

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 21-070

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Judge:

Complainant:

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**ORDER**

July 7, 2021

The Complainant alleged a justice of the peace failed to follow the law in a civil 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 Denise K. Aguilar, Christopher W. Ames and Delia R. Neal did not participate in the consideration of this matter.

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

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

21-070

**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.

A while back I was served a summons from \_\_\_\_\_ I filed an answer. Then I was served a summary Judgment. During all of this I told the judge I object to the other party not being here in person. The judge stated " \_\_\_\_\_ 'yet that's how this whole case has been done. Later it was said because of the Covid thing. It would have been over from the very beginning if the Judge would have followed the law. The Judge was in favor of the Plaintiff. I have filed a \_\_\_\_\_ of motions giving the Judge an opportunity to make things right & he didn't. [Exhibit A] is a copy of a Motion For Reconsideration. In the response from the Judge (Minute Entry) [Exhibit B] shows that the Judge disregarded the law as though he didn't have to follow them and also made fun of my response. I then filed a Motion To Dismiss This Case For Not Following Federal Rules Of Evidence 901(a) 803(c) & Not Following Rule 56 Of The Rules Of Civil Procedure [Exhibit C] giving the Judge \_\_\_\_\_ chance to follow the laws & make things right. Again the laws were ignored, see [Exhibit D]. This is why I have filed this complaint. Thank You for your time.

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**IN THE COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF**

<p>vs.</p> <p>Plaintiff,</p> <p>and</p> <p>Defendants.</p>	<p>Case No.:</p> <p><b>MOTION FOR RECONSIDERATION</b></p>
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Defendants and does hereby submit his/her Motion for Reconsideration as follows: Rule of Evidence 901(a) & Rule 803(c) were not followed.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. Facts**

On the they are alleging this document is the document that gives them ownership of the account. This is a question of fact. Where is the account number and where is Defendant's name? This document only states that has purchased some debts without showing any names or account numbers on it. Questions of fact remain.

1 Rule of Evidence 901 Authenticating or Identifying Evidence

2 (a) *In General*. To satisfy the requirements of authenticating or identifying.

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4 **II. Legal Argument**

5 Rules of Evidence 803(c)

- 6 • Was the record made at or near the time of the underlying event by someone with  
7 knowledge?
- 8 • Was the record kept in the normal course of business?
- 9 • Was making a record a regular practice of that business?
- 10 • Is there anything untrustworthy about the document?
- 11 • Did a knowledgeable witness testify as to all the above items?
- 12

13 Rule 56 of the Rules of Civil Procedure states that a court should only grant Summary  
14 Judgement if the moving party shows that there is no genuine issue of material fact. Here, in this  
15 case there are disputes over material facts, specifically...

16  
17 **I. *Has Failed to Show that it is the Owner of the account.***

- 18 a. Defendant's name is not on the
- 19 b. There is no account number on this document or any proof or documents with Defendant's  
20 name on it that was ever purchased by
- 21 c. How can an employee of \_\_\_\_\_ have any knowledge to testify when the record  
22 was made, if it was kept in the normal course of the original creditors business?
- 23 d. How do they have any background or knowledge, they don't work for the original creditor.

- 1 e. They don't have any foundation to testify.  
2 f. They are bringing in a witness that doesn't have any information.

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4 **2. *Has Failed to Show that it calculated any Damages.***

- 5 a. There are no documents showing how \_\_\_\_\_ calculated any damages.  
6 b. How did they arrive at the amount owed?  
7 c. What was the interest rate?

8

9 **3. *Has Failed to provide Any Admissible Evidence to the Court.***

10 There is no Proof that \_\_\_\_\_ and Defendant have entered into any kind of a  
11 Relationship or Agreement.

12 There is no documentation showing that \_\_\_\_\_ has ever loaned Defendant any  
13 money, or extended any services to Defendant.

14 The documents are hearsay.

15 They are coming from a company other than \_\_\_\_\_

16 They are bringing in documents from another company.

17 The court should hear from the original creditor otherwise it is considered hearsay.

18

19 **III. Conclusion**

20 The burden of proof is up to the Plaintiff to provide.

21 \_\_\_\_\_ has not done that.

22 They have not proven that they own this debt.

23 They have not proven that this debt is Defendant's

1 They have not proven that there is any relationship to Defendant.

2 Defendant request that this case be reconsidered and dismissed with prejudice and

3 Defendant be awarded all cost associated with defending this case.

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6 DATED this day of

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10 \_\_\_\_\_  
11 *Defendant Pro Per*

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17 COPY of the foregoing sent via U.S. mail this day of to:

18  
19 *Attorney for Plaintiff*

20  
21  
22  
23 Sent by:

Date

**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.**