

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-014

Judge:

Complainant:

ORDER

April 7, 2021

The Complainant alleged a superior court commissioner improperly denied his motions, improperly threatened him with incarceration, and had a conflict of interest in hearing his 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 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 Roger D. Barton, Louis Frank Dominguez, and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 7, 2021.

2021-014

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.

On _____ a motion to dismiss for lack of subject matter jurisdiction along with a request for denovo review and demand for bill of particulars was filed and entered on the record(attached). The respondent never replied but instead took it upon himself to deny the motions, which he has no authority to do and is a due process violation.

_____ has violated Rule 81 of Arizona Code of Judicial Conduct Canon 1, Canon 2 and Arizona Rule 3.10 by acting as Attorney for the Respondent and Practicing from the Bench by making pleadings and arguements for the Respondent, and showing impropriety and lack of impartiality by making pleadings and arguements for the Respondent and the STATE. The "ACCUSED" demands the contract between _____ and the Respondent, and the contract between _____ and the STATE. He continued with a fraudulent hearing on _____ without referring the motions, demands, and de novo review to a court of proper venue to address the review and matter of jurisdiction as he is required to. _____ did not prove jurisdiction on the record and proceeded to practice law from the bench by entering in statements and making arguments for the "ACCUSED" without consent nor a contract of attorney between _____ and the "ACCUSED"

The "ACCUSED" did not hire _____ to be his attorney and there is no contract of representation between _____ and the "ACCUSED" - attached is ruling from _____ hearing and audio of hearing from _____

Now that _____ was caught engaging in fraud and due process violations, the "ACCUSED" attempted to file an AFFIDAVIT OF NOTICE AND DEMAND and a NOTICE OF RIGHT TO ACCESS THE COURTS which was stamped and notarized by clerk _____ on _____ (attached) but has since not been entered into the file and has not been scanned onto the record. The "ACCUSED" spoke with _____ clerk _____ and _____ said that he cannot stamp the "ACCUSED" documents anymore and all the documents filed by the "ACCUSED" are to be sent to _____ for him to decide if the documents are to be filed and recorded - which is another violation of due process and is unconstitutional. The Due process Protection Act also known as the Brady vs. Maryland (373 U.S. 83 (1963)) & Pa. Cons. Stat. Tit. 23, §4354, §1101 that the accused is mandatorily entitled to have access to favorable evidence that will exonerate him from the case.

_____ and the State have evidence that will exonerate the "ACCUSED" and are depriving the "ACCUSED" of due process and denying the "ACCUSED" of freely being able to have his documents recorded and filed on the record as is the constitutional right of the "ACCUSED"

_____ is blocking the documents AFFIDAVIT OF NOTICE AND DEMAND and a NOTICE OF RIGHT TO ACCESS THE COURTS because they uncover his fraud and due process violations on the record. _____ is threatening the "ACCUSED" with incarceration and _____ and the STATE personally have in their hands the evidence that will exonerate the "ACCUSED" and 1st hand knowledge of the fraud and due process violations that _____ has committed.

_____ has no constitutional authority to order the "ACCUSED" to diminish his status on his documents with a "Notice..." at the heading in order for _____ to decide whether the "ACCUSED" can be heard on the record. The "ACCUSED" is aware that the commission of Judicial Conduct consists of Judges, and judicial employees/candidates with knowledge of the Law. This commission upon reviewing the attachments will conclude that _____ did commit the misconduct, violations, and crimes. The "ACCUSED" begs the Commission to review and act quickly to discipline _____ because he seeks to incarcerate the "ACCUSED" on _____ and the "ACCUSED" will have no defense for himself since _____ is blocking ANY and ALL documents and pleadings by the "ACCUSED" to be entered on the record for his defense.

CONFIDENTIAL

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

FOR OFFICE USE ONLY



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.

To Conclude, _____ has committed the following misconduct and State and federal crimes:

1. Practicing law from the Bench for the Respondent - Arizona Rule 3.10
2. Practicing law from the Bench for the STATE - Arizona Rule 3.10
3. Showing bias and lack of impartiality in favor of the STATE - Arizona Code of Judicial Conduct Rule 81 Canon 1 and 2
4. Showing bias and lack of impartiality in favor of the Respondent - Arizona Code of Judicial Conduct Rule 81 Canon 1 and 2
5. Due Process violations - U.S. Constitution 1st, 4th, 5th, and 14th amendments, 18 USC 2071, Renaud v Abbott
6. Denial of right to "Access the Courts" - federal crime 18 USC 2071, Sabariego vs Maverick
7. Practicing law from the Bench for the "ACCUSED" - Arizona Rule 3.10
8. Abuse of Power - Arizona Code of Judicial Misconduct
9. Obstruction - Arizona Law Title 13

Also: All or some of The Conduct, violations, and crimes of _____ has been reported to and/or has contacted:

Administrator
Attorney
Attorney

ATTACHMENTS:

motion to dismiss for lack of subject-matter jurisdiction with demand for De Novo review, affidavit in support of motion to dismiss for lack of subject matter jurisdiction, demand for bill of particulars, Ruling Dated _____ Minute Entry dated _____ Audio from hearing dated _____ copy of stamped and notarized by the clerk at superior court- BUT NOT FILED AND RECORDED - Affidavit of Notice and Demand, and Notice of right to access the courts, and screen shot from computer log of court records showing that no other documents have been recorded since

In Propria Persona

ARIZONA

COURT,

COUNTY

Case no.

and
Petitioner
Respondent

MOTION/PETITION TO DISMISS FOR
LACK OF SUBJECT-MATTER JURISDICTION

Assigned to the Hon. _____

**MOTION/PETITION TO DISMISS
FOR LACK OF SUBJECT-MATER JURISDITON**

COME NOW, *In Propria Persona*, who is wrongfully accused,

(hereinafter, "ACCUSED") and is allegedly named in the above as,

Petitioner moves this Court/Tribunal (hereinafter, "COURT"), pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss this case with prejudice for lack of personal and subject-matter jurisdiction in accordance with STATE of ARIZONA Rules of Civil Procedures.

ACCUSED demands a *De Novo* review of herein matter to challenge the decisions and orders of this COURT to favor the STATE of ARIZONA and the (hereinafter, "AGENCY").

The basis for herein Petition/Motion (hereinafter, "MOTION")MOTION To Dismiss is set

1 forth below and state as follows, pursuant to the “Plain Meaning Rule”¹;

2 **INTRODUCTION**

- 3
- 4 1. ACCUSED is aware that herein case is alleged as administrative procedures but it has the
- 5 effect of legal process of law and my intent is to handle this matter as if the policies and
- 6 procedures apply.
- 7
- 8 2. ACCUSED will not waive any rights or personal and/or subject matter jurisdiction to
- 9 any actions regarding this matter above.
- 10
- 11 3. ACCUSED has now brought to the attention of this COURT a constitutional and
- 12 jurisdiction challenge that as he has no controversy with the STATE of ARIZONA
- 13 (hereinafter, “STATE”) and the
- 14
- 15 4. As a direct result, herein matter shall be terminated and dismissed with prejudice. The
- 16 ACCUSED demands that all money that was collected and/or sent to
- 17 must be returned with statutory interest in accordance with state law.
- 18
- 19 5. Immediately, the ACCUSED demands an immediate order of this COURT that shall stop
- 20 all enforcement directives until the final determination of herein MOTION.
- 21
- 22 6. Subsequently, the parents shall seek other alternatives to resolve their issues of support of
- 23 child without the involvement of the AGENCY.

23 ¹ The “Plain Meaning Rule” (also known as the “literal rule”) dictates that statutes, laws and

24 legislative mandates are to be interpreted using the ordinary meaning of the language of the statute

25 to be read word for word and is to be interpreted according to the ordinary meaning of the language.

26 See, Rector, Holy Trinity Church v. United States, 143 U.S. 457 (1892).

27 The “Plain Meaning Rule” is the mechanism that prevents courts from taking sides in legislative or

28 political issues. Then we must apply the statute's plain meaning to only one reasonable interpretation.” See, Larson v. State, 790 N.W.2d 700, 703 (Minn.2010).

1 7. Several court documents from the parties, in the above matter, are incorporated by
2 reference pursuant to Federal Rules of Evidence 201.

3
4 8. ACCUSED does not consent with any prior orders of this COURT because a *De Novo*
5 Review will show their defects and fraud on the COURT for want of jurisdiction.

6 9. This COURT shall take Judicial Notice that Illustration of a _____ contract for the
7 STATE of TEXAS is attached herein as Exhibit A. The _____ of the
8 _____ is the _____ agency pursuant to 45 CFR §301.1:

9
10 *Department* means the Department of

11 *Director* means the Director, _____, who is the

12 Secretary's designee to administer _____ under

13 title _____ See Illustration [a] below.

14
15 This agreement is executed by the Parties in their capacities as stated below.

16
17
18
19 By: _____

By: _____

20 Commissioner

Interim Deputy Attorney for

21 Signature Date:

Signature Date:

22
23 10. The signatories exemplified in the above Illustration [a] is incorporated by reference in this
24 herein Affidavit is to be construed by the other real parties in interest as though it were
25 fully set forth herein. Should it become necessary for appellate level review in the
26 judicial Circuit Court, the ACCUSED will gladly produce the AGENCY Contract in its
27 entirety in order to uncover the complete constructive fraud upon this court.
28

**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.**