

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 08-108

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Complainant: No. 1334200254A

Judge: No. 1334200254B

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**ORDER**

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of either judge. The complainant disagrees with the determination of child support, and the remedy is through appeal to a higher court.

The commission is not a court and cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: September 10, 2008.

FOR THE COMMISSION

\s\ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on September 10, 2008.

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

CJC-08-108

COMPLAINT AGAINST A JUDGE

Date: 4/29/08

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.

my child support case went before Judge [redacted] at the [redacted] court. I was un-employed at the time but I'm a [redacted] by trade. I did have legal counsel representing me. Judge [redacted] used my mortgage application that I submitted a year prior and a snapshot of my bank account at the time when I closed on my loan, despite me having my tax returns. I have proof of the source from which the funds that were in my bank account at that time. So I figured that I could show it to get the support modified. Meanwhile my support payment is \$873.00 plus arrears of \$100.00 totaling \$973.00. I have a son not associated with this case, and the custodial parent has two other children not associated with this matter. Somehow she received credit for her two kids and I didn't for my one. Why? I don't know. Since that ruling I requested credit and Judge [redacted] denied it. This was a bias act and a violation of my constitutional right. Also Judge [redacted] found the custodial parent not credible of her testimony of paying \$1200.00/mo. for child care. But yet imputed \$650.00/month which she has never submitted any proof for. I'm suffering with a payment a child support payment of \$973.00 on a salary of \$1500/month. I need the commission of Judicial of conduct to please review this matter. I don't want to go to jail behind bias acts nor greed! Thank you

P.S. Presently this case is before [redacted] which she stated that Judge [redacted] have been doing this a lot longer than her so she's sticking with his decision.

(Attach additional sheets as needed)

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My case went before Comm. for the enforcement and modification of child support. At the first hearing the enforcement and modification were consolidated and set for Comm. In the meantime Comm. warned me in open court to comply with orders and pay the required child support. She or no one else considered the fact that maybe the inability to pay through my income may be an issue. The ordered amount to pay was \$873.74. The custodial parent, stated that I haven't paid anything. That was a lie. So I guess that's why Commissioner warned me.

On the enforcement and modification went before Commissioner. First of all I complied with the order amount of \$873.74, which I used my mortgage money to pay. As a result I got a ding of my credit report for being 30 days late. Commissioner still found me in contempt for missing two months of payments, which were in

OK I disagreed but fine. I was ordered to pay a purge fine of \$300.00 and to file a notice of compliance for the next 4 months. The order stated that I will be subject to pay an additional fine of \$50.00 if I don't pay anything. I paid the \$300.00 purge plus an extra \$50 on. On I paid \$100.00. I filed the notices of compliance as well. That was the enforcement issue.

Now regarding Child support modification, the Commissioner

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denied it because she felt there were not enough evidence. Despite the fact that I told her that I didn't receive credit for my son, which is from another relationship, and me presenting my tax returns, she still didn't feel that there was enough evidence. She suggested that I obtain a custody order for my son! Wow!! At this point I felt violated of my constitutional right especially being that the custodial parent wasn't required to present anything to the court to receive credit for her 2 other kids. the custodial parent filed for an emergency hearing and for a child support arrest warrant be placed against me for failure to pay the entire amount of child support I express to the Commissioner that I've been taking out loan after loan to make ends meet and that I have PROOF of that. She didn't take time to see the PROOF and ordered me to pay \$2532.40 by or I have to self-surrender and be incarcerated. My elderly mother withdrew \$2500.00 out of her annuity to loan me so that I can stay out of jail. This situation has become a catch 22! I feel the Commissioner is being bias and impatient to my concerns. Mind you, the custodial parent is only receiving \$404.00 for her eight year old and \$0.00 for her 3 yr. old. So I ask myself, "Am I paying for all three children"? My daughter is only a year old. I understand there are consequences in life but I never thought a 60 day affair would turn into this.

(Attach additional sheets as needed)

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

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Also Commissioner stated that I need a birth certificate to bring in to receive credit for my son. I'm steady asked to bring in vital information while the custodial parent has not brought in anything to receive credit. Also the custodial parent was attributed \$650.00 for child care, which she never submitted proof. Judge the assigned judge, found her not creditable when she testified that she pays \$1200.00/month for child care. But yet the Commissioner has not ordered her to show proof of child care for \$650/month. I need the commission of Judicial Conduct to review this matter because its leading to me having to go to jail behind bias acts and greed. Thank you.

(Attach additional sheets as needed)