

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-122

Complainant: No. 1362310429A

Judge: No. 1362310429B

ORDER

The commission reviewed the complaint filed in this matter and found no evidence of ethical misconduct on the part of the judge. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: June 9, 2009.

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on June 9, 2009.

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

CJC 09-122

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name:

Judge

5/4/09

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

In February 20, 2009 Judge ordered an ex parte custody order that changed our lives, my 2 children + mine. He granted my x-husband sole custody due to a petition that stated I had relocated w/out permission. I was assaulted on 1/5/09 by x-mother in-law who is a tribal member and political family member of vice-chair of CRIT tribe in. She was not arrested due to her status but is a mandatory arrest per tribal Law + Order of Domestic Relation Code. On 1/10/09 I filed for an order of Protection and received one that day. On 1/13/09 I was summons to Tribal Court for a preliminary custody/advisory hearing in 5 hrs, no timely notice. On 2/10/09 my x-husband Mr. filed a report stating my babysitter + friend Mr. punched my 6 yr old daughter in the mouth and she was unsupervised while riding her bike across the street (to see her daddy who provoked her crossing). Mr. was harassed by CRIT PD 3 x leaving my home at different times. On 2/11/09 I received a threatening phone call from my x, who I also had an Order of Protection on. I immediately called PD who informed me that AGAIN they couldn't do anything due to his enrollment of CRIT. I left town with my children to seek protection and safety to an unknown address where my girl friend had recently moved. On 2/13/09 I drove back to in her vehicle to petition Superior Court for an ex parte modification of parenting time and immediate relocation due to the threats made to my life + assault and fear w/anxiety from this family, but to no avail.

(Attach additional sheets as needed)

I returned to _____, my friends house, to seek help from an attorney or domestic violence shelter to provide safety & advocacy. After an unknown officer approached me at her unknown address stating to do a welfare check on 2/17/09, I panicked. He believed my fears and suggested I be at the FBI bldg in Phoenix the next morning. I did that. My kids & I loaded the car and headed to a shelter, _____ in Phoenix, after we visited an FBI agent on 2/18/09. He suggested I jump state for safety at a relatives or friends due to jurisdiction that could protect me from the tribes. After a night of rest at the shelter, I left for _____ I had called our County Attorney for help in prosecuting my perpetrators but he said that didn't happen (the crimes). I hung upon him after I thanked him for his help. Later that week I called Superior Ct Clerk to investigate an order to appear my friend stated from checking my mail to quash an Order of Protection. The Clerks Office said I could ask for a telephonic appearance which I did by phoning Mr. _____ Office and calling Judges assistant, also to no avail. Advised from my Prepaid Legal Attorney not to attend due to safety reasons, I did not. I checked in a shelter _____ on 3/2/09 for safety from tribal investigator searching my whereabouts for the kids. On 3/10/09, I was transferred to a shelter in _____ after learning I had a custody hearing in Superior Ct on 3/12/09. After meeting with the legal advocate, she suggested that I not attend due to safety. I felt confident the judge would hear me and I had evidence to provide for my whereabouts and reasons for absence. _____ the advocate, stated it doesn't work like that. I knew Judge _____ had heard our cases for the past 4 years and felt confident

knowing he wouldn't give custody to an 8 yr domestic violence abuser. It states that in ARS 25-483 it is contrary to the best interests of a child. I drove to court and left the children at a family friends house across the street from my grandparents. I was arrested in court for contempt because I would not provide childrens location to give to their father, the abuser. I spent 5 days in jail, and lost my children to Mr and now facing criminal charges (inspired by County Attorney). And to this day have yet to be heard! On 4/2/09 Judge transferred jurisdiction to Tribal Court after I pleaded & begged to stay proceeding in State Court due to it being a bias & unfair forum due to X's family political status and unfair proceedings also I objected since Judge had jurisdiction on all parties since 2005, and x recently enrolled children w/out my approval or knowledge maliciously and questioned their blood quantum. Judge stated that he could not make any orders while a dependency case was pending. I thought perfect. Then the order given to Mr on 2/20/09 exparte custody had to be dismissed, since the dependency was pending since 1/13/09 and I had submitted that paperwork to Judge on 2/4/09. Then jurisdiction would remain in State Court since I would have sole, legal custody again and we do not live on or in the reservation and I am not a tribal member. He said he already made his decision. Well that decision has seriously & continues to seriously endanger our lives! My children remain in an abusive environment an order of Protection Motion clarifies my fear. He also denied my request to remove the kids for their safety. I also filed numerous motions to vacate his order due to

violated rules of enforcement of ex parte order, such as notice to be heard which violates my due process. Also, no facts only allegations of the petition and no clear & convincing evidence of imminent danger or irreparable harm to the children. But now after my first visit with the children since 3/12/09 on 5/1/09 48 days lost my childrens personality and fear of injury has overwhelmed their innocent lives to depression, shame and guilt. They begged for my protection which has been stripped from this horrific unjustified order from Judge.

After receiving visitation on 4/30/09, again 45 days after my arrest, Judge informed us that at the hearing scheduled on 6/12/09 that he wanted to hear from case workers, therapists and the children. I dont think so, I have had the children in counseling for 3 yrs and nobody ever cared, and now Mr. has brainwashed, and put fear in the kids and also has his tribal social services overseeing this case, and his girlfriends 30 yrs counselor from her family to testify against me. This is not a custody hearing, which I just spent \$10,000 in 12/08 to have the final order from Judge on 2/9/09 stating I had sole, legal custody. To change his mind in 2 wks and grant an ex parte order because of relocation & withholding visitation that changed our lives. This is a case to prove I relocated, which I did not and cant get a word in to prove my whereabouts. I am, along with the children, being tortured! This abuse of authority needs to stop, FAST! Before real irreparable injury occurs!!!

HELP