

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-071

Complainant: No. 1331510099A

Judge: No. 1331510099B

ORDER

The commission reviewed the complaint filed in this matter, as well as the audio recording of the hearing, and determined that the judge did not knowingly violate the ethical canons. Accordingly, the commission issued a private comment to the judge and hereby dismisses the complaint pursuant to Rules 16(a) and 23.

Dated: July 14, 2008.

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on July 14, 2008.

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

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

FOR OFFICE USE ONLY

CJC-08-071

COMPLAINT AGAINST A JUDGE

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

please see attached documents.

I requested a copy of the digital recording so you could hear him welling. ~~my~~ my request was denied by Judge

(Attach additional sheets as needed)

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I feel Judge _____ has done me a great injustice. I had been physically, verbally and emotionally abused by the Petitioner in my case for almost five years. I left him in _____ and sought counseling through The Inter-Agency Counsel for a year to help me overcome the effects of his abuse. From January _____ to October _____ there was little or no contact with the Petitioner. Within one month of me starting paperwork for child support _____ he and his new wife took me to court to establish Parenting time.

At a hearing _____ I voiced my concerns about the abuse to Judge _____ and asked for some kind of intervention for the pick ups and drop offs of our child due to his past abuse. My request was denied due to the fact the abuse had not occurred in the present. That current action was only the result of the Petitioner abandoning _____ for three years. Judge _____ took into consideration the fact that it had been some time since the abuse occurred, but he failed to take into consideration that it did happen and no matter how many years had passed, it was still a fact that did occur.

During the court hearings I have been mandated to attend four mediations, two of which the Petitioner failed to attend. His failures to appear did not result in the consequences that were stated in the minute orders. His petition was to be vacated and reset if he failed to appear again, this did not happen. Due to the fact of the abuse, I should not have been ordered to attend mediation with him. I also voiced and wrote my concerns about this matter in the questionnaire given to me by the Mediation Services. These concerns were never addressed.

During the past two years I feel like I am being emotionally abused again. The petitioner has made approximately forty four (44) FALSE allegations against me, some of which have resulted in Criminal charges (none of which I am guilty of). I feel that the courts denial of my requests have opened the door to allow the emotional abuse to continue.

Also _____ the minute order for that particular hearing said it was to be for Child Support. Judge _____ decided to make a ruling on the visitation also. I made Judge _____ aware that I was not prepared to address the visitation issue because the minute order

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said child support and I had not filed any of my exhibits or witness list nor did I have the information or witnesses with me for the visitation issue due to the fact that the minute order said child support. At that time, he told me that he was addressing both issues and that I had 15 minutes on the docket and then he was done with it. Due to the fact that I had nothing submitted, all my testimony was hearsay. Judge _____ denied me the right to submit my police reports stating my injuries, copies of my restraining order, and the records of my living at the Transitional Housing for Domestic Violence Victims.

During several hearings over the last two years, Judge _____ has portrayed an attitude and body language that has made me feel like he was really annoyed with me. I sometimes leave the court room thinking "Why is he so mad at me?" Sometimes when I talk to him, he puts his head down and while moving his head back and forth, he rubs his forehead in a manner that I take as a gesture that "I" am really giving him a headache. Canon 3B5

During my relocation hearing _____ the hearing was supposed to be set for half a day. Judge _____ informed us that morning _____ that he was giving me one and a half hours and that was it. Once again, I was not able to submit 90% of my exhibits, this time due to time constraints. I could have asked for a continuance, but the judges exact words were, "I don't care if we get done at _____ I will reset the matter for my next available date which will be _____" ^{exh. 5} ^{exh. 6}

Due to this statement I felt coerced to make a decision to be finished that day rather than eight months down the road. I did not want to go another eight months of false allegations.

At our most recent hearing, _____ Judge _____ raised his voice to a yelling point while addressing my attorney about the case during our telephonic hearing. His Yelling was completely uncalled for and made me very uncomfortable. Both my attorney and I were shocked by his yelling. Canon 3B4

I do not feel that Judge _____ has impartial or fair or acted without biased in my case

Sincerely,