

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-508

Judge: David Thorn

Complainant: William W. Pound

ORDER

The Complainant alleged improper legal rulings by a superior court judge hearing a probate case.

Cochise County Superior Court Judge David Thorn improperly issued a civil arrest warrant against the complainant William Pound. Mr. Pound was never served in the underlying case. Mr. Pound was never notified of the time and date of a court hearing, or of any consequence for failing to appear.

Mr. Pound was understood to be in possession of property belonging to the deceased woman with whom he had shared a residence. The personal representative of the decedent's estate requested a court order directing Mr. Pound to provide access to the property. A hearing was held on June 7, 2023, regarding the personal representative's request for an order. Mr. Pound was not served with notice of that hearing and did not appear in court. A new hearing date was set for July 25, 2023, for further consideration of the personal representative's request for an order. Mr. Pound was not served with notice of the July 25, 2023, hearing. A minute entry was issued on July 19, 2023, and mailed to Mr. Pound's address. However, the July 19, 2023, minute entry did not contain a date and time for the July 25, 2023, hearing or any information indicating Mr. Pound was expected to appear in court. The July 19, 2023, minute entry also did not explain the consequences should Mr. Pound fail to appear.

At the hearing on July 25, 2023, Judge Thorn asked the personal representative whether Mr. Pound had been served with notice of the hearing. The personal representative replied, "No." Despite the personal representative's statement, Judge Thorn issued a civil arrest warrant for Mr. Pound and found him in contempt for failing to appear. Mr. Pound was subsequently arrested on the civil arrest warrant on August 3, 2023.

The Commission found that Judge Thorn's conduct violated the following provisions of the Code of Judicial Conduct:

- Rule 1.2 (Promoting Confidence in the Judiciary), which states, “A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.”
- Rule 2.5(A) (Competence, Diligence, and Cooperation), which states, “A judge shall perform judicial and administrative duties competently, diligently, and promptly.”
- Rule 2.6(A) (Ensuring the Right to Be Heard), which states, “A judge shall accord to every person who has a legal interest in a proceeding, or that person’s lawyer, the right to be heard according to law.”

Accordingly, Cochise County Superior Court Judge David Thorn is hereby publicly reprimanded for the conduct described above and pursuant to Commission Rule 17(a). The record in this case, consisting of the complaint, the judicial officer’s response, and this order shall be made public as required by Commission Rule 9(a).

Dated: May 29, 2024

FOR THE COMMISSION

/s/ Christopher P. Staring

Hon. Christopher P. Staring
Commission Chair

Copies of this order were distributed to all appropriate persons on May 29, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023-508

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.

The Honorable David Thorn was overseeing Cochise County Superior Court Case PB202300134 regarding the Estate of Sharon Lee Bodeday. A hearing was convened regarding an Emergency Order to Enter my Home on June 7, 2023. I was never served with notice of this hearing as I was out of State. A Deputy Estrada of the Cochise County Sheriff's Office submitted a Return of Service showing "No service" on June 6, 2023 showing that I was never served with a Notice for the Hearing.

Another hearing was set for July 25, 2023, I was never served with a Notice of Hearing regarding this hearing and as such was not present. There is no record of service showing that I was ever served a notice regarding this hearing

During the July 25, 2023 hearing, the Honorable David Thorn found me in contempt of court and issued an arrest warrant for me on July 25, 2023 and I was arrested on August 3, 2023.

I was held at the Cochise County jail for 48 hours despite never being notified that I had missed a court date or being informed that I had been found in contempt of court.

I am filling this complaint as I feel that the Honorable David Thorn did not perform his duties as a Judge of the Cochise County Court and had me arrested for contempt of court in spite of evidence that I had never been informed of Court Hearings.

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

FOR OFFICE USE ONLY

COMPLAINT AGAINST A JUDGE

Name: William W. Pound

Judge's Name: Honorable David Thorn

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.

David Thorn
Presiding Judge
Division III



P.O. Drawer CJ
Bisbee, Arizona 85603

**Superior Court
Cochise County**

Resp (Thorn)

FEB 09 2024
2023-508

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

RE: Case No. 23-508

Dear Judicial Conduct Commission Members,

This is my response to the complaint submitted by William Pound for issuing a civil arrest warrant against him in Cochise County probate case PB202300134. I have enclosed a recording of the proceedings, the minute entry orders, and the pleadings submitted in the case prior to the issuance of the warrant.

The case is fairly straight-forward. The Petitioner is the son of the late Sharon Lee Bodolay. When she passed last year she lived with Mr. Pound who was, I presume, her significant other. As you can see from the MEOs, several attempts were made to contact Mr. Pound regarding this case but all of them were, apparently, unsuccessful. I issued the warrant as a last resort.

I do not often issue civil arrest warrants. In my five years on the bench I can recall issuing perhaps five or six of them and, aside from this case, all of them have been for flagrantly failing to pay child support. I typically set a low purge amount and do not issue civil arrest warrants unless I am convinced that there are no other alternatives to get the litigant to comply with the court's orders.

Please do not hesitate to contact me if I can provide the Commission with any other information to resolve this matter.

Sincerely,

David Thorn

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
In and for the County of Cochise

JUDGE: HONORABLE DAVID THORN
DIVISION: THREE
COURT REPORTER: Liberty Digital
INTERPRETER: None

AMY J. HUNLEY, Clerk of the Superior Court
by: Catharine Goodman, Deputy Clerk (4/19/2023)

HEARING DATE: 4/19/2023

IN THE MATTER OF THE ESTATE OF:

SHARON BODOLAY,

Deceased.

CASE NO: S0200PB202300134

**MINUTE ENTRY: EMERGENCY TEMPORARY
ORDERS WITHOUT NOTICE**

HEARING START TIME: 2:41 PM

HEARING END TIME: 2:58 PM

Personal Representative, David Plummer, present in person, in pro per.

This matter came before the Court this date for hearing on Emergency Temporary Orders Without Notice.

The Court reviewed the file.

Upon inquiry by the Court, Mr. Plummer clarified the purpose of the hearing this date.

The Court NOTED the Petitioner was issued Letters of Personal Representative by the Probate Clerk earlier on this date.

The Court advised the Petitioner that as the Personal Representative, he has a duty to obtain and distribute personal items, possessions, and all other property in the estate.

The Court **FINDS** that the Petitioner already has the means to retrieve his mother's belongings and does not need Civil Standby.

IT IS ORDERED DENYING the Motion for a Civil Standby.

Proceedings concluded.

c: by: cg date: 4/21/2023

Petitioner (e)

DIV III JAA (e)

Please do not visit the courthouse if you are ill. Contact your attorney or the Courts to reschedule your court appearance or to request a telephonic appearance.

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA, In and for the County of Cochise

**JUDGE: HONORABLE DAVID THORN
DIVISION: THREE
COURT REPORTER: LIBERTY DIGITAL
INTERPRETER: NONE**

AMY J. HUNLEY, Clerk of the Superior Court
by: Amy King (Lauren Begnoche) (7/19/2023), Deputy Clerks

HEARING DATE: 6/7/2023

**IN THE MATTER OF THE ESTATE OF:
SHARON LEE BODOLAY,
Deceased.**

**CASE NO: S0200PB202300134
MINUTE ENTRY: RETURN HEARING ON
TEMPORARY ORDERS
HEARING START TIME: 10:16 AM
HEARING END TIME: 10:27 AM**

Personal Representative David Plummer present in person in pro per

This matter came before the Court this date for a Return Hearing on Temporary Orders.

The Court inquired of and heard from the Mr. Plummer as to the reason for the hearing this date.

Discussion was held on the service of William Pound.

Mr. Plummer advised the Court of his requests from the Court regarding the retrieval of the decedent's property.

Mr. Plummer requested a hearing to determine if Mr. Pound is in contempt of the court order.

The Court NOTED a hearing will be set regarding the Order to Show Cause.

The Court NOTED a copy of this Minute Entry will be sent to Mr. Pound at the address of

Discussion was held on requesting to appear by telephone at the next hearing.

Proceedings concluded.

c: e-mailed (e) by: LAB date: 7/19/2023; mailed/distributed by: LAB date: 7/19/2023
 David Plummer (c) William Pound

DIV XXX JAA (e)

Please do not visit the courthouse if you are experiencing a communicable illness. Contact your attorney or the Court to reschedule your court appearance or to request a telephonic appearance.

JUL 25 2023

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA, In and for the County of Gwinney

CLERK OF SUPERIOR COURT
BY: PG

JUDGE: HONORABLE DAVID THORN
DIVISION: THREE
COURT REPORTER: LIBERTY DIGITAL
INTERPRETER: NONE

AMY J. HUNLEY, Clerk of the Superior Court
by: Lauren Begnoche (7/25/2023), Deputy Clerk

HEARING DATE: 7/25/2023

IN THE MATTER OF THE ESTATE OF:

SHARON LEE BODOLAY,

Deceased.

CASE NO: S0200PB202300134

MINUTE ENTRY: ORDER TO SHOW CAUSE

HEARING START TIME: 11:00 AM
HEARING END TIME: 11:06 AM

Personal Representative, David Jay Garzia Plummer, present in person
Respondent, William Pound, not present in person nor by counsel

This matter came before the Court this date for a hearing on an Order to Show Cause.

The Court inquired of and heard from Mr. Garzia Plummer as to the whereabouts of Mr. Pound.

Discussion was held on service and notice of hearings provided to Mr. Pound.

The Court FINDS William Wallace Pound is in contempt of Court at this time.

IT IS ORDERED an arrest warrant shall issue for William Wallace Pound for failure to appear at this hearing.

IT IS FURTHER ORDERED setting a purge amount of \$500.00 in this case.

Upon the apprehension of William Wallace Pound, a new hearing will be scheduled.

Discussion was held on the Personal Representative's duties and responsibilities in an informal probate matter.

Discussion was held on the procedure of future proceedings.

Proceedings concluded.

Dated July 25th, 2023

HONORABLE DAVID THORN
Judge of the Superior Court

c: e-mailed (e) by: LAB date: 7/25/23 : mailed/distributed by: LAB date: 7/25/23
 David Jay Garzia Plummer (e) William Pound
 B. Hernandez (Warrants) (e)

DIV III JAA (e)

Please do not visit the courthouse if you are experiencing a communicable illness. Contact your attorney or the Court to reschedule your court appearance or to request a telephonic appearance.

FILED

Garzia

Person Filing: David Jay Garcia Plummer
Address (If not protected):
City, State, Zip Code:
Telephone:
Email Address:
Lawyer's Bar Number:

APR 19 2023

AMY J. HUNLEY
CLERK OF SUPERIOR COURT
BY: [Signature]

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

**SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY**
Cochise

In the Matter of:

Case Number: PB 202300134

Sharon Lee Bodolay

TITLE: Emergency order
to enter and
Secure property

a minor an adult deceased

Explain what you want the Court to order. The Judge may grant, deny, or change your request (or "motion"). A ruling will be issued by "minute entry."

Sharon Lee Bodolay who has resided at _____ for
approximately two year passed away on
4/13/2023. Her boyfriend William Wallace Pound
is denying access to enter this property residents
to enter and gather her property

Furthermore he stated that he is keeping
Sharon's two cats and all her jewelry and
personal effects (see attached packet and
proof of ownership)

Mr Pound has a history of disposing property
that legally doesn't belong to him (see his
deceased ex-wife's obituary attached)

On 4/15/2023, I spoke with our mutual
Landscaper who informed me that Mr. Pound
had contacted him after Sharon death and
requested help to remove and dispose of all
of Sharon personal property on April 22nd + 23rd

Page 1 of 4

Mr. Pound has multiple firearms and a
veteran who has verbally threatened to
shoot myself and my family members.

I am in fear of my safety and have
been advised by a lawyer to
request emergency orders to enter
and secure property since I have
submitted an application for appointment
to be Sharon L. Bodday's Personal
representative.

DATE: 04-19-23

SIGNATURE

Person Filing: David Jay Garzia Plummer
 Address (if not protected): _____
 City, State, Zip Code: _____
 Telephone: _____
 Email Address: _____
 Lawyer's Bar Number: _____

FILED
 3
 MAY 26 2023
 AMY J. HUNLEY
 CLERK OF SUPERIOR COURT
 FOR CLERK'S USE ONLY
 BY: _____

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN COCHISE COUNTY

COPY

David Jay Garzia Plummer
 Name of Plaintiff or Petitioner

Case Number: PB202300134

William Wallace Pound
 Name of Defendant or Respondent

Title: Order to Enter residence to Secure
decendent's property and
Order to return decendent property.

Explain what you want the Court to order. The Judge may grant, deny, or change your request (or "motion"). A ruling will be issued by "minute entry."

In the matter of the Estate of Sharon Lee Bodolay, the petitioner (who is also the estate's personal representative) is
requesting a order to enter and secure the decendent's property at her last residence (
and a order that the defendant return decendent property after being denied both multiple times.

On 4/26/23, the petitioner and Cochise sheriff officer explained to the defendant that the decendent's property is part
of informal probate and requested access to residence and property. The defendant said it wasn't a good time but
allowed petitioner to have decendent's patio furniture and schedule for petitioner to return on 5/13/23 to get rest of
decendent's property. On 5/13/23, the defendant had residence and shed (where decendent's property is locatated)
locked and refused petitioner access to both. On the porch the defendant had left out eight small boxes of clothing the
decendent had packed (prior to her death) to be donated and decendent's two empty jewlery boxes. When pentitioner
asked for decendent jewlery, tablet, 22 rife, personal papers, wallet, family photographs, and heirloom defendant told
petitioner "I don't care what the court said, I am keeping all of her things." Petitioner informed defendant that estate
is in informal probate and the personal representative's duties are to gather, control, and manage estate assets and
defendant again said 'I don't care. It's my property and I am keeping all her things.'" Without a Order to Enter to Secure
decendent's property and a order to return decendent property, petitioner is unable to carry out the duties of Personal

Resp Attach 1 -
Hrings CD (4-19-23, 6-7-23, 7-25-23)

FEB 09 2024
2023-508

