

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-225

Complainant:	No.	1343510211A
Judge:	No.	1343510211B

ORDER

The commission reviewed the complaint filed in this matter as well as the recording of the proceedings and found no ethical misconduct on the part of the judge. The issue regarding the amount of child support is legal in nature, and since the commission is not an appellate court, it cannot change a judge's decisions. Therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: December 10, 2008.

FOR THE COMMISSION

 /s\ Keith Stott
Executive Director

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

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

CJC - 08 - 225

COMPLAINT AGAINST A JUDGE

Date: 9-8-08

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.

This divorce took 4 1/2 years to become final, Judge [redacted] took over from Judge [redacted]. I believe that Judge [redacted] has been highly prejudicial against me. Beginning with the Evidentiary Hearing (Exhibit A) Judge [redacted] and the opposing attorney worked as if on the same team, and if the law was followed certainly the spirit of the law was not. Judge [redacted] made a point of hindering my case with interruptions and legal questions to the point where my case was virtually not heard, even stopping my closing argument. At the conclusion of the hearing without any deliberation or even a pause Judge [redacted] rendered his decision. Part of that decision was to award attorney fees to respondent and Judge [redacted] told [redacted] to "go back to day one, sharpen your pencil and submit your bill to the court". He writes "would in all likelihood hinder payment" and he writes "Petitioner created unreasonable barriers" both of these comments are without reason.

At the Order to Appear Hearing (Exhibit B) Judge [redacted] writes "the litigation that has been ongoing has been protracted by delays created by petitioner" again with no merit or factual support.

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Continuing with Exhibit B, Judge modifies the spousal maintenance order however he says the Court "recognizes that there is a strong line of Federal authority that Arizona Courts are required to follow" and that "you cannot take more than 50% of a persons income".

The very next paragraph Judge takes a little more than 66% of this persons income. When this was pointed out to Judge his response was "your girlfriend seems to be well connected" and the order has stood, the Petitioner earns \$ 1140.00 per month and is ordered to pay \$ 760.00 per month in spousal maintenance.

Subsequent request to modify or petitions go unanswered by the Court.

A decree in this case was submitted by _____, on the last day of the deadline to object I found out I was not mailed a copy and went to _____ office and he wrote Judge _____ for a time extension and one was granted. Petitioner objected to form of decree and that was denied.

Petitioner informed in writing that he had moved, when the decree had been signed

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attorney mailed a copy to the old address. That would have been fine except that failed to put postage on it and the post office will not forward unpaid mail. (Exhibit C). Knowing that "sat" on the original decree and then did not pay postage on the signed decree I believe this to be intentional and with malice.

As the decree sat in the hands of the postal service, or returned to the deadline for appeal passed, I sent all the evidence as presented here to Judge and he refused an extension.

That refusal also made it so the time to send it to the Appeals Court had expired. The evidence was clear in my mind and in evidence so I thought.

If Judge writing and rulings don't make it clear, his demeanor and tone in the courtroom certainly do, he does not like Petitioner. Justice does not come in size, shape, color, or religion, nor should it in personality.

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