

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-148

Complainant: No. 1395310809A
Judge: No. 1395310809B

ORDER

The complainant alleged that two superior court judges made incorrect decisions and did not enforce procedural rules. After analyzing the issues, the commission found no evidence of misconduct on the part of either judge. The complainant essentially disagrees with the court's rulings, and the commission cannot review or change judicial decisions. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: July 23, 2010.

FOR THE COMMISSION

 \sl Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on July 23, 2010.

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

May 27, 2010

Maricopa County Superior Court
Family Court
201 W Jefferson Ave
Phoenix AZ 85003

CASE#FC
COMPLAINT on Presiding Judge

To Whom It May Concern:

This letter is in response to the recent document that was mailed to my home address MINUTE ENTRY for case#FC PETITION TO ENFORCE CHILD CUSTODY DETERMINATION. I am also informing whomever that I am filing a complaint with the appropriate agency, I have listed the incorrect actions taken.

1. It is not possible for a judge to make a decision on a petition until the respondent is notified of the petition.
2. Petition was never filed electronically(copy of petition filed at filing counter.
3. Judge did or has not taken immediate action, statement by petitioner states child being held unlawfully could or is in danger.

I did not get a chance to speak to the judge as it states in the procedures, because I was dismissed by a staff member. A female came from the judges chamber and immediately said that I did not have to speak to the judge, she asked for my paperwork left for about 10 minutes and returned saying that judge had made a decision and that everything was denied. She also stated that they could not do anything because of the pending Dependency PETITION filed in Juvenile Court and informed me that anything and all request had to be directed to the Juvenile Court. She also stated that there was a Custody order in place giving custody of my daughter to the state of Arizona. I asked for documentation and was told that I would be getting a minute entry in the mail, and when I asked for her name the female was very nervous, providing me only with her first name and reluctantly saying last name She would not allow me to look at her employee badge and when I continued to question her she said for me to just leave repeatedly.

I have sent a copy of the petition to the respondent via registered mail signature required by respondent only as my method of service. Enclosed is a copy of the receipt issued at the US Post Office. This matter has been taken lightly and overlooked possibly in error or for other reasons and action should be taken immediately. Enclosed is a copy of the petition filed and also the order. Also a copy of the electronic minute entry received.

I am contacting your agency because, this horrible ordeal has gone on far to long, and I have had no assistances from law enforcement agency. This complaint is against Judge _____ which has been presiding over my case in Juvenile Court JD _____. On March 4,2010 apparently petitioner _____ filed and a petition was entered in the juvenile court. I have done a lot of research to find out the meaning and purpose of this petition and to the best of my knowledge this petition can only be filed be the Department of Economic Security Child Protection Division, after a investigation or complaint has been filed. After researching the procedures in the filing process I have found there has been a lot of rules broken/not followed.

1. The petition was filed at the incorrect location. According to the ADMINISTRATIVE BOUNDARIES FOR CASE ASSIGNED TO JUVENILE COURT the petition must be filed at the Southeast Court Facility, 181 S. Lewis Street, Mesa AZ 85210. This would be determined by the zip code reported on the initial petition under mothers address. Petitioner knowingly and falsely reported mothers address as Estella Jail, when in fact the day of the incident or alleged allegations she was at the home of the natural mother, _____ Phoenix As 85008.

2. The petitioner and or co-petitioner did not follow proper SERVICE procedure. It states under the rules of service that petition has to be served by a licensed process server, or petitioner can serve, but must have respondent/defendant sign "Acceptance of Service". This also must be signed in front of a notary republic. Finally hand delivery of petition can not be done, failure to follow procedure would enable to the case from continuing.

3. Most recent decision made was to stop my unjustified supervised visits. I believe this is an intentional infliction of emotional distress and the decisions made by both Department of Economic Security and Judge _____ outrages and unreasonable, due to the fact the allegations have never been proven or a any reason for that matter given.

Finally I would like to thank your office for taking the time to read this letter and I am praying that this horrible nightmare is soon brought to an end and that my daughter, _____ be returned safely home. God bless you and aide you in taking the proper actions to correct this blatant act of misconduct.