

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-020

Complainant: No. 1325700622A

Judge: No.1325700622B

ORDER

The commission reviewed the complaint filed in this matter and found no evidence of ethical misconduct on the part of the judge. If any errors were made in the case, they involve legal issues that can only be reviewed by an appellate court. The commission has no authority to review a judge's decisions.

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

Dated: June 9, 2009.

FOR THE COMMISSION

\s\ Keith Stott

Commission Chair

Copies of this order were mailed to the complainant and the judge on June 9, 2009.

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 09-020

JAN 29 2009

COMPLAINT AGAINST A JUDGE

Your name: _____

Judge's name: _____

Date: 1/27/09

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.

Judge violated Canon 3 of the judicial code of conduct. Canon 3-Section 7 A thru E and section D, #2. On October 10, 2008 in regards to this case there was a telephonic hearing in regards whether or not Arizona had home state jurisdiction, Under the UCCJEA. This is based on a ruling he made along with California Judge, on August 29, 2008 where he was present via state ^{telephonic} to hear oral argument for California's jurisdiction. Upon hearing the argument with Judge petitioner, had no standing in Arizona in regards to this case. The October 10, 2008 was to release home state jurisdiction to California. Instead, Petitioner filed for contempt of court with not complying with illegally attained previous stipulation. Judge said he did not have a copy of the California order that he was present for. And was sent a copy from Arizona attorney, and California attorney, via certified mail. The Judge said until he reviews the order, he would determine whether or not Arizona has home state jurisdiction, which he already relinquished jurisdiction via phone to California. He said he would contact all parties involved and their lawyers in a week per court transcripts. HE DID NOT! Instead, he had a

(Attach additional sheets as needed)

closed door telephonic meeting with the petitioner and her lawyer on October 23, 2008. (see enclosed). On that day he arranged with the Petitioner, and her lawyer, for a hearing date on November 25, 2008 at 9:00a.m. (see enclosed). For that hearing he only allowed two hours for the petitioner to present her witnesses and her evidence against me. I only recieved notification of one witness shortly before the hearing. The other five witnesses and evidence wasn't present until the day of the hearing. Remember, I am up on contempt charges and have a right for time to present a adequate defense. At the hearing my attorney who at the last minute represented me, presented the UCCJEA guidelines which the judge violated (note: the federal commission panel has been sent notification in regards to this). The judge dismissed it and went along with the hearing and not gave me

(Leaving the respondent, myself no time to present my witnesses and evidence, which would seem odd if he expected me to rebuttal any of the petitioners witnesses.)

③

time to confer with my attorney on what witnesses the petitioner could present. This was done via telephonically where I was in California and they were Arizona. Their phone system kept disconnecting me and I could not tell my attorney to object until after the fact. At no time did I give the judge permission to talk to

or

in regards to scheduling evidence or witnesses on my behalf.

During the hearing, Detective confessed that per the petitioner order, he had ordered

police department to take my son into custody. He did not obtain an order from Judge until the following Monday.

The petitioner called CPS and said she had custody of the minor child prior to ^{him} moving to California.

She lied to Judge and later on to Judge saying October 24, 2006 illegally obtained order was still in effect, and it was not. Based on this order, Judge in February of 08' ordered temporary

SHE DID NOT HAVE CUSTODY OF TRISTYN PRIOR TO TIM MOVING TO CALIFORNIA

(4)

CJC 09-020

order
~~order~~ custody to the order Detective see until after the child was taken into custody. In fact, the ~~star order~~ temporary that was in effect, had no mention of arrangements of visitations prior to moving to the state of California. In fact, the judge scheduled a hearing on January 17, 2008 for a trial hearing in regards to above mentioned on October 24, 2006 ^{order} which was the base of this suit. Three judges have recused themselves based on this knowledge of ^{for} committing perjury and breaking the law by ordering a police officer to take custody of the minor child without authority. And lying to C.P.S. California currently has a hearing date in April in regards to this matter that I have filed. To quote the California Judge who is presiding over this case, "I don't know how this case has gotten this far with no merit or fact other than the petitioner is the ^{asst} Chief Public Defender of county."

(3)

CJC 09-020

I have followed Judge instructions to the letter. He said I could not use my attorney, for the next hearing. But did say I could use my California attorney to represent me in this case knowing that it takes two to three months for her to be certified in the State of Arizona. He has not given me time for this to occur. I want a just and not biased hearing. I'm not able to attain that in the state of Arizona. I sincerely hope you will conduct a none biased investigation on all judges involved, primarily Judge

Sincerely,

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

FOR OFFICE USE ONLY



COMPLAINT AGAINST A JUDGE

Your name

Judge's name:

Date: 2/5/09

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.

ON Jan 30th 09, My wife had a telephonic hearing on her case. After she was denied her right for an attorney (for contempt charges) the Petitioner Ms. attorneys called his first witness to testified against me. I am not a ~~respondent~~ respondent in this case, the first motion on file in Aug 06 (see enclosed) list only my wife & M.S. This case started way before I meet my wife. The Forged Stipulation (see enclosed) which later resulted in a illegally obtained order (see enclosed) was between Ms. and my wife. (on file) In Feb 13 08 and again Feb 28th. The Petitioner's Attorney tried to bring me into the case, But was denied By Judge (Avila County) who was sitting on the case, at the time before Judge The May 08 Stipulation that the Contempt charges against is between my wife & Ms. ON the NOV 25 08 hearing again the petitioner's attorney Mr. try to have me named as a respondent in the case, MS. (My wife's attorney) objected and Judge sustain, not allowing me to be included. (on file transcript) ON that day Judge overruled that my wife could no longer use her attorney on this case, which violates Canon's pg 15 Section 2A) which says that Judge must disqualify himself for his prejudice against me (on file) (Court clerk county)

(Attach additional sheets as needed)

ms.

The attorney said ^{ms.} she appear for the 28th hearing only however at the end of that hearing being continue at the Petitioner's request to show their evidence, (which Judge denied the

early request to continue by my w. re) she stated Per the transcript on file that she could continue the Judge denied that as well!

(3)

ON that day, Jan 30th my wife used a speaker phone, recorded the hearing before witness in above mention. ~~She~~ ~~She~~ Mid-way through the hearing the Petitioner ~~was~~ could be heard expressing concern to her attorney, who then approached the bench and whispered something to Judge. At that time the Judge ask if other's were listening in on this case, my wife responded yes. Again there was whispering between the Judge and Judge and the case continued.

~~This~~ This will be used along with the transcripts (or a/c) Expert witness testimony (three child therapist, Law enforcement and documents) for the CA. Jurisdiction hearing in April.

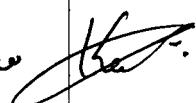
The fact is the Judge for some unexplained reason ~~at~~ ~~decided~~ allowed the Petitioner's attorney to go after me with his witness, on page 10 of camera 3 (7) I have a right to be heard and an attorney to represent me. I was never given notice to appear in fact three times by two Judges, it was stated that I was not to be involved in this case.

<#>

Judge would not allow ~~any~~ evidence on file with the Court Clerk to be presented. & which showed abuse on ^{the} part of M.S. against the respondents son. MS. on record admitted to abuse with her daughter, but refused supervised ~~visit~~ visits with the respondents son. Even if it were her family members who supervised them < and > CA. took Jurisdiction base on expert testimony on the abuse. ~~Part~~

Note to date we have not received any orders!

This is a major Red Flag! IF this Judge is willing to put a child (without hearing all the evidence) back in the abusing ~~set~~ arms. What other cases has he granted favor or was incompetent's base on the petitioner's status in the courts, what would he do for others in ~~same~~ same position? I ask that the Judge be removed from the bench until this is resolved.

Thank you 

C.C. <Bad Judge >
<Sacramento Bee > covering story.
<Daily Sun >
<Associated Press >
C.P.S. of CA.