

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-392

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge displayed bias toward her and made improper rulings in a custody proceeding.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, 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 26, 2014

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on December 26, 2014.

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

CONFIDENTIAL

State of Arizona
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2014-392

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name:

Date:

Instructions: Use this form or plain paper of the same size to file a complaint. Attach additional pages, as needed. Please describe in your own words what the judge said or did that you believe constitutes judicial misconduct. To help us understand your concern, be specific and list all of the names, dates, times and places where the conduct occurred. Include only copies of original documents or court recordings that are relevant to your allegations. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

Please see attached pages
1 through 6

5

(Attach additional sheets as needed)

**URGENT REQUEST: When is the “RIGHTS” of a Ever going to be HEARD in the
Eyes of our System” “Why is it always “AFTER” a loses their lives or hurts
themselves in the meantime”?**

The Canon Codes- 2- states....

**A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY, COMPETENTLY
AND DILIGENTLY**

JUDGES ARE TO BE FAIR, WITHOUT BIAS, PREJUDICE AND HARASSMENT

**A Judge who manifests bias or prejudice in a proceeding impairs the fairness of the proceeding and brings
the judiciary into disrepute (the state of being held in low esteem by the public).**

**Manifestations of bias or prejudice include but are not limited to “negative stereotyping”, “suggestions of
connections of crimes & irrelevant references to personal characteristics” A judge must avoid conduct that
may reasonably be perceived as prejudiced or biased.**

RULE 2.6 Ensuring the Right to Be Heard

**(A) A judge shall accord to “every” person who has a legal interest in a proceeding, or that person’s
lawyer, the “RIGHT” to be “HEARD” according to the law.**

**(B) A judge may encourage parties to a proceeding and their lawyers to settle matters in dispute, but
shall not coerce any party into settlement.**

**Comment: “ The right to be heard is an essential component of a fair and impartial system of justice.
Substantive rights of litigants can be protected only if procedures protecting the right to be heard are
observed.**

**I know you know these codes, but wanted to quote them as this applies to my case...so appreciate and am
grateful for any and all consideration in the viewing of my complaint in it’s entirety;**

Case #

My name is and I am filing this complaint and asking for an emergency review, change of
judge/venue on the grounds of discriminating & disparaging remarks from Judge himself; He has
displayed bias towards me & showed his inability to remain impartial. I am just beside myself; I just don’t
understand how the “System” which claims to be there for our keeps failing them! Why, why would a
judge not listening to any evidence in this case and just hand over a who has lived in the same place and has
been taken care of for by the same person, me, to a father who has done nothing for him? What am I
missing here? has never followed court orders till now and it’s only the one part of that
court order that benefits him. WHY does a system that gives court orders not follow them themselves by making
sure the court orders they give are followed...by those they give them too.....WHY?

My well being is critical here...especially due to my having due to his father, even
before this...(All documented with a Police Report and text to his Dad)...Judge wouldn’t even consider

seeing this evidence, proof in the transcripts of the hearing...???), but not just but his little brother who is special needs. This judge has torn this family apart....WHY??? I don't understand! I have always followed ALL court orders, not and he just get's away with it? Not only get's away with it, he has been manipulating the courts, lying to the courts and I have all the evidence to prove it and this judge dismissed me in presenting it....how is this Justice for my ...HOW can this be??? How is this in the best interest of my

Let me explain the circumstances that have happened that lead to this.

On in the late hours I had text my mother asking for help. I had gotten into a deep depression. I no longer had my or a and wasn't getting any support from my so I did a stupid thing....I tried smokingI know it was the worst thing I ever did in my entire life, putting myself and my at possible risk especially had I continued. Both my parents have and so I reached out to my Mom. She came and picked me up and brought me to the hospital, and from there I went into a called till and have been doing great since.

But on while in the hospital, my Mom went to my Parent Teacher Conference, as she has done for the my has been in school. You see I have beautiful is old and is old. is special needs, he has and is borderline but to us and his big brother he is just special. They have a bond like no other. is a great big brother. He takes care of him with patience and love. He reads to him, show's him funny videos while hanging together. The love he has for him is beyond beautiful. But it's all been shattered by greed and an injustice of the court system.

You see has lived with me and I have been sole provider and decision maker for him for the last His biological father hasn't had time to be the father that has always wanted and needed. And he had no problem with me and my parents taking care of things. Again I know I made a horrible choice, but what my father did is beyond reprehensible & selfish. I had hit my bottom and reached out for help, and my father is using that to gain custody of for financial reasons (He put it in his demands). Raising one with special needs, is not an easy task. Thank God Dad has been great in working with me right now & I have my mother, but unfortunately Dad hasn't. Will explain more.

At the my Mom told where I was, as always we have been opened in communications, but never did I see what was coming on what he did next. Instead of leaving things as they have been for the last or sit down with my mother & talk like adults, saw an opportunity to manipulate the court system once again. He went down the very next day, and filed for "Emergency Sole Custody" for our I or my mother had no idea he did this or thought he would ever do that after all I have done for him. He had been trying to get our over to visit him and for the last months our has not wanted to go....but my mother & I sat with on several occasions to get him to go, but he was adamant about it, said he hated going over there...because all he does is get locked in the room with and and his (not by & him, but another women), while his dad & go in their room to watch a movie. This is documented also of what has said. Yet we kept trying and said why don't you give it try, maybe things have changed? We have never kept away from his Dad; we have always tried to get to be a Dad and get him to understand what was going on with their relationship and tried to get him to listen to his to spend one on one with him, (have text to prove this) but to no avail....now he is forcing him.

On his wife and parents & had in the works. went over, and on called my mother to see if he can go with his to get his my mother bought to bring to his to show. My mother, always compliant and trusting, meet with & ...all while knowing what her & just filed the day before....looked at my mother and never as an adult, told my mother anything. My mother gave her the to house so they can go get the costume....again, my mother trusting them. Just to find out that on , they had no intentions of bringing back home. was totally blind sided by this. The agreement & I had for the last was that when went with him on his weekends, he would need to be home by on as to get ready for school. So thinking there was no problem, my mother was home on time for return. But hours went by, my mother texting & calling and his mother and his wife to let them know she was home and to find out what time they'd be bringing him back....getting NO answer....then my mother gets a message via the website from my stating..."Help my dad won't let me leave"...have that evidence also. This is when ...NOW...is abiding by the court orders that he has rights to and that he is now keeping him....NOW he is abiding by these court orders...not anything else on the court orders, just the ones that benefit him. ...at his testimony...when it is ever taken, will tell you that when they kept him and went to parents to tell him he wasn't going home again.... became upset and said...do you mean I won't see my mom, my brother and my grandma again....and to that, father said...again..by testimony....stated to this ..."I could care less if they all went and killed themselves"...to a He said this about the only two people who have been in his life consistently, two people who have supported him, loved him, nurtured him...PROVIDED for him...unlike they ever had. And Judge hands my to these people...!??? THIS IS JUSTICE & IN THE BEST INTEREST OF A

motive has been to get so he doesn't have to pay Support (in which he is in arrears & hasn't paid anything on his own since and can't get payment through Support Enforcement- because he hasn't given them any info on where he works now-because he doesn't want his pay attached-states this in his petition too), and he wants to claim him on his taxes...he put this in his But my question is this, if this was an "Emergency"....what was the "emergency"? There was none... knew was with my mother, and for he had no problem with my mother doing and paying for everything for his from school cloths, to reading glasses or paying for during book fair just loves to read), or He knew wasn't in any danger and there wasn't any emergency, I was only in the but the courts failedWHY??? Why is our system still so bad that it continues to fail our kids??? What am I missing here?

On the original court orders, we were both ordered to do parenting classes, but didn't go, I did (have paperwork to prove it). We were court ordered to do went maybe to I went to . He was court ordered to do supervised visitations with his when was only , due to his excessive (Police Records Prove he has a problem with drinking. but his mother would get and then drive him right to and drop him off, not even she (his mother) followed the court orders. But the courts did **nothing** to him...NOTHING!!! Again...WHY?? Why have court orders if the courts are not even going to enforce them?! And since then he has had Charges, in Prison, years probation, driving while under suspension to the point his license is revoked indefinitely., but he still drives....(have a picture of him picking up his He was court order to pay only about in support, in which he is in arrears...?? Again the courts have done nothing about it! And when he was going through all this, I stood by him, never changing court orders, but tried to get him to be in his

life, making excuses for him for our sake, but to no avail. Now all of a sudden, I hit my bottom, I'm in the hospitalstill made sure my where taken care of...& all he does, he runs to the courts to file for "Emergency" Full Permanent Custody and on top of it HE wants support and HE wants to claim him on his taxes every year...?!? He wants for financial gain. That's NOT what a is for. When a parent uses a to get at the other parent...it is called "and the courts are allowing this to happen...???

I am so sick over this, because of what it is doing to my son's. misses his little brother so much; this has caused to his bed twice now, in which he is so embarrassed about...he is having nightmares of his Dad killing me, his mom. His level of anger is increasing. He is sad. All this because his father came in and disrupted his life and Judge let him!! Why? Please help me understand the justification in this?! PLEASE. And I can't even tell you what it is doing to him. He doesn't talk yet, so he can only express himself with sounds and emotions. He looks at a picture of his big brother and goes around the house looking for him. He is confused and angry. The affects it is having on them is extremely sad. And it is inexcusable!

has been allowed to come in life after all these years of doing nothing for him, and disrupt it...with the courts blessings....????

You see father went back to old court orders of when he was only old. Not the verbal ones they have had for the last years. It was agreed that when was of school age that we would have to figure out a regular system for him. I tried to let have him more and take the responsibility of getting him to school, but he couldn't, he was getting him there late or not at all...(have all the records to prove that)...so we made a verbal agreement that on school nights he would stay with me, and then with his dad every other weekend...but at any time could come & see him and take him to dinner or movie or whatever he wanted, even if it was on a school night, but that he had to be home on time to get ready for bed. He had the ability to call and talk to anytime....but didn't. This verbal agreement has been for now, until decided to do what he has done.

only follows court orders when it benefits him. Like I mentioned earlier of some of the things has not done per "court orders", but I was to maintain medical for him and anything above what insurance doesn't pay, he was supposed to pay and I was supposed to pay but I have always paid . Even when I ask him if he is going to help me with the cost....he answer has always been..."I'll let you know"...then nothing. He knows my parents have always taken care of what he was supposed to and he allowed it and had no problem with it...now HE wants HIS "rights"???....WHAT ABOUT A CHILDS RIGHTS? My RIGHTS?! HOW can this happen? How can the courts NOT see what he is doing?

On top of all this, he has perjured himself flat out. On , when we went into court, the judge asked when was the last time he flat out looked at the judge and told the judge it's been since ...yet I have proof he has been drinking, I have pictures with dates on it, not only of him & his wife out drinking but of one with his And when my mother told the judge on about it, Judge just looked at and said, "But you won't do that anymore right"....(all this is in the transcripts)....are you kidding me? He can now, not only get away with not following court orders, but he can lie now and get away with that too!? But then Judge looks at me and says, "I suppose you have never done drugs in front of your kids"?....and I said no, because I haven't...but then Judge looks at me and says, "Oh so you just went in the other room to put the needle in your arm right!" "**negative stereotyping**" Are you kidding me....I have NEVER put a needle in my arm. I tried smoking maybe times and then reached out for help....and he can just make this demeaning and disparaging remark to me without any proof??? How is that being Impartial? I know I

made a mistake, my God I know I made a mistake, but I have done what I need to make sure it doesn't happen again, but [redacted] has made many, repetitively, and is still playing his game. During all this, he put a bogus "Injunction of Harassment" against my mother....my mother...the one who has always been there for my [redacted] who has always paid for things [redacted] wouldn't, who has never been a threat to anyone...who is with an [redacted] called [redacted] and who my [redacted] were living with when this all happened..& [redacted] knew this. And while this was going on, his wife [redacted] drove my [redacted] by my mothers twice...in which my [redacted] asked her why she was doing that and [redacted] replied, "Oh it's easier to get to your school this way"...my [redacted] not stupid, he knew it was way out of the way. He was so upset and angry because he felt she did that to hurt him, because he couldn't see his Gramma. But I know why she did it, (have a map to show how much she went out of her way to do this) she was trying to see if my mother would drive around the corner, so she could call the cops and have her arrested on a bogus accusation of my mother was following her or something. This coming from a woman that has fraudulently put my [redacted] down on her [redacted] to get Food Stamps for him, when he wasn't even living with them....really...real credible person isn't she?! I found out when I re-applied and was told they were claiming him. I even had a letter from [redacted] stating [redacted] was living with me. Nonetheless my [redacted] had to endure this. When he did come home, which home is his Grammas, he was upset because his Gramma had to leave while he was there. Then when court came up to argue the Injunction, [redacted] didn't show up....and [redacted] said he laughed about it....what is so damn funny about doing anything like this....not just to my mother, but a [redacted] who has an immense bond with his Gramma???

The other most recent lack of being impartial on Judge [redacted] end, is that on [redacted], it was court order for both of us to do a [redacted] I had no problem with it, but when mine came up, it showed [redacted] and [redacted] but again, I had no problem doing it and knew it would come up with something because of the [redacted] and the medicines they gave me while in [redacted]and then one of my urine test for alcohol came back with positive, but I hadn't had anything to drink... My mother reminded me about the cough medicine, could that be why? I tried to ask the judge would [redacted] or [redacted] or any cough medicine cause that and he just shunned me. On my kids, I didn't drink, so I was stunned when it came back positive. She was battling [redacted] and we were all sick for a bit. I never thought about the cough medicine. I'm not trying to make excuses, I honestly never thought about it. But Judge [redacted] just condemned me and wouldn't listen to anything I or my attorney had to say. He kept shutting my attorney down, when my attorney was trying to show proof of another topic that came up.

I don't know if Judge [redacted] has any distaste against women, but he sure made me feel like he did and I didn't matter.

Judge [redacted] at my request also ordered a Court Appointed Advocate to come visit each of our homes...I complied and paid my half of [redacted], but [redacted] didn't. He cancelled twice. Claims he was moving and he has his new family to take care of. Yet he is allegedly moving into a [redacted] house in a gated community, but he can't pay a measly [redacted] month in [redacted] support? So what does Judge [redacted] do...gives him till [redacted] to pay it off....are you kidding me? He stalled this advocate because he didn't want her to see the real living conditions they were in. He also told the judge that he put in a change of address with the courts....but the change of address was his mothers address to the apartment he has been living in for [redacted] and is allegedly moving out of...another one of [redacted] manipulation of the courts and as long as he is allowed to do this, then our [redacted] when continue to be at risk. Again, why do we even have court orders if the courts don't enforce them & hold people like [redacted] accountable for them? [redacted] has a distaste of the law...evident in his Police Records and NOT following court orders, also evident, because he cannot prove he ever followed them. But again, if the courts don't do their job in enforcing them, then people like [redacted] will continue to abuse them.

**THE COMMISSION'S POLICY IS
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.**