

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-058

Complainant: No. 1279910605A

Judge: No. 1279910605B

ORDER

An initial review of the complaint filed in this matter reveals that the issues raised are solely legal or appellate in nature and do not involve allegations of ethical misconduct.

The complainant is the respondent in a dissolution and custody case. In November 2005, he filed a petition to change custody of his minor daughter and to modify child support. The judge denied the petition after taking testimony from the parties and concluding that it would be in the best interests of the child to remain with the mother.

It is clear on the face of the complaint that the complainant is seeking to overturn the judge's ruling and disagrees with the judge's findings. Because the commission is not an appellate court and cannot change a judge's decisions, the complaint is dismissed pursuant to Rule 16(a).

Dated: March 21, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on March 21, 2006.

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

02/16/2006

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To Whom It May Concern:

On [] I went to court requesting a petition for child custody and child support modification. Judge [] denied them both. I am requesting your assistance in reviewing this poor decision because I noticed a lot of discrepancies on her behalf. I was ordered to visit my daughter every other weekend but the Judge failed to lower my child support payment knowing that I would be visiting my daughter more frequently than before and my traveling expenses would increase due to the fact that I have to drive three hours. My daughter [] has lived with me since she was born on [] I have always been there for her and I go see her on a regular basis. We have an excellent relationship and she has told me that she wants to come live with me. The court indicates otherwise and states that I need to complete a parent education program. However, I completed my parenting classes and I have my certificate to prove it. Another issue that I feel was overlooked was the fact that the mother [] was incarcerated from [] for transporting drugs with conspiracy to distribute and sell. She was released but ended back in prison within a month for violating probation for using drugs on a second occasion. She was recently released from prison on [] for violating probation for using drugs for a third occasion. She admitted to the judge that she uses drugs on a regular basis. My daughter is in imminent danger because her mom will continue to use drugs

and they are accessible to my daughter. However, The judge does not seem to have taken this into consideration and stated that she is clean and will remain clean of any illegal drugs despite the fact that she has acknowledged her prior drug use. The Judge also indicated that my daughter has always lived in [redacted] since infancy but that is not correct, I provided documents that state my daughter was living in [redacted] [redacted] along with her mother for three years and we had a nanny that was taking care of my daughter while me and her mom were busy working. I provided the court with a copy of my daughter's attendance where it shows that she has missed 13 days of school in one semester. Once again, The Judge considers the mom to be available to assist my daughter with her homework but my daughter spends most of the time with her grandmother and not with her mom like the Judge states. I provided police reports that show where I have picked up my daughter at her grandmothers house and not at [redacted] house. While in court, the mom indicated that she was not working and her boyfriend was not working and the Judge asked her how they supported themselves? She answered by saying that they have been living off a big check that her boyfriend received a couple of years ago. That makes me wonder if they are still dealing with drugs because how can they manage to afford an apartment and a new car without even being employed. The mom also indicated that her boyfriend had assault charges in the past. I really don't understand why the judge denied my request after all this. I on the other hand have a very good job that I have maintained for almost three years, I am taking online courses to obtain my college degree and I have my own apartment. My family lives close to me and they support me in every way. My parents came to court with me and they also believe that the Judge made a very unprofessional decision especially after everything that was explained to her. The

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mom is very irresponsible and neglects my daughter all the time. I am seeking custody of my daughter because I love her and I want her to have a steady home. I don't want her to be around drugs or people that are associated with them. I have enclosed a copy of the court order.