

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-257

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was biased against him, disregarded evidence, and endangered his child.

The responsibility of the Commission on Judicial Conduct is to impartially determine if a judicial officer 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 a judicial officer's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judicial officer did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Dated: December 5, 2018

Copies of this order were distributed to all appropriate persons on December 5, 2018.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2018-257

COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

The reason I'm filing a complaint is because I am very concerned about a child ending up dead because of Judge [redacted] bias. Her actions and constant disregard for evidence almost caused the death of [redacted]. If it wasn't for police, paramedics, Neighbors [redacted] intervention, my child would be dead right now. The judge disregard for evidence started when my wife filed a request for temporary emergency custody on October [redacted]

I filed for divorce, following [redacted] instructions, explaining the cause of divorce was [redacted]. The goal was to protect our very young baby [redacted] became safe again for our child. My wife then asked for sole custody without notice. Being [redacted], her request to the judge showed signs that she wasn't in her right mind: she accused me of wanting to abduct our child to [redacted] eventho he [redacted]. My wife also stated there was no domestic violence when she was evicted of our home for domestic violence. In addition to that, my wife stated that she was diagnosed with [redacted] "solely for" [redacted] but didn't provide any proof of that. Worse: not realizing what she was doing, my wife attached a proof that she was indeed [redacted] as an exhibit, trying to prove that she wasn't. In fact the lines [redacted] means that she had to come back as [redacted] which would give strong hints that the person [redacted] or at least give some doubts.

At that point I thought it might have been an honest mistake and waited until the hearing on knowing [redacted] was in immediate danger of death. My wife's disappeared with our baby and this order left [redacted] ([redacted]) powerless.

During the hearing, on [redacted] my wife showed again [redacted], accusing me of wanting to abduct [redacted] in front of the judge. In spite of proving that I wasn't wealthy enough to even possibly do that, that it was impossible for me to abduct our child because [redacted], I had to [redacted]. In spite of that, the judge [redacted] still refused to give us at least shared custody eventho the situation was dangerous and my wife was showing obvious signs of not thinking clearly. She only allowed my wife to not force me to have supervised visits still strongly recommending that visits were supervised with absolutely no reason to say that.

Then a disaster arrived: [redacted] my wife was seen by a neighbor ([redacted]) yelling and shaking the baby at [redacted] gave me sole custody while my wife was [redacted]. Judge [redacted] gave me sole custody as Judge [redacted] was in vacation.

The return hearing was set on [redacted] Judge [redacted] said " [redacted] ". After my lawyer explained all what happened, after reading our motion which had several police reports and the [redacted] showing clearly that my wife was a danger for herself and completely unable to take care of a baby, Judge [redacted] asked to my wife's lawyer how to give her custody AS MY WIFE [redacted] It had to be my wife's lawyer that had to tell the judge [redacted]. She also refused to give my lawyer permission to access my wife's health record to prove once and for all that she was indeed unfit at the time as she had already harmed our baby and could have possibly killed him. During the hearing Judge [redacted] acted very concerned about me having our baby, like if [redacted] was in danger.

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I had to step in and say that with the current situation, if Judge _____ was to give custody to my wife again, they would have to remove the child from both parents.

Not only that, but I also witnessed something else that deeply disturbed me: when my wife got sole custody, I got a return hearing with only _____; and the order stated that I "_____ " which forbid me any serious chance of presenting serious evidence. However, when my wife got a return hearing when I had sole custody, the hearing was scheduled for _____; and was allowed to present evidence which I wonder why this difference in how me and my wife got treated in a similar situation.

We had a continued hearing on _____ during which I requested again access to my wife's medical record to be able to prevent such a disaster to ever happen again. In spite of my wife agreeing, Judge _____ repeatedly tried to discourage her from giving me access to her medical record.

Judge _____ constantly acted grossly in favor of my wife and treated me as someone dangerous (refusing to give me shared custody, acting very concerned for the baby when I had sole custody) with no verified facts, according more credit to my wife who was _____; rather than _____ Police Reports, Medical Reports, Neighbors.

I am very concerned that this judge may cause irreparable harm in the future to children with her complete disregard for evidence, facts, and her negative bias with fathers.

I am anxiously waiting for your response.

Thank you for your consideration

PS: I went to the docket to look for the court case number, that I never heard about. I saw another case I cannot access it neither. I wonder if you should take a look at that?