

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-315

Complainant: No. 1351210528A

Judge: No. 1351210528B

ORDER

The commission reviewed the complaint filed in this matter, reviewed the recording of the proceeding, and found no ethical misconduct on the part of the judge.

The commission is not a court and cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: March 12, 2009.

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on March 12, 2009.

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

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In this case, Father is the Petitioner

IN THE SUPREME COURT OF THE STATE OF ARIZONA

COMPLAINT AGAINST A JUDGE

(Assigned to State of Arizona
Commission on Judicial Conduct)

Brief summary of prior events to complaint:

On by HON ORDERS state:

IT IS ORDERED the parties shall confer on major decisions regarding the children. If the parties cannot agree, Father shall be the final decision-maker.

At my request, granted me an Evidentiary Hearing, and a date was set for
2008. I prepared hard and longed for this date.

There are Five children involved in this case: ; All
are children.

1 Mother filed for Temporary Custody without Notice on a hearing date of
2 was set; licensed service was a requirement for compliance; Father was never
3 lawfully served and was not aware of any court dates pertaining to this filing.

4 On without Father's presence or knowledge, mother filed contesting to my
5 move with children, stating that she had no knowledge of move (attached).

6 Mother was first formally notified of father's plans of moving **out of state**, with the children in
7 his care, via certified U.S. mail, since with intent and move time schedule.

8 Afterwards, Father brought the kids to (2004) (2005) and (2005,
9 2006) as part of the plans to choose and to indicate a move from Arizona.

10 After knowing of all the trips out of state and notification by the father, kids, mail and telephone,
11 mother did not file any motion to deny Father's plans of out of state moving.

12 It was confirmed by these events and correspondences that mother understood the intent of a
13 move out of County with children; Court ordered Family Conciliation Services report
14 reflect this understanding

15 Father moved out of state on to pursue needed housing and employment;
16 Current housing was being sold, and Father was being evicted. Father had an emergency
17 situation and needed to move. This was explained this to Hon

18 Without malicious intent, parenting time was interrupted and was intended to be continued as
19 communicated to and her counsel. New arrangements were intended to be made on
20 hearing.

21 Father filed, on a formal emergency request asking for a rescheduling of the
22 evidentiary hearing of to be extended for 60 days. I have always showed diligence
23 and compliance, so Father felt that he should not be denied.
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1 After being told by Hon [redacted] assistant, via telephone, on [redacted], that my request
2 (see attached copy) would be denied, Father traveled the next day, without sleep, to
3 County to show good faith.

4 Father, as the petitioner and the primary sole custodian, attended the evidentiary hearing on
5 [redacted]. Due to distance and traffic conditions, Father arrived late; this tardy
6 possibility was told to [redacted] counsel for respondent, the day before. Father ask
7 to convey this if I were not to arrive on time.

8
9 **Complaint:**

10 **Father became ill during the hearing and could not speak. Hon [redacted] advised Father to**
11 **put head down and between legs. While doing so, Hon [redacted] continued with the hearing.**

12 **Because of his illness Father was not able to defend, deny or make audible statements.**

13 **While feeling faint and saying so, Hon [redacted] asked questions for me to answer, but could**
14 **not be answered.**

15 **[redacted] was allowed to make statements that I could not hear or deny.**

16 **Father was not allowed a proper hearing, but was instead found to be in contempt of court**
17 **on [redacted] for not complying with orders set on [redacted] (minutes**
18 **attached)**

19 **Father, is arrested at the evidentiary hearing on [redacted] Despite all his**
20 **explanations of having no knowledge, and of hardships that didn't allow travel, nor not**
21 **receiving any filed copies of such orders;(such filings of petitions by mother required her**
22 **to have father properly served by a licensed server; there was no such service processed).**

23 **Father was held in custody in [redacted] County Jail on [redacted] without bond.**
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1 **Although incarcerated, Father was ordered to bring the kids back to County**
2 **immediately in order to be release from jail; Father being in jail made it impossible to obey**
3 **the court order of bringing the kids back to Arizona from Nevada.**

4 **Father is the primary support and car driver for this family.**

5 **Because of Father's incarceration, children were left alone in for one week**
6 **because arrangements were made for only one day; my wife, that cannot drive**
7 **was left stranded in Phoenix with my son, awaiting my release. They found shelter in a**
8 **homeless facility.**

9 **On while Father is incarcerated, again filed for a Motion**
10 **for Temporary Change of Custody without notice.**

11 **The Hon stated in her ruling, that Mother had made an adequate effort to notify**
12 **Father of this filing. Not true, I was in jail, and could easily be found.**

13 **Father was not allowed to be present, and was without notification. It is Father's rights to**
14 **be involved in every decision concerning the minor children, even by telephone.**

15 **Hon. set a review hearing on with regarding custody.**

16 **Father had no contact or visits from anybody while he is in jail, thus his Wife**
17 **filed for Writ of Habeas Corpus on at the Court and copies was**
18 **forwarded to Hon. on Writ of Habeas Corpus was filed at the**
19 **Federal Court. Hoping Father would be release in order to get the children from**
20 **Nevada.**

21 **Hon. rejected the petition for Writ of Habeas Corpus.**

22 **When the court was informed of the federal filings, Hon entered an order without a**
23 **hearing and directly contrary to the best interests of the children and she had direct**
24 **knowledge of her error when she did this.**
25

1 **Father was illegally held in jail for 7 days.**

2 **Hon. set an emergency hearing on while Father was in jail.**

3 **Father was not allowed to attend and did not receive any court attempt to contact him by**
4 **telephone during the hearing.**

5 **During the hearing the 3 minor children;**
6 **are interviewed by Conciliation Services for an hour.**

7 **Conciliation Services interviewer was sworn in and report excepted by Hon. to**
8 **report the children's feedback. And it is notified that all 3 children; (17 yrs. Old),**
9 **(14 yrs. Old), and (10 yrs. Old); express their true feelings**
10 **to stay living with their father as their primary residential parent; since the divorce, and all**
11 **3 children have NOT wish to stay with their mother, as is reflected in the Family**

12 **Conciliation Service Reports of .**

13 **Without father's presence on the hearing on Hon. orders that Mother**
14 **shall have sole custody of the minor children,**

15 **Hon. used the excuse for Father's absence saying," there was an outbreak of**
16 **measles in the jail, and prisoners could not be transported." There was no outbreak of any**
17 **such cases, and prisoners were being moved about as normal. I later learned that I had a**
18 **court hearing, but that it was an error that I was not allowed to attend court.**

19 **Mother, could have brought the children from while I was in jail,**
20 **but instead made a leisure air trip to to be with Husband, for three days. This**
21 **was not addressed by Hon**

1 Children were desperately transported by the aid of an unknown, but helping neighbor one
2 week after orders.

3 The children were transported from _____ and then relayed by
4 another party, onto _____ If one could understand the injustice and upset in the lives of
5 these children at this time. This isn't right!

6 Despite all, Hon _____ ordered that the children be placed in Mother's custody and
7 immediately following interviews with Conciliation Services, on _____ the
8 children were in Mother's custody Hon _____ releasing Father from jail.

8 Father was released from jail on

9 On _____ Hon. _____ issue a Ruling without Father's consent and awarded

10 Mother as the sole custody of

11 If the best interest of the children were in mind, the children should have been left with
12 father as recommended by Conciliation Services and Common reasoning.

13 The children are happy in their new home in _____ they are happy with their new
14 schools. Conciliation Services specifically stated in their report that to remove the children
15 from Father would cause a negative emotional detriment.

17 Conciliation Service interviewed the children on _____ it was
18 reported that the children wanted to stay with their father because mother always gave trouble
19 with their living in Arizona with lots of drama.

20 It was also reported by Conciliation Services that the children were already old enough to make
21 decisions for the best interest of their future.

22 Since the custody exchange on _____ It is reported that _____ has been
23 absent on overnight ventures, trips to _____ with husband _____ and leaving the
24 children unattended.

25 Four children and _____ sleep in two beds.

1 The only telephones in mother's home are cellular; children aren't allowed to make telephone
2 calls; distress calls are made when only when possible, and without the knowledge of Mother.

3 On [redacted] left Mother's home, disclosing neglect and sexual
4 molestation. [redacted] is currently, in CPS custody.

5 Protective Child Services have spoken to children, but the younger children are fearful of
6 speaking against mother while in her custody, and are being coached by same – the children
7 report.

8 [redacted] as of [redacted] was still not attending school.

9 [redacted] had missed more school than allowed and is forced to be held behind one full semester.

10 The remaining children with mother report distress, and an unsafe environment. The two
11 younger girls [redacted] feel neglected and unheard.

12 It needs to be noted that Mother abandoned her family on [redacted] She has a history of
13 prostitution and an arrest for same in 2005. Mother has a history of nonpayment of child support
14 and instabilities in her residency, marital status and driving history. It is the belief of Father and
15 understanding of ex-husband for more than 15 years, that [redacted] is still selling sex. Father
16 has evidence that mother is selling sex, and continues her sexual infidelities, while parenting.

17 Two children in her care for the past few years, [redacted] (now 18 and living
18 with 40year old boyfriend) have had upsets that include runaway, loss of schooling, and sexual
19 misconduct while living with mother.

20 **Because I never had a chance to have a proper Evidentiary Hearing, due to circumstances**
21 **beyond my control, I, Father was never heard. Instead I was treated as a common criminal**
22 **by Hon [redacted] and the best interests of my children were not and still aren't being heard.**

24 **I believe that the rulings that were entered on [redacted] were bias (attached), my**
25 **incarceration was unjust and a malicious tempts to punish Father without adequate cause.**

1 I believe that Hon neglected to show concern for my health when becoming ill, and did not
2 care to hear my statements during the Evidentiary hearing, otherwise she would have
3 called for a recess, to allowed me time to recover.

4 The actions of Hon. have caused much upset in Fathers ability to work, in a time
5 that work is hard to find, She has upset and emotionally disturbed children, She has
6 enabled an abusive Mother to continue her neglect.

7
8 I believe that Hon has shown poor Judgment; she did not listening to my statements
9 that home was unsafe. I believe that Hon was predetermined to
10 change custody of my children to a "mother" and a "safer" environment.

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12 Hon is wrong - the past 45 days have shown this.

13
14 **RESPECTFULLY SUBMITTED**