

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-088

Complainant: No. 1282410636A

Judge: No. 1282410636B

ORDER

A review of the complaint filed in this matter reveals that the issues raised are solely legal or appellate in nature. The complainant changed her plea to no contest and accepted the sentence. The commission is not a court and cannot provide the complainant with a new trial.

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: May 2, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on May 2, 2006.

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

Name: [] Judge: [] Date: 3-28-2006

Complaint filed with U.S. Supreme Court and []

[]

CJC-06-088

Complaint alleging "custodian interference" was filed by my ex-husband, [] on [] with Officer [] of the [] Police Department.

Allegation was untrue. Daughter, [] disclosed to her father that she didn't wish to continue with pre-scheduled visitation. She wished to take a break. Father alleged that I, [] was not allowing [] to continue with visitations.

We were already in the process of filing a "Petition for Order to Appear RE: Modification of Custody and Parenting Time" which outlined [] complaints against her father. [] is the attorney who is representing [] and [] in that case. []

As a result of allegation made by [] Officer [] filed two misdemeanor charges against [] (i.e. custodial interference and violation of court order).

Court date scheduled was [] Judge [] heard arguments by [] Prosecutor, [] attorney, [] and [] attorney, [] These arguments were heard without defendant present. [] argument was based on a specific section of the Joint Custody Agreement [] which state:

"As the children get older, their desires and interests will need to be considered in arranging for the exact custodial schedule. When the child is of such an age as to be mature enough to provide input into the custodial time schedule, the child shall be afforded that opportunity. The children's desires and outside activities shall be taken into account in determining the exact custodial time schedule."

Judge [] in the presence of the attorneys and prosecutor, ruled that his decision was "guilty". He cautioned [] attorney, [] that no matter what the witnesses testified to, he would rule "guilty".

[] had four witnesses present. They were [] All had written letters and [] being one of two physical witnesses, was ready to testify in court that there was no coercion or manipulation on the part of mother, [] It was [] desire to not go to her father's house and that she was on-site at the home when father came to pick her up. She did not answer the door.

Upon the judge's preliminary ruling, [] advised [] to plead "no contest". Based on her attorney's advice, [] pleaded no contest.

[redacted] Prosecutor dropped one of the charges and [redacted] was prosecuted for "violation of a court order" and required to take 52 weeks of Domestic Violence counseling, pay [redacted] in court fees, which [redacted] attorney paid, and monthly visitations with [redacted] Counselor, [redacted] Upon first session with [redacted] the 52 weeks of Domestic Violence counseling was reduced to 26 weeks.

Summation:

I, [redacted] feel that every side should be heard in the courts before the judge should make a decision that impacts the "real" victims. False allegations and blatant disregard for the facts that would have been offered by witnesses and myself was an injustice of [redacted] and my rights ensured by the Constitution. I feel that the results should be reviewed, Judge [redacted] conduct be scrutinized, and proper discipline be taken.

I appreciate the committee's time and energy in reviewing these facts and events of the case disclosed herein. I would appreciate feedback on the results of your findings and the resulting disciplinary actions, if any. Again, thank you so much for listening...