

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-206

Complainant: No. 1337910819A

Judge: No. 1337910819B

ORDER

The complainant alleged that a superior court judge issued inconsistent rulings because of gender bias.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After thoroughly reviewing the information provided by the complainant, the court record, and the recording of the hearing, the members of the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission has no jurisdiction to determine the legal sufficiency of the judge's decisions. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: October 18, 2011.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on October 18, 2011.

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

August 14, 2011

Commission on Judicial Conduct
1501 W. Washington
Suite 229
Phoenix, AZ 85007

Case No: FC2006-

To whom it may concern:

I am writing this compliant against Judge . Judge has demonstrated that on several occasions he can not be unbiased as it relates to my case. It is unfortunate that he is extremely biased and worse finds fault with Mother without just cause or evidence! He simply chooses not to read the case or he is pro men without want or caring to read the evidence that is concerning our child. He has contradicted himself even on his recent minute entries which demonstrates his bias without cause. The point of the judge is to consider the child's best interest first!

To begin, I filed a motion once with Judge after Gentry-Lewis disqualified herself on June 22, 2009 to discuss the parenting plan. It was Mother who requested to accelerate the weekend exchange in favor of Father yet no matter what mother demonstrates as evidence, including a recent Order of Protection this judge continues to side with Father with no evidence to find fault with Mother as follows:

1. History – 5/4/07 email to come to some exchange/visitation w/Father never considered in the case. Many more emails to demonstrate Father's mental health and lack of interest in our son.
2. History – 7/13/08 Dr. Lueck tried to testify Father is bi-polar and shouldn't have joint custody. Presented to Courts and Commission July 13, 2008 (Gentry –Lewis) didn't even allow Mother to present witnesses or allow expert witness to speak in court on record.
3. History- 2008 Order of Protection on Father not contested by Father even with an attorney
4. Current- Father still sleeps with son (4 years old) in his bed and has no bedroom for his son or home for his son.
5. Current – 7/15/11 Presented to Judge Order of Protection (7/15/11) on Grandfather not contested for harassing Mother by Grandfather
6. Current- Presented to Judge (Attempted request for mediation)
7. Current- 8/31/09 Presented to Judge that Father and attorney changed their minds about who would pick up our son and drive. Didn't want to return son. In contempt and Mother had to get it reinforced by way of recordings otherwise judge would never had sided with mother. Hand wrote the changes.
8. Current-Presented to Judge (Father stalked Mother at work Friday (off Fridays) 10/08/09 and was let go from employment Monday 10/11/09 because of Father. Mother requested not to allow Father come to mother's future employment after being released from work. Judge refused! Then never filed the request to go for more child support. Mother had to call office almost 6 months later for clerk to process a child support conference.
9. Current – 11/16/09 Father changed his mind at the last minute on weekend exchange yet mother complied with Father's request to change a Halloween weekend but Minute Entry was HARSH and untrue and unfounded that Mother was trying to block Father "all" because I asked the judge to reconsider his ruling. Father can ask to reconsider no Harsh words 7/28/11 just contradicts original ruling in favor of Father.
10. Current- 11/4/09 – Mother found additional errors in parenting plan written by Father's attorney in his client's favor not to give mother Christmas Day! Mother had to call the clerk's office before the new year to get it finally corrected. Judge stated that I was

- incorrect with HARSH words on mother blocking Father Minute Entry 11/24/09 and then contradicts his ruling by fixing the error on Minute Entry 12/8/09.
11. Current- June 14, 2011 Ryan Repucci (mother's attorney) has requested the judge dismiss child support worksheet filed wrongfully. Judge has yet to respond!
 12. Current – June 17, 2011 Father refused to release child at normal exchange. Filed a report and police were involved.
 13. Current-Mother sent letter to Father on July 10, 2011 when received vacation plans on July 9, 2011 out of state. Mother said it is fine in state but not out of state. Mother changed recent plans with Father to have 4 days vacation month prior for sister in law in town.
 14. Current-Judge filed a first minute entry 7/8/11 with states no controversy but doesn't make clear to Father to attend mediation first. Very nice with Father's second request to reconsider.
 15. Current-Judge Gass filed second minute entry as Father sent the same motion to reconsider (with no new information) and then contradicts first minute entry with Noting Mother needs to comply 7/28/11. Mother has not violated any orders! Mother attempted to talk to Father who refused or go to mediation to discuss "out of state" vacation. Mother never said Father can not have vacation. No violation has occurred. Yet it was noted in his minute entry. My letter if the judge read it said that I don't agree with out of state for several reasons and one being concerning of flight risk.
 16. Current-Ryan Repucci attorney for mother files a request for mediation to resolve the off Fridays impeding in our son's school, vacation out of state, and change of exchange due to increase in hostility in front of our son and Father having loaded hand gun in the presense of our son. Judge did not rule to force mediation immediately with all the evidence provided. Judge rules 8/11/11 and accuses mother of gamesmanship even though I have presented the abuse and order of protection.

I am asking that Judge step down from my case effective immediately and that I get a judge that reads the evidence and is not biased and a male chauvinist towards women. I don't know what it takes to educate judges on domestic abuse both mental and physical but I have reached out to The Center of Excellence. I feel that this court is trying to build a case against mother because she filed a compliant on Judge Gentry-Lewis (retaliation). I feel that this judge is biased and can not rule properly to take in consideration of our son Stephan needs and protection. I have filed with CPS earlier in the year but this judge doesn't want to read or hear what is going on. I will continue to fight for my son as he has no voice. My ex-husband is abusing our son and me. This judge is abusing me and refuses to hear the truth or read the evidence!

Please let me know if you need any other evidence or information from me.

Thank you in advance.

CC: Center of Excellence