

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-079

Judge:

Complainant:

ORDER

July 21, 2021

The Complainant alleged a superior court judge was biased against him and made improper rulings in a probate proceeding.

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 member Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on July 21, 2021.

Complaint against Judge

Subject

- The fact that the _____ property was only on the fair market for _____ makes Judge _____ comments on how long property in exhibit D sat on the market, unrelated and was just filler to try to justify his bias against the petitioner.
- Fact: _____ property at _____ was never listed for sale on the fair market and was sold, also UNDER market value, this seems to have not been considered when making his ruling.
- If the last fact was not considered, why then was the testimony pertaining to whether or not petitioner had or had not used a credit card, or removed assets. Had no bearing on selling the house for _____. I want to know how selling a house under market value is NOT a detriment to all the heirs.
- Judge _____ personal comments in his ruling are also unwarranted and unbecoming of a judge. Your personal feelings on how "_____". To the contrary. Talk is how negotiations happen.
- Those comments mentioned above also show Judge _____ bias towards the petitioner.
- _____ more for the heirs is not a detriment. And that would only be from _____ house.
- _____ was also sold under value, off market, to a friend of personal representative it is believed.
- _____ could have also brought an additional _____ for the heirs and the estate. If there is not enough money to pay bills as personal representative has said. This additional capital would be, indeed a benefit.
- Personal representative also has received about _____ from _____ passing from _____ and joint accounts. None has been allocated to other heirs, and has been advised by her probate attorney to keep it.
- Personal representative has a duty to treat all heirs equally, but petitioner has been blocked, and personal representative's attorney won't respond to our questions either.

- There is overwhelming evidence with separate experts in the housing market with more than experience, compared to personal representatives realtor, who had only experience in real estate.
- Judge allowed questions under objections about information not bearing in petitioners motion. This is where Judge bias come through in his findings.
- Petitioner will be seeking consult from a Civil Rights attorney to review this erroneous decision. Petitioner has been judged and sentenced by a jury of his peers, had served his sentence and, was released to personal representatives home, where he resided until reconnecting with his past wife. There is no proof of her unfounded claims that he has threatened her or that she should be afraid of Petitioner.
- The fact that petitioner has to defend himself again in this egregious ruling is inexcusable in light of all that is going on in the world today.
- In regards to how long probate can go . And accusations of delaying probate, this is preposterous. Personal representative had only received letters of testament in late and had previously told others she had already become personal representative BEFORE being appointed.
- Judge ignored the fact that petitioner had already started the paperwork to handle the deceased estate under the assumption that had said she would sign a quit claim to the properties BECAUSE she was going to keep the she received from and joint accounts.
- To this day petitioner has yet to receive word weather or not he will regain all of his personal property left at where, after being harassed by the park manager there under the instructions of personal representative. An injunction was ordered against petitioner to not reside at the property until he reached of age.
- Figuring it was a FAMILY property still petitioner left large, hard to move items, thinking they would be safe from loss. To no avail personal representative took petitioners personal property and is refusing to return it.
- Personal representative has also stolen a package delivered to after petitioner had ordered before he moved out. Addressed to Also, personal representative refused in good fait to return the package even when petitioners attorney agreed to arrange a pick up from personal representatives attorney.
- So yes there is harm to the estate by as personal representative, she has lost the heirs of dollars and refuses to treat the heirs fairly.

- Judge _____ spoke in abundance about his experience in the real estate business, then judge _____ should know, _____ is the best time to sell in _____. He should also know the housing market is the highest it's been in
- These are facts that need to be looked at as well when selling a property.
- Personal representative hasn't done a complete inventory of assets yet, it is not due until end of _____. But judge _____ is implying petitioner is delaying probate.
- I believe, judge _____ would have come to a different decision had petitioner been someone without a prior conviction.
- Judge _____ was swayed by personal representatives negative outburst about petitioner when petitioner filed OBJECTION to _____ being awarded personal representative.
- Petitioner told judge _____ at that time of objection _____ would miss handle the estate, along with treating heirs unfairly.
- I was advised to file this complaint, this is not a matter to be glossed over, I would encourage you to do your due diligence, and find this judge to be bias in this case and handle this appropriately.
- Sincerely,

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

In re the Matter of the Estate of:

Deceased.

) CASE NO.:
) ORDER
) (UNDER ADVISEMENT
)
) HONORABLE

The Court has considered the Motion for Order to Show Cause for Issuance of a Preliminary Injunction, Temporary Restraining Order, the Response thereto (Respondent/Personal Representative) the Stipulated Motion to Consolidate Initial Hearing on Petition for Supervised Administration with Hearing on Order to Show Cause, testimony and evidence presented both on

and The Court heard from realtors and and

(Decedent) passed away on or about in AZ. He died intestate. Decedent owned real properties in County: , AZ (subject property) and AZ. was appointed personal representative on or about Petitioner noticed subject property was listed for sale at \$ Petitioner was concerned because a local realtor opined that subject property was valued at substantially more. testified on behalf of Petitioner that subject property was valued between \$ to \$ There was testimony from on

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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.**