

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-096

Complainant: No. 1360510252A

Judge: No. 1360510252B

ORDER

The commission reviewed the complaint filed in this matter and the recording of the complainant's hearing and found no evidence ethical misconduct on the part of the judge.

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

Dated: July 23, 2009.

FOR THE COMMISSION

 \ \ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on July 23, 2009.

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

Case #
Atlas #
Court Date: March 17, 2009

Arizona Superior Court
110 West Congress St
Tucson, Arizona 85701

April 6, 2009

Honorable

It is with regret that I am writing this letter. First of all, in all of my appearances made in court whether it has been my own personal court hearings, as a witness in another court hearing, in any case. This was the most unprofessional, unethical court proceeding I have ever been a part of or desire to be again.

A quick back round on my scenario, as this letter will go to whoever I think might listen to my plea for a fair hearing.

Back in 2004, I was required to take a paternity test for a child that was kept from me for five years. It was found to be that I am the father of [redacted]. And in 2005 a child support order was put into effect. In 2006, two weeks before [redacted] 7th Birthday I received a call from Ms. [redacted] stating she thought it was time I meet my daughter. I attended her 7th birthday party.

During this time I was spending every other weekend with my daughter coming to stay with me and my family every other weekend. In late 2007, my now ex-wife and I separated and I could not take [redacted] due to my temporary living arrangements. And there being nowhere for her to sleep. [redacted] mother then contacted me about her needing me to take [redacted] for a period of six months, as she could not handle her. I without hesitation took physical custody of my daughter, enrolled her in school. As well as Soccer, this was the first extracurricular activity she had been involved with. During this time I continued to pay my child support for [redacted]. She went back to live with her mother in May 2008. Since this time, I have only seen [redacted] about four times. Not by my choice, [redacted] refuses to accept or return my telephone calls.

Back on October 17, 2008, I sent a request for an Administrative review to DCSE. Along with my request for review I included all financial information, the worksheet, paystubs, income tax returns for the prior year. My request was based on many things, the fact that the custodial parent, [redacted] is making a significant amount more money than what the original order was based on. I was receiving no credit for time spend with my child, and I am now paying child support for other children as well as making less money myself. DCSE sent out a request to Ms. [redacted] for financial information and paystubs to continue with the review. However, Ms. [redacted] did not respond to any of the requests made for her information or any correspondence with DCSE. Which in turn

produced a court hearing in Superior Court. I was then served with a court hearing and yet another packet of information to complete and yet more additional paperwork, proof I was paying other child support, taxes for the prior two years instead of one.

Now we arrive at the court date, March 17, 2009 in courtroom 769, in front of you, Judge I show up to court with all requested paperwork. More than I needed to be sure that the determination was fair for both parties involved. The custodial parent, showed up to court in clothing not fit for a courtroom and completely empty handed. Not a check stub in sight.

A determination for child support was made on behalf of you sir, without any proper financial documentation for the custodial parent and making a moral judgment call towards me on what you thought the facts were. You scolded me for not seeing my daughter and when I told you that I had her for 6 months the prior year and continued to pay child support you told me "I guess you should have come in here then."

You did not know the facts and honestly didn't care what they were. Fact is that my daughter is nine years old and that I have only known who she is, or where she was for the last four years. In that time, I have fought to spend time with her. I have had to put up with a lot of instability for my child, with nothing I could do about it. Ms. is getting credits for other children she has living with her, she only has one. The other two, their father raises them due to Ms. not being able to provide a safe, stable environment for his children. He feels sorry for her, which is why he agreed to joint custody and waived child support.

This information is readily available to you and anyone else for public viewing under case Even more than that the financial information found by the court in that court hearing date stamped by the clerk of the court on 2/14/07 states in fact that Ms. makes 3456.00 per month. In my court hearing you took a verbal pay verification from that she now only makes 2300.00. And was not asked to provide any financial information for herself whatsoever.

You raised my child support based on paystubs that I provided to the courts that day. And I don't agree with the decision that was made. Why is my vehicle allowance part of my gross income without the expense allowance given? That is 900.00 per month you are counting as income, when in fact it is not. I don't understand why you only questioned me as far as parenting time, when I am the one making the effort.

Unless it was her employment with the Department of Corrections that interested you more than the parenting time which you so FULLY based my raise in child support on. So the impression that I have is that you side on the custodial parents, especially when they work for DOC and they aren't held accountable for anything, parenting time, proving their income or their household composition.

I do believe I read the part of the Judicial Conduct is:

A judge shall uphold the integrity and independence of the judiciary.
A judge shall perform the duties of judicial office impartially and diligently.

This is not the experience I had by memory of the hearing or in listening to the disk I paid for of the hearing. When I listen to this it makes me sick that you are indeed not impartial and this was your utter diligence of making me another poor example of what representing yourself in court gets you these days.

I will now be going through the proper channels to have my story heard, to change the outcome of this hearing. I will be receiving parenting time, but now have to waste more of my and the courts time in having to request mediation to even receive parenting time. Due to this "upstanding citizen, employed by DOC," that cant turn in paperwork requested of her. As well as her non-desire to have what is best for her daughter which is to have both parents in her life.

Respectfully,

Commission on Judicial Conduct.