

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-055

Judge:

Complainant:

ORDER

June 23, 2021

The Complainant alleged an appellate court judge made improper rulings and colluded to prevent his case from being reviewed.

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 Denise K. Aguilar and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 23, 2021.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-055

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

FILED BY CLERK

STATE OF ARIZONA

O R D E R

Department
County
Cause No.

RE: v.

Pursuant to **Motion for extension to file opening brief 158,**

ORDERED: A paper copy of the opening brief can be filed with the proviso that hyperlinks are only required to documents listed in the record on appeal.

FURTHER ORDERED: The time for filing Appellant's Opening Brief is extended to and including .

***** Counsel should be aware that most briefs filed with the court are sent to for inclusion in its Arizona brief bank service. Briefs in the following case types will NOT be sent to court cases; cases; cases involving ; and cases. In OTHER types of cases, if counsel prefer that a brief not be included in the brief bank service, they must contact:

DATED:

Judge Pro Tempore

Copies to:

This complaint being filed by:

Against:
Judge

For:

1. Manipulating the record to prevent information relevant to the appeal and necessary for me to defend myself from being avialble for this purpose.

Filing Title: Complaint against Judge

Introduction

In _____ of _____ I filed an appeal of case _____ with the
Court _____ under the case number _____

I felt I had not gotten a fair appeal from Judge _____ of the
Court and that he had committed several acts to prevent me from getting the
lower court _____ that the law entitles me to have. (See complaint against
Judge _____ filed _____) for details.

When appeals are filed, the judge from the _____ court is required to
send an electronic a record of the case to the _____ court, so that evidence
needed for the appeal is available to both sides. When I tried to find the key
evidence, I found that virtually all of the information I needed to make my
case had been omitted from the file. For example, my memorandum of
appeal, the basis of the appeal, was not on the record. I had submitted a total
of _____ exhibits over the period of the appeal, none of which were on the
record. Even the transcript of the original trial was omitted from the record.
All of the documents needed to provided evidence of my main contention
for due process violations (records showing that the judge had ordered my
address changed to the address of an unoccupied construction site and all
documents for the entire period of the trial were sent there) was kept from
the record.

I contacted the clerk of the _____ Court of _____ several
times to see if I could get these records included. I attempted to file them
myself, but the clerk contacted me and told me that this was not allowed; she
then deleted these documents from the record. She told me that I could only
get information added to the record by filing a motion with the judges to
expand the record. I filed such a motion on _____

Judge _____ immediately denied it without any response
from the plaintiff or request to deny it, and without any comment on the
reason for the denial. I had explained in my motion to expand that the
information was critical to my appeal. Judge _____ denied it in a
single word.

I believe this is inappropriate and a violation of my due process rights
under the Fifth Amendment to the Constitution. I have the right to due
process and this includes the right to present evidence. The main reason that
I believe it was wrong to deny this motion, however, was the fact that the
motion I filed made references to very substantial violations of procedure
that the evidence would show took place, including what I believe to be

criminal behavior on the part of parties in the court system. I thought that an impartial and unbiased panel of judges would want access to this information. I find it extremely suspicious that they would want to exclude it from the record.

This wasn't the only attempt to exclude information from the record by Judge . Under the law, attorneys must file their briefs electronically and may *only* reference items by hyperlink, so they can only reference items that have been scanned onto the internet file of the case. Self represented litigants have the option of filing by paper. Since clearly hyperlinks are not possible for paper filings, such filings are allowed to take the standard form that has been acceptable for paper filings in the United States ever since it has existed: They contain references to exhibits in the text and then present these exhibits as appendices after the text.

On the judge filed an order that specifically prohibited me from making any reference in a paper appeal to anything that is not on the record. (See exhibit a).

I believe that this is an attempt to prevent this appeal from being heard. As referenced in the complaint I filed against Judge , this appeal contains records of extremely serious misconduct on the part of various court personnel involved in the case. I believe that Judge wanted very badly to close the door on this filing and prevent it from being reviewed. As the presiding judge in the Court case, he was able to totally block the levels of appeal (those authorized under Rule 14.) He then went to rather extreme lengths to prevent me from filing the appeal, to the point of threatening me with arrest if I made any attempt to obtain the documents needed for the appeal. Then, when I looked at the record of the case, I saw that every single document I needed to explain the issues the case was about had been omitted from the record.

In light of these facts, Judge actions to exclude expansion of the record are extremely disturbing. It makes me think that Judge has been in contact with Judge and they have discussed this case and agreed that they don't want it reviewed. The exclusion of evidence was an attempt, I believe, to simply make me give up: If the evidence needed is not available, I think they thought I would realize I was beat and give up. (As an aside: the case itself is not a big deal: it is about a \$ deposit return from a tenant. The only important issues involve court misconduct that I believe the judges are trying to hide.)

I hereby request an investigation be opened into the activities described above, focusing on whether Judge actions were

**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.**