

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-153

Complainant: No. 1364510356A

Judge: No. 1364510356B

ORDER

The commission considered the complaint filed in this matter and after reviewing the recording of the hearing, found no evidence of ethical misconduct on the part of the judge. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: October 21, 2009.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on October 21, 2009.

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

June 10, 2009

Arizona Commission on Judicial Conduct
cjc@courts.az.gov
1501 W. Washington St., Ste. 229
Phoenix, AZ 85007

To Whom It May Concern:

RE:

On May 15, 2009, I had a hearing in Judge _____ court regarding my rights as a grandparent to get reasonable visitation with my grandchildren. I, _____, am the plaintiff in the case; the respondent was _____, mother of my grandchildren. At 10:30 a.m., we entered the courtroom. Judge _____ entered at 10:33 a.m. We were sworn in.

Judge _____ asked _____ if she could be sworn in because of religious reasons -- she is Jehovah's Witness (this has been a problem in scheduling holidays and visitations). He turned to me, the plaintiff, and stated, "Why did you not do what the mother requested?"

At that time I felt that he showed favoritism to Ms. _____ by scolding me and asking why I didn't do what the mother requested. I brought his attention to Exhibits 1 - 4, that were filed with the court. Exhibits 1-4 were reference letters that the judge had not yet seen. He reviewed the statements but picked only one, which stated that I did drink but I never put the kids in any danger. The other letters were positive character references about my relationship with my grandchildren.

I tried to lay the foundation about Ms. _____ character. Judge _____ did not allow me to give any testimony about Ms. _____ character. Judge _____ shut me down. He would not allow me to continue. He made his ruling: 1 hour with my grandchildren every other Saturday supervised by the mother.

I started to get angry. Judge _____ allowed Ms. _____ to testify and defame my character; but did not allow me to rebut her allegations. She stated that I had a drinking problem, which is totally false. If my drinking was a problem, why did she continue to

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bring the children around me? If she is so concerned about the children, why does she smoke cigars around the children, even in the car?

I was not allowed to inform the court about Ms. _____ character and why she stopped allowing visitation. For 2-1/2 years, Ms. _____ brought the children to visit with me every weekend, Friday through Sunday. She got mad at me because I stopped her from bringing her male friends to my house and I stopped giving her money. As the children's grandfather, I felt responsible for their care and well being. I did not want them exposed to strange men.

Prior to her getting angry, Ms. _____ was happy to leave her kids with me. She knows I love them and they love me. She knows I take good care of them. She trusts me so much with her children, that at times when I tried to call her just to let the kids speak to her, she said, "Why? They're OK with you." And she hung up without talking to her 4 year old child. I called her on several occasions about the children. All she stated to me was that, "they're safe with you," and proceeded to do whatever she was doing.

_____, the children's father and my son, is a convicted felon. Judge _____ took a felon's word over the word of a devoted grandfather who loves his grandchildren very dearly.

At that time I began to get very angry and upset with treatment I was receiving from Judge _____. I gathered my things, stood straight up and started to leave the courtroom. Judge _____ started to scream at me that I could not leave. But I turned around and told him I was leaving because of his ruling. He was only giving me every other Saturday with my grandchildren and their mother, Ms. _____.

Because I was so angry I felt it best to leave. I sat outside the courtroom next to an MCO Sheriff's officer. Court security approached me, asked me for an ID, and proceeded back into the courtroom to talk to Judge _____.

About 5 minutes later, Court security came back out of the courtroom, handed me my ID back and told me Judge _____ was not going to detain me and that I could leave. At that time, that's the last that I have dealt with the court.

Judge _____ ruling was unfair. He was obviously biased toward to mother. I was treated very badly by Judge _____.

The original motion for visitation was every other weekend and some holidays to be worked out. I want my case to be reviewed by another judge to get fair visitation with

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my grandchildren. I have not seen them over six months since October 2008; to me it seems like forever.

Thank you for your help.

Sincerely,