

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-059

Complainant: No. 1437010878A

Judge: No. 1437010878B

ORDER

The complainants alleged that a superior court judge was biased and made an erroneous decision in a child custody case.

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 reviewing all of the information provided by the complainants and various court records, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to investigate the legal sufficiency of the judge's rulings. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: April 5, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed
to the complainant and the judge
on April 5, 2012.

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

02-23-2012

MAR 05 2012

State of Arizona
Commission on Judicial Conduct
1501 W. Washington St. Ste. # 229
Phoenix. AZ 85007

Dear Sirs or Madams:

I wish to file a complaint against Superior Court Family Judge _____ in Maricopa County for judicial errors and misconduct.

I am an extended family member in Case # FC2007- _____ in which Judge _____ decided to give joint custody to a crystal meth addicted mother after she lost custody to the birth father in December 2009 because she failed to appear in court as she could not pass a drug test. Judge _____ even though he cited he would address the invalid hair follicle test at the December hearing, failed to do so. He also failed to have a home study of the mother's apartment when he had evidence before him that it was a known drug abode habituated by known felons and drug users. Judge _____ put a child in severe danger, physical, emotional and psychological, with apparent callous and lack of thoughtfulness in failing to protect the child's best interest.

The mother had two years of supervised two hour visits once a week with the child, and the judge failed to address her ability to care for the child with no apparent changes in her circumstances and put the child in jeopardy by sending him to live with the mother one week and the father the following week. A custody situation which is atrocious in a situation where one parent is addicted to drugs and the other is a working, stable member of society.

It is apparent that Judge _____ is out of contact with the world of drug users and abusers or he would not have insisted in the preliminary hearing that the mother and father sit down and mediate what would be in the best interest of the child. (A crystal meth addict is incapable of determining best interest of anyone, and is impossible to reason with on any logical level.) Judge _____ in his infinite wisdom, gave the mother also final authority in all the child's life decisions.

The judge showed bias in court and since as he only makes a decision after hearing what the mother wants in her responses to the father's petitions and then gives it to her.

He denied the father his rights in refusing to look at evidence presented by a private investigator who conducted surveillance of the mother's apartment and activities for ten days in August, again in November for two days as the mother stated she had moved, and another week in December after the judge gave the boy back to the mother on the 24th creating chaos and fear for the father and the grandmother for the safety of their child which necessitated their re-hiring the investigator to keep watch over the boy that first week with her and her apartment of known felons.

This child came to the father two years ago with special needs due to being raised in a drug environment. He was almost three years of age and he could not speak, did not know his name, spun in constant circles, flapped his arms and jumped erratically, hit, kicked, bit, spit, scratched, screamed and threw himself against walls. He could not eat with a spoon or fork, had absolutely no potty training, would not look anyone in the eye. The father and paternal grandmother put him in therapy, in good pre-schools, and the grandmother worked with the boy constantly to try and reach the real child and not the fearful product of coping with an environment that frightened him to a point of terror. After two years time, the child has a great vocabulary, loves his school and his teachers, is smart as a whip and is a kind and gentle little boy. Because he has an IEP for his delayed learning, he has to have structured education consistently in order to be ready for kindergarten in August of this year. The mother refuses to take the boy to school the weeks he is with her and refuses to let the father pick him up and take him back and forth to school as the father is paying for the schooling.

The mother, like most addictive personalities, wants the boy for a DES check and also to bind him to her so she will not be alone in life. She does not want anything better for her son than she has and hopes to alienate him from his father, grandmother and extended family and Judge is helping her cripple this child.

We have hired a new law firm that has filed several petitions, a BIA for the boy to look at what is best for him, and Judge has denied every petition because the mother has responded negatively against all of them. We feel that not only has Judge violated the civil rights of the father, the safety of the child, but we wonder WHY he is so in this addict's corner. Does he have a relationship of some sort with her; is he being told to back off her; all of his petition denials fly in the face of reason and sanity. Our law firm appeared before Judge in December following this custody hearing and they had to file for a continuance as Judge was so out of control.

Judges sitting the bench, deciding life decisions for children, cannot be "out of control". This Judge needs to be investigated before he draws law suits from interested parties where damage has occurred and will continue to occur in his denial of due process and callous lack of concern for children.

I intend to do everything in my power to see that this judge is not reelected to the bench come November, but in the meantime, this boy, and probably a lot of other children, need the Commission to take a look at this man's work on the family court bench in Maricopa County.