in the from to

mg.

I had been receiving for many years these medications and for the prescribed psychotropic and diagnosed and never monitored these medications with a . that he had been prescribing me as he should have been doing as a requirement of his medical licensed responsibilities. If he had been doing as he was required I would not have suffered for so from the serious side effects of the many that included with a as it is very obvious now that the doses could have easily been reduced eliminating the unnecessary and adverse medical problems that I suffered for so long. These side effects are **ADA Title II Civil Rights** protected disabilities. Although I never experienced the known serious possible side effect of a caused by either medication it was always a possibility.

While I was ill during this recovery stage at the assisted living facility located in with these known **ADA Title II Civil Rights** protected disabilities of and the medication side effect disabilities my sister appeared in late of unannounced, unwanted and for what reason I had no idea at the time. When one is experiencing medical disability difficulties such as I was at the time all they want is to be left alone so they can rest and recover. I was doing fine, walking to feet inside to eat and back to my very satisfactory living quarters at a cost of approximately \$ room and board. If I wanted or needed to leave the facility for a doctor appointment or other necessity I did so by driving my vehicle. I had no problems other than waiting to recover as much as possible from my latest **ADA Title II Civil Rights** protected and psychotropic medication disabilities. I did not need or want any help or assistance let alone to be **kidnapped** while I was ill.

The intent of my sister was to kidnap me from my assisted living facility and transport me from to , more than while I was ill with these **ADA Title II Civil Rights** protected disabilities. Her know it all control desires exceed any and all common sense. I never asked for any such assistance, did not want it and she never called to see if I needed any such assistance. But it was even worse than expected because she had conspiracy plans to unlawfully terminate my **ADA Title II protected Civil Rights** and **Civil Liberties** by obtaining an unlawful County Court temporary emergency court order for incapacitation, a violation of the **Americans with Disabilities Act, Title II**.

I was kidnapped from while I was experiencing **ADA Title II Civil Rights** protected disabilities and transported across to the state of Arizona for a County Court surprise that violated the U.S. Constitution Supremacy Clause Article VI just to mention one law. I also learned from my experience that this Arizona Court does not believe in or practice adherence to any federal, U.S. Supreme Court or U.S. Constitutional Laws or even their own State Statutes and **Constitutional Laws**. The County Court does not believe that it has any mandate to comply with the **ADA Title II Civil Rights** law and it did not do so choosing instead to unlawfully issue a continuously renewing emergency temporary incapacitation order with the appointment of as the guardian and conservator. The action of that court was a violation of my U.S. Constitutional Civil Rights and has resulted in my imprisonment in violation of my right of **Due Process** that now appears to have been renewed at least for **additional Civil Rights** violations. The unlawful order may have even been made permanent without my knowledge as the intent was not for me to be a participant in these unlawful activities even though the court order provided the name of as the attorney who was supposed to represent me. denied even knowing me or the case (emails available), another violation of my **Civil Rights** and **A.R.S 14-5310(C)** and **14-5401.01(C)**.

Further, an out of state physician unlicensed in the state of Arizona was solicited by Petitioner to provide a specially worded letter required to invent a medical incapacitation crisis required by the County Court in order to issue the continuously renewing temporary emergency incapacitation order against me that again violated the **ADA Title II Civil Rights** laws. The use of any solicited letter with specially requested wording from a physician or surgeon unlicensed in the state of Arizona violates **Title 32, Chapter 13** and any other medical mandates required by the Arizona Medical Board.

I have been subjected to the worst conspired criminal actions possible by this County Court. This was a criminal act as it was a conspired violation of all federal and state laws previously quoted and the U.S. and Arizona State Constitution. The extent of this unlawful action is explicitly revealed in **Line Item 8** of the County Court Order issued by that was determined before I even entered the County Court building. The order was a combined Petition and Order and I was imprisoned with all of my Civil Rights and Civil Liberties and property stolen from me without any legal representation or **Due Process** while I was experiencing ( ) **ADA Title II Civil Rights** protected disabilities.

**Line Item 8: MORE THAN** For good cause, this temporary appointment may be for more than , according to Arizona Law, **A.R.S. 14-5310 (D)** and or **14-5401.01 (D)** for the following reasons: **The person to be protected has no other family and it will likely take more than to get him stabilized and determine the best place for him to reside.**

I was never unstable, I was experiencing **ADA Title II Civil Rights** protected disabilities and that was a known fact. She was the person who took me to in to have the **ADA Title II Civil Rights** protected disabilities diagnosed. However, she could not correctly read or understand the medical diagnosis so she generated her own medical versions.

What was the supposed good cause that violated my **ADA Title II Civil Rights** protected disabilities? I am an **ADA Title II, U.S. Constitution Civil Rights** protected individual with guarantees and this Arizona County Court believed and did engage in conspired unlawful discriminating actions against me citing Arizona law **A.R.S. 14-5310(D) and 14-5401.01(D)** as their authority which laws have no authority of any kind over the **ADA Title II Civil Rights** law. The law did not stop the court action but, Judge did decide that **A.R.S. 14-5310(C) and 14-5401.01(C)**, my right of legal representation had no authority. The conspired actions of this County Court has also resulted in my acquiring the disabling COVID 19 and its resultant disabilities that require the carrying of a toilet plus and counting of false imprisonment and the theft of all of my property intentionally violating my right to **Due Process** guaranteed by the 14<sup>th</sup> Amendment to the U.S. Constitution that all individuals are entitled to and do receive before having their **Civil Rights** and **Civil Liberties** taken from them. As an **ADA Title II Civil Rights** protected and "disabled" individual I was also refused my right to access a court and **Due Process** in violation of the 2004 U.S. Supreme Court ruling in **Lane V. Tennessee**.

To ensure that I was denied my U.S. and Arizona Constitutional right of **Due Process** the County Court did refuse my lawful right to legal representation as mandated by **A.R.S. 14-5310(C) and 14-5401.01(C)**. The court order provided **only an attorney name**, but no actual person for any case discussion or court hearing representation in violation of both of the above cited Arizona statutes. I was treated worse than a criminal as even they have a right of access to a court. The County Court only used those portions of **A.R.S 14-5310 and 5401.01** that supported their unlawful violations of my **ADA Title II Civil Rights** protected disabilities.

**THE COMMISSION'S POLICY IS  
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COMPLAINT ON ITS WEBSITE.**

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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.**