

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-255

Complainant: No. 1295410285A

Judge: No. 1295410285B

ORDER

The commission reviewed the complaint filed in this matter and found no evidence of ethical misconduct on the part of either judge.

The complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: January 26, 2007.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judges on January 26, 2007.

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

[redacted]

CJC-06-255

October 3, 2006

[redacted]

Dear Commission on Judicial Conduct:

I am involved in a case concerning my minor son, [redacted] and am writing to you to file a complaint in order to enforce my rights and ask for the enforcement of ethical standards by a judge. Please allow me to share the background, so you can see the context and implication this judge's behavior has on my case:

In a court order signed by the Honorable [redacted] on [redacted] in [redacted] she awarded me sole legal custody of my two minor children, namely [redacted]

[redacted]

In early July, I allowed [redacted] to spend some time with my mother in [redacted] Arizona. On [redacted] before school resumed, I picked him up and brought him home to [redacted]. On [redacted] he ran away from home and returned to my mother's home in [redacted]. He left a handwritten run away note for me. I repeatedly ordered him to return home to [redacted] but he refused, and my mother refused to get involved. This continued for a few days, because I was [redacted] and couldn't drive to [redacted] until Sunday evening.

On Sunday, [redacted] I informed my mother I was going to [redacted] to pick up my son, but she informed me he had already been picked up by my sister on [redacted]. Needless to say, I became furious that my child had been removed from my mother's home without any notification to me and without authorization from me, and driven to my sister's home in [redacted].

I repeatedly called my sister at both her home and work numbers, leaving numerous messages because she would not answer her telephone. On or about [redacted] I drove to [redacted] to pick up my son from my sister's home, but instead of giving me back my son, she handed me a Temporary Order for a Verified Dependency Petition filed in [redacted] signed by Judge [redacted].

Not only was her service of documents faulty, but because she deliberately filed in the wrong jurisdiction and tied up all legal proceedings in her county of residence, not ours, there was nothing to do but wait for a pre-hearing conference on [redacted]. My court-appointed lawyer, [redacted] requested dismissal based on jurisdiction, duly citing the law, but nevertheless, Judge [redacted] heard the case and took testimony all day. In the end, he gave the dependency over to CPS, ordering that my son's placement *remain with my sister at her home in [redacted] and holding on to the case!* This is an outrage to me as it should be to the Commission.

My sister, in spite of her immoral lifestyle, was allowed to keep my son against my express wishes that he be placed near our home in [redacted] NOT [redacted]. Even worse, my sister allows my son contact and visitation with his mother, which by the court order issued, is strictly forbidden because of the danger the mother poses to children. I told the judge that it took me two years to find my son after he was kidnapped and taken [redacted] by the mother without my consent, yet he ignored this serious situation and ordered that placement remain at my sister's in [redacted].

[redacted]

October 3, 2006

The mother of my child [redacted] served time in a [redacted] Federal Prison for trafficking and smuggling children, and she would not think twice about taking my son and absconding with him [redacted] again. [redacted]

If she were to kidnap my son (again), my parental rights would continue to be violated. [redacted]
[redacted]

Although my sister fabricated outrageous and defamatory claims against me with the police and CPS, all charges were quickly found to be unsubstantiated. CPS and the Attorney General's office are very much on our side and fighting FOR us, yet in spite of their finding that all abuse charges are unsubstantiated, and that they do not wish to file for dependency, Judge [redacted] has failed to dismiss this case and HAS ORDERED CPS to keep the dependency! Can a judge ORDER this??

Having no legal right to do so, my sister and my ex-wife have sequestered my son, prohibiting my communication with him, engaging in parental alienation and brainwash tactics to instill hatred in him towards me. I have been denied visitation with my son, and have seen him only once. In the short time he has been in [redacted] purportedly under my sister's care, he has already suffered a head concussion and the aunt has neglected to provide medical care and deliberately kept this fact hidden from CPS.

Additionally, because my sister is employed by [redacted] I have been advised that she may be excessively familiar with one or both Judges presiding over the case. It makes one wonder if this is why the dependency was signed in the first place, if this is why Judge [redacted] is holding on to the case, and why Judge [redacted] signed it - are they on familiar terms??

Furthermore, at the pre-hearing, my sister was witnessed sharing hugs and kisses with attorneys involved in this case, namely, [redacted] my son's court-appointed representative, attorney [redacted] [redacted] members of the dependency unit, and other "professional child advocates". This not only gives the appearance of impropriety, and calls into question the ethics of the players involved, but it calls into question impartiality and equality of justice towards me. I have filed complaints with the State Bar and the Commission on Judicial Conduct about this.

I believe the appearance of impropriety, cronyism, and one-sidedness should be carefully considered by the opposing attorneys and other professionals involved in this case. I believe I still have rights, despite the fact they have been TRAMPLED ON, and I do not appreciate the cronyism put on display between officials who are supposed to be looking for the best interests of my child and my sister, who unlawfully interfered with my custody and is in violation of several criminal laws.

The bench should not condone Judge [redacted] signing of this misleading and injurious dependency petition without having fully reviewed it for JURISDICTION, and Judge [redacted] should realize the many injuries his failure to timely dismiss is causing my family and me. I realize that filing this complaint might have negative repercussions for me in this case, but I'm at a point where my rights are being so violated that I DO NOT care any more WHO finds out. These violations of my parental rights by both of these judges need to be exposed and made public, and I have taken the first step in filing this complaint with you. Thank you for your attention.

Sincerely,

[redacted signature box]