

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-226

Complainant: No. 0326710769A

Judge: No. 0326710769B

ORDER

The complainant alleged that a justice of the peace mishandled his small claims case against a jail facility officer. After analyzing the issues, the commission found no evidence of ethical misconduct on the part of the judge. The case was filed in the wrong court and was dismissed without prejudice to allow the complainant to pursue his claim in the appropriate venue. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: October 29, 2010

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on October 29, 2010.

This order may not be used as a basis for disqualification of a judge.

FORMAL COMPLAINT AGAINST A JUDGE IN CASE

CC2010-

ADMINISTRATIVE CRONOLOGY

ON 10-27-09 THE JAIL COMMANDER OF THE LOWER BUCKEYE FACILITY CAPT CAME IN POD T-24B WITH ABOUT A DOZEN OFFICERS AND CONDUCTED A SEARCH IN WHICH EXTRA/UNAUTHORIZED ITEMS (CLOTHING, FOOD, BOOKS+MAGAZINES) WERE TAKEN. THE SEARCH CONDUCTED LASTED ABOUT 30-45 MINUTES, IN WHICH ALL OFFICERS LEFT WITH SAID ITEMS.

I THEN WROTE A GRIEVANCE THAT CAPT ALLOWED HIS OFFICERS TO TAKE ANY AND ALL BOOKS AND MAGAZINES BOTH BELONGING TO THE JAIL AND PERSONAL BOOKS AND MAGAZINES BELONGING TO ME W/OUT AFFORDING ME THE OPPORTUNITY TO DISPOSE OF SAID EXCESS PROPERTY TO A 3RD PARTY NOR WAS ANY INVENTORY OR NOTICE GIVEN BUT CLEARLY STATES IN THE RULES + REGULATIONS BOOK UNDER SECTION 12 HOUSING UNITS/LIVING AREAS. THE GRIEVANCE PROCESS WAS COMPLETED AS FAR AS IT COULD GO WITHIN MCSO EXTERNAL REF LREE ON 12-26-09.

A NOTICE OF CLAIM WAS DELIVERED BY I.L.S. ON 1-21-10 WITH A LETTER STATING I AM WILLING TO NEGOTIATE. NO RESPONSE WAS EVER RECEIVED. MCSO LEGAL LIASION DEPT WAS GIVEN TIMELY NOTICE OF 74 DAYS TO RESPOND.

STATEMENT OF FACTS OF THE CASE

ON 3-23-10 A 12 PAGE SMALL CLAIMS COMPLAINT WAS SUBMITTED TO I.L.S. WHEN A STAMPED CONFORMED COPY WASNT TIMELY RETURNED I WROTE A GRIEVANCE TO MCSO ILS AS TO WHY MY COPY WASNT RETURNED TO ME WITH A CERTIFICATION PAGE SHOWING OF ITS FILING WITH THE DOWNTOWN JUSTICE COURT (DTJC) MIRACLESY A RESPONSE TO THE GRIEVANCE WITH A

SIGNED AND JP SEALED COPY ALONG WITH A COURT CASE HISTORY SHOWING IT WAS IN FACT FILED, A COPY WAS SENT TO THE DEFENDANT AND A COPY OF MY WAIVER OF FEES WAS APPROVED ALSO WITH A JP SEAL. THIS WAS ALL DATED 4-8-10. PURSUANT TO A RUBBER STAMPED SIGNATURE W/JP SEAL, THE DEFENDANT HAD 20 DAYS (BY 4-28-10) TO ANSWER SAID COMPLAINT. AN ANSWER NOR CROSS COMPLAINT WAS EVER RECEIVED AND AS FAR AS I KNOW NEVER FILED.

I THEN FILLED OUT AN APPLICATION OF DEFAULT ALONG WITH A MOTION FOR AN EXTENSION OF TIME TO RESPOND TO DEFENDANTS MOTION AUTHORED BY THE OFFICE OF SPECIAL LITIGATION SERVICES AT 234 N. CENTRAL STE 4400 BY AN ATTY NAMED _____ TO DISMISS FOR LACK OF JURISDICTION OF THE PERSON. THIS CLEARLY VIOLATES ARS 22-512(B)(7) AND NO STIPULATION OR AGREEMENT HAS BEEN FILED TO THE USE OF ATTORNEYS. THIS APPLICATION FOR DEFAULT AND MOTION FOR EXTENSION OF TIME TO RESPOND TO ABOVE MOTION WAS SENT TO THIS PLAINTIFFS MOTHER IN N. PHOENIX (WHO IS THE LAWFUL POWER OF ATTORNEY FOR THE PLAINTIFF) THIS MANILLA ENVELOPE WASNT POSTMARKED TILL 9 DAYS AFTER IT WAS SENT AND WASNT RECEIVED UNTIL THE 10TH DAY FROM THE LBS FACILITY.

PLAINTIFFS MOTHER + POA PROMPTLY MADE THE NECESSARY COPIES OF BOTH DEFAULT JUDGMENT AND MOTION FOR EXTENSION OF TIME, INCLUDED A SASE FOR BOTH DOCUMENTS SO A STAMPED CONFORMED COPY COULD BE SENT TO ME AT LBS. THIS WAS DONE DURING THE SECOND WEEK OF MAY 2010. PLAINTIFF NEVER DID RECEIVE A CONFORMED COPY OF EITHER DOCUMENT - EVEN TO THIS DAY.

ON 6-25-10 PLAINTIFF MAILED A 4 PAGE LETTER TO SMIC MANAGER REGARDING MY CONFORMED DOCUMENTS - NO RESPONSE WAS EVER RECEIVED. BUT ON THAT SAME DAY I DID RECEIVE STAMPED CONFORMED COPIES OF DEFENDANTS MOTION TO DISMISS RECEIVED 5-13-10 AND FILED 6-17-10, A 35 DAY GAP. THE PLAINTIFF RESPONDED TO THE MOTION TO DISMISS WHICH WAS ALSO SENT TO

PLAINTIFFS MOTHER + POA AND SHE MAILED IT 6-2-10. IT HAS 2 COURT STAMPS
FILED DATES OF 6-11-10 AND 6-17-10 W/INCLUDED SASE. NO CONFORMED COPY.

THEN ON 6-16-10 A REPLY WAS RECEIVED (BUT NOT STAMPED FILED) TO PLAINTIFFS
RESPONSE OF THE MOTION TO DISMISS. THIS MOTION AS WELL WAS AUTHORED AND
RECEIVED BY MAIL FROM THE MARICOPA CO OFFICE OF SPECIAL LITIGATION BY ANOTHER
ATTY NAMED

THIS PLAINTIFF FILED A MOTION TO STRIKE VIA ILS STAMPED BY ILS DELIVERED
6-22-10 W/CERTIFICATION AS DELIVERED TO DTSC. A COPY WAS MAILED TO THE
DEFENDANT THE SAME DAY. THERE WAS NO RESPONSE TO THIS MOTION TO THIS DAY

ON 7-29-10 ON A LAST DITCH EFFORT TO ASCERTAIN THE STATUS
OF THIS CASE A LETTER WAS WRITTEN TO THE CLERK OF THE DTSC. IT
WAS SUBMITTED VIA ILS AND STAMPED DELIVERED 8-3-10. TO THIS DAY
NO REPLY TO MY INQUIRIES HAVE BEEN RECEIVED. IT SHOULD ALSO
BE NOTED THIS PLAINTIFF WROTE A LETTER TO JUDGE

WHICH WAS SENT TO PLAINTIFFS MOTHER WHO MAILED IT
BUT DATE UNKNOWN. THIS LETTER BASICALLY IS ASKING FOR AN EXPLANAT-
ION OF THIS CASE, IF HE PLANS TO RULE ON SAID MOTIONS OR IF AND/OR
WHEN A TRIAL DATE WILL BE SET. HE HAS FAILED TO RESPOND.

CONCLUSION

THIS CASE SHOULD OF BEEN SET FOR TRIAL NO LATER THAN
THE END OF JUNE BEGINNING OF JULY. THIS PLAINTIFF HAS NO
DEFINITIVE PROOF IF IN FACT ANY OF THESE PLEADINGS BY EITHER
SIDE HAS BEEN SEEN OR HEARD BUT A COUPLE HAVE BEEN STAMPED
FILED. I'M BEGINNING TO WONDER IF THERES EVEN ANYBODY
AT THE DTSC BECAUSE OF THE LACK OF RESPONSES TO NUMEROUS

INQUIRIES TO THE STATUS OF THE CASE. ITS LIKE THE LIGHTS ARE ON BUT NOBODYS THERE. ALL PLEADINGS + INQUIRIES HAVE BEEN SENT TO 620 W. JACKSON ST #1037 PHX AZ 85003 - THATS THE JURISDICTION AND ADDRESS. MER OF SMJL ADVISED ME IN HER LETTER TO ME DATED 2-5-10 BUT YET THE FOOTER OF THE LETTER SHOWS SUITE 1044.

I KNOW SOMEONE HAS TO BE THERE BECAUSE WHEN I DID RECIEVE 2 OF THE MOTIONS STAMPED BY THE COURT ONE OF MY CASE WAS RETURNED TO ME UNUSED.

BECAUSE A JUDGE HAS BEEN ASSIGNED TO THIS CASE, I WILL ASSUME THAT IT IS HIS RESPONSIBILITY ONCE HE HAS A FILE IN HIS HANDS THAT HE NOW DICTATES WHAT WILL OR WILL NOT HAPPEN AND TO RULE ON THE MOTIONS. BECAUSE OF THE LACK OF RESPONSE AND THE OUTSTANDING MOTIONS I WOULD LIKE TO HAVE ORAL ARGUEMENTS ON THE PENDING MOTIONS FILED BY BOTH PARTIES AS WELL AS A TRIAL ON THE SMALL CLAIMS COMPLAINT.

AGAIN I CANNOT CHANCE HAVING SOMETHING HAPPEN TO MY DOCUMENTS TO PROVE UP MY CLAIM TO THIS COMMISSION BUT I DO HAVE THEM AND WILLING TO SHOW THEM IF SOMEONE CAN EITHER COME DOWN TO 4TH AVE JAIL FOR A LEGAL VISIT OR SOMEONE CAN COME UP WITH A SOLUTION SO I DONT HAVE TO TRUST MY ONLY COPIES + PROOF TO I. L. S OR THE U.S. MAIL.

I BELIEVE IF THIS COMMISSION WAS TO LOOK INTO THIS CASE, YOU SHOULD FIND THE SAME DOCUMENTS UNLESS SOMETHING SHADY IS GOING ON SINCE THIS COMPLAINT IS AGAINST A JAIL COMMANDER AT THE LBS FACILITY AND IM AN INMATE HERE AT

4TH AVE NOW, ONE SHOULD NOT DISCOUNT THE POSSIBILITY OF DOCUMENTS DISAPPEARING OR "LOST IN THE SHUFFLE" WHEN IT COMES TO ANYONE AFFILIATED WITH MCSO. IF SHERIFF JOE IS WILLING TO DEFY THE FEDERAL GOVT THEN ME AS ONE LONLEY INMATE WITHIN HIS JAIL IS A NOBODY.

SO I ASK THIS COMMISSION TO LOOK INTO THIS MATTER AS TO JUDGE AND HIS HANDLING OF THIS CASE AND HIS LACK OF ACTION TO AFFORD THIS PLAINTIFF HIS DUE PROCESS RIGHTS AND ACCESS TO THE COURTS TO REDRESS MY COMPLAINT.

IF THIS IS NOT THE RIGHT PLACE TO ADDRESS THIS PROBLEM THEN COULD SOMEONE DIRECT THIS COMPLAINT TO THE PROPER VENUE/DEPT OR RETURN IT TO ME AND DIRECT ME WHERE I SHOULD ADDRESS THESE ISSUES.

I THANK YOU IN ADVANCE FOR ANY GUIDANCE (NOT LEGAL ADVICE) YOU CAN GIVE ME AND I AWAIT YOUR RESPONSE AND REMAIN

ENCLOSURES:

COPY OF COURT CASE HISTORY

RECIEVED BY ILS DATED 8-3-10

COVER LETTER.