

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-177

Complainant: No. 1289700490A

Judge: No. 1289700490B

ORDER

The commission reviewed the complaint filed in this matter and found no misconduct on the part of the judge. Although the complainant is troubled by the outcome of a parental severance case, the judge had legal authority to enter a judgment based on the evidence presented during the hearing. If the judge made an incorrect ruling, the remedy is through the appellate courts. The commission is not a court and cannot change the judge's decision.

The complaint is dismissed pursuant to Rule 16(a).

Dated: August 15, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on August 15, 2006.

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

JUL 06 2006

CJC-06-177

05 July 2006

Commission on Judicial Conduct
Suite 229
1501 West Washington Street
Phoenix, AZ 85007

Gentlemen:

In a letter from one local attorney, the statement was made in the case of [redacted] parental severance case, "If there is no conviction, they will have a difficult time proving their case, although the judges rarely rule against CPS. If CPS wins I would advise you to appeal the decision." And another court-appointed attorney was quite astute in making the statement that Judge [redacted] being unable to try the father had to punish the mother, and from the governor to CPS workers published in the Arizona Republic on Monday, August 22, 2005, "the number 1 priority should be protecting children, not keeping families together. So the decision to sever the rights of [redacted] had already been decided before trial. As a valley resident so aptly stated in the Arizona Republic on April 2, 2006, "when prosecutors and defense lawyers seem to be on the same side, the smell of rotting fish fills the air."

[redacted] the prosecutor, ran the show from beginning to end. I am appalled that Judge [redacted] did not wonder about the lack of defense. The prosecution witnesses lied at every turn and the simple defense presented by [redacted] found their testimony to be untrue and exaggerated. Those witnesses included members of CPS and other professions.

I wrote to Judge [redacted] that the [redacted] girls wanted to talk to him, but he bowed to [redacted] demands that she should be allowed to sit in on the conversation, but he apparently found it unnecessary to speak with the children involved and made no effort to do so. My God in Heaven, I find it incredulous that not one person found anything in the way of truth on the side of a mother losing her children. There is humanity, compassion, honesty and truth which was not even considered by the judge in this case.

How can people DESTROY the lives of children and yet feel they have done what is right? That [redacted] baby has been traumatized by those fiends from the first day they removed him from his mother, but who gives a damn, CPS won yet another parental severance and as overheard by a boasting [redacted] that she

had never lost a parental severance case. What pride the Attorney General's Office must have in the likes of her. Yes, and the trial judge who supported her.

My fervent and impassioned prayer is that everyone of them involved in the destruction of this family will have visited upon them ten-fold the same heartache, frustrations and unhappiness they have inflicted upon [redacted] family. I have to wonder how they can find sleep with the dirty deeds they perform against children. I liken it to Spiritual Warfare by demons.

Of course [redacted] is adoptable, he is only [redacted] and an adorable little boy. In the Arizona Republic of 14 May there are any number of articles on adoption and adoption fund raisers and I have to wonder whether or not there might be an adoption mill in [redacted] county. The statement, "Mother has little or no bond with him [redacted]," is so untrue. (Does the enclosed picture look like one that shows no bond between a mother and her children?) But of course had the mother had proper defense, many of the rulings might well have been very different. I do feel that Judge [redacted] could have and should have been more concerned about the lack of defense on the part of [redacted] for her client [redacted] but that apparently is not the responsibility of the [redacted] judge to be assured of adequate defense and that witnesses take the oath to tell the truth and then as noted in the wording of the new law before the legislature the assurance that they do not lie. I find the wording of the ruling biased and in accord with CPS against [redacted] the mother of the these children. It appears to me that Judge [redacted] was prejudiced against the Mother and the children and are being punished, "guilt by association."

It is a false statement that no family members were interested in taking the children [redacted] I know of at least two occasions [redacted] contacted CPS AND the court and was not shown the courtesy of having his calls returned.

Why were these phone calls not returned?

Why was the Court not interested in the lack of defense for the mother?

Does the [redacted] Judge not have a duty to assure vigorous representation to the defense?

Why was the Court not interested in seeing the girls?

Why did the Court not inquire about the change that they had changed their minds about talking with Judge [redacted] I was concerned that the girls would be intimidated and/or threatened in some manner to change their minds and apparently I was correct in that fear.

Does CPS, ADES, or any of those involved in such reprehensible actions against children and family REALLY CARE ABOUT THE CHILDREN? Not the Governor, she has already stated her position as I stated in the first paragraph.

I am not a 'blood' relation and it makes me angry when the Court, civil rights officials, attorneys, uses that to not recognize my love and concern for those three children. [redacted] the mother's attorney, returned the letter I had written to Judge [redacted] saying that he had not read it and she was to return it to me. Is that true? if so, then why did the members of the case receive copies of the letter? Using me as a 'non-blood relation' excuse seems totally unfair in light of what is at stake; the lives and well-being of three children. The fact that [redacted] came into my life gave me reason to want to live, and thanks to the Court it was yanked away from me. I wish there were some way that I could honestly feel that justice had been served with the destruction of this young family. And that I could find it in my heart to believe that our Courts depend upon witnesses who lie and so-called experts who should not instinctively pass judgement on the victim. Collusion comes to mind. Guilt by association enters into the process as well.

Please, do not dismiss me as a non-relative. Too many have already done that and I find that inexcusable and reprehensible. I have written Letters To The Editor and the media and have gotten no response which gives me sound logic to assume that everybody is afraid of the power of Child Protective Services, including the Courts. It should be the responsibility of the Court to assure that justice is honestly and truly served. If you have a desire for true justice, I pray you have read this letter and not thrown it in the trash can without consideration.



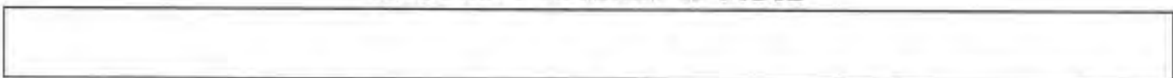


10 July 2006

State of Arizona
Commission on Judicial Conduct
Suite 229
1501 West Washington Street
Phoenix, AZ 85007

Case number: 06-177

COMPLAINT AGAINST A JUDGE



It appears that a statement made by [redacted] to [redacted] "If there is no conviction, they will have a difficult time proving their case, although the judges rarely rule against CPS. If CPS wins I would advise you to appeal the decision." She spoke the truth as evidenced by the ruling.

[redacted] the prosecutor was allowed to run the entire case and called witnesses who not only lied but made decisions they are probably not qualified to make, a [redacted] and [redacted] and the judge made a ruling based on their limited association with [redacted] the mother.

I find it appalling that Judge [redacted] did not find it totally out of decency and judicial procedure that [redacted] the attorney for the mother in this case, [redacted] presented no defense for her client. Calling no witnesses to testify on her behalf.

I cannot accept the fact that [redacted] were not allowed to talk with Judge [redacted] after he announced in court that I, [redacted] had written to him that [redacted] had stated that she wanted to talk with him. Obviously the needs, requests, and desires of the children meant absolutely nothing to Judge [redacted]

Judge [redacted] showed no interest or concern for the mother, [redacted] throughout the proceedings. [redacted] has a penchant for lying and proved to be a convincing liar under the shield of the so-called Good Samaritan law which has to be a farce.

In the ruling Judge [redacted] writes that "she allowed him to continue to live in the home and, even after he went to live with his friend, [redacted] she still allowed him [redacted] in the home, as testified by [redacted] What he didn't say, probably because [redacted] didn't tell the truth, was that CPS had approved visitation after [redacted] came to live with me. It was I, not [redacted] who got a restraining order against [redacted], for her

lies and gossip mongering inside the apartment complex.

Yes, [redacted] were of the opinion that [redacted] would need 24 - 36 months of therapy and that it would be futile. It is even more incredulous that [redacted] testified by telephone from [redacted] after leaving her position in [redacted] What a travesty that so-called professionals of their ilk can have such an impact on the court system. I doubt those observations were not pursued by the Judge or attorneys on either side.

I find it difficult to believe that Judge [redacted] seriously believes he has done what is right for [redacted] [redacted] It is incomprehensible that to destroy families is in the best interest of children.

I have learned today that [redacted] is still being traumatized by the absence of his biological mother. In the ruling the Judge states that "he would benefit from termination because it would free him up for adoption and give him stability and permanence." Not once, but twice he made that statement, the key word is adoption, that seems to be what it all comes down to. That this is our judicial system and the dispensation of justice is incredulous.

It is rather obvious by the ruling that destruction of families as blessed and mandated by Governor Napolitano, was decided at the outset of this so-called trial. With no defense for the mother in this case, [redacted] How sad that this Court showed no sincere compassion for the children or the parents and all in the name of justice and concern for the children. I pray that I can find some minute area where compassion and justice are truly displayed by Judge [redacted]

encl: original letter to The Honorable Judge [redacted]