

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-264

Complainant: No. 1429610937A

Judge: No. 1429610937B

ORDER

The complainant alleged that a superior court judge mishandled his case, intentionally ignored the law, and failed to give him an opportunity to be heard.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After thoroughly reviewing all of the information provided by the complainant, the judge's response, and the recordings of the relevant hearings, the members of the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: December 9, 2011

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on December 9, 2011.

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

COMPLAINT AGAINST A JUDGE

Name: William Wilks
Judge's Name:
Date: October 4, 2011

On April 27, 2011 Judge _____ initiated a petition for Child Support Arrears during a hearing (which I didn't attend) for temporary sole custody and suspension respondent's (_____) parenting time. The petitioner who filed these motions in this matter is named Brooke Stine. Brooke Stine filed these requests because I took an additional hour of parenting time with my daughter Patricia _____. The petitioner had these papers sent to my house the day of the hearing while I was at work so I wasn't aware of the hearing so I didn't appear. Judge _____ told Brooke that there are no grounds to permanently terminate my rights based on the petitions she filed. Judge _____ then proceeded to ask her if she can think of anything else she can use against me (listen to hearing). He then asked her if I owed any child support. She stated that I did and Judge _____ then proceeded to make a calculation that I owed \$6000. Judge _____ then granted Brooke Stine temporary sole custody and suspended my parenting time. He also issued a warrant for my arrest with a purge amount of \$6000. I was arrested the next day when I went to the courthouse and spent more than 17 days in jail and was put on work release. When D.E.S. did submit my child support arrearage amount 3 weeks later, the amount was about \$2800 without the interest.

There are three different minute entries for the hearing on April 27, 2011. In one of the minute entries Judge _____ stated that he's consolidating the child support arrears with the child custody, and parenting time matters. The judge stated he was doing so because the petitions Brooke Stine filed addressed child support. The judge also stated Brooke Stine filed, and I was served with a petition to enforce child support in plenty of time before the hearing. The Judge made these statements which he knew were false in the minute entry. Brooke Stine's petitions regarding child custody and parenting time don't mention or have a section to fill out regarding child support. The judge made another statement which he knew was false. Judge _____ wrote in the minute entry Brooke Stine filed and I was served with the child support enforcement petition in plenty of time prior to the hearing. Brooke Stine didn't file any petitions in regards to child support until May 9, 2011. Twelve days after he issued a warrant for my arrest for child support arrearages in the amount of \$6000. I was already in jail for 12 days due to the child support arrearages before Brooke Stine ever even filed a petition regarding child support.

1 Judge was aware of this because he instructed her of
2 the paperwork she needed to file to begin the enforcement of
3 child support. As of October 5, 2011 I still haven't been served
4 with any of Brooke Stine's petitions regarding child support, or
5 any other matter. Judge and Brooke Stine are aware I
6 have yet to receive her child support petition. I was already in
7 jail on May 9, 2011 and the sheriff's office would've served me
8 and would've submitted an Acceptance of Service to the court, or
9 an affidavit of attempt of service. Brooke Stine hasn't
10 attempted to serve me with her child support petitions and Judge
11 hasn't ordered her to serve me despite knowing I
12 haven't been served. Judge completely ignored my
13 constitutional right to service of process before and after
14 Brooke Stine submitted her petition to enforce child support.
15 Judge even went beyond his scope of duty, show extreme
16 bias against me and violated Arizona family law procedure in
17 order to assist Brooke Stine in preventing me from seeing my
18 daughter.

19 The next hearing on June 20, 2011 was supposed to be a
20 hearing regarding my parenting time and child custody. Midway
21 through the hearing I began to disprove statements Brooke Stine
22 made in her parenting time and child custody petitions. So Judge
23 changed the nature of the hearing and started
24 discussing my child support arrearage. He stated he wasn't going
25 to address the issues of my child custody or parenting time
despite them being the issues that started this cause of action.
He also didn't set a time to hear the child custody and
parenting time, after changing the child custody and parenting
time hearing into a child support hearing. The judge changed it
into a child support hearing despite not having an accurate
calculation of arrearages from D.E.S. Plus I still hadn't been
served with the child support enforcement petitions. Towards the
end of the hearing judge asked Brooke Stine for her
opinion on the appropriate punishment for me sending me back to
jail afterwards. Judge has yet to set any hearings
regarding child custody and parenting time. So my custody and
parenting time are still suspended without a hearing to address
the validity of Brooke Stine's allegations.

26 Since Judge was completely ignoring the issue of
27 reinstating my parenting time and child custody. On June 14,
28 2011 I submitted a petition for reinstatement of joint custody,
29 a modified parenting time plan and a request to modify my child
30 support arrears and child support amount. He didn't respond
31 (still has not responded) to any of my petitions, neither had
32 Brooke Stine. So on August 15, 2011 I submitted a petition to
33 reinstate my rights and my parenting time without a hearing.
34 Brooke Stine's time to respond had elapsed and the judge didn't
35 set a hearing within 30 days to address the issues. According to

1 Arizona Family Law Procedure my requests should've been granted
2 or a hearing set since neither was done within the time allowed,
3 all my requests should've been granted. Brooke Stine eventually
4 did submit a response on August 26, 2011. She responded to my
5 original petition for reinstatement of joint custody, and
6 modified parenting time plan. Despite the fact her response was
7 over a month longer than she is allowed to respond according to
8 Arizona Family Law Procedure . Also Brooke Stine never served me
9 her response. I answered her response and brought these issues
10 up to Judge as an answer to her response. I knew she
11 submitted a response because I look at case status online.
12 Regardless Judge used her response to my June 14, 2011
13 petitions (reinstatement of joint custody, modified parenting
14 time plan and a request to modify my child support arrears and
15 child support amount) as a response to my August 15, 2011
16 petitions (petition to reinstate my rights and my parenting time
17 without a hearing) and denied my request.

18 Judge granted the following requests from Brooke
19 Stine knowing she hasn't serve me with any of them.

20 5/9/2011 Expedited Request to Enforce Support

21 5/9/2011 Petition to Modify Parent Access

22 5/31/2011 Petition to Modify Child Custody

23 7/19/2011 Motion to Continue

24 7/19/2011 Request Hearing On Simplified Modification (child
25 support

8/26/2011 Motion to Continue

8/26/11 Response to reinstatement of joint custody, and
modified parenting time plan

None of these I've been served and none of them Brooke Stine has
attempted to serve me. Judge is aware of this because
Brooke Stine has stated my address is unknown to her.