

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-300

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| Judge: | No. 1047714806A |
| Complainant: | No. 1047714806B |

ORDER

The complainant alleged a superior court judge failed to properly sanction his ex-wife for taking his daughter out of state in violation of the law.

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 review, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of court rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: December 18, 2013.

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on December 18, 2013.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

COMPLAINT AGAINST A JUDGE

Name: _____ **Judge's Name:** _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

On _____ During a court proceeding for Petition to Enforce Parenting time, filed by me, the respondent, _____ against the petitioner _____ Judge _____ allowed petitioner to verbally request a notice of relocation, to which he referred us to A.R.S. 25-408. Also on that date the judge clarified our parenting time plan and specifically discussed my _____ week period of parenting time during the summer. On _____ I filed my response to notice of relocation with the Court and gave copies to the _____ County Sheriffs Office at the same time to have the petitioner served with these copies. On _____ the petitioner relocated to _____ with the _____. Well before the _____ days stated in the Statue 25-408. On _____ at _____ hrs I called the _____ police department to try and make contact with petitioner and advise her that she had broken the law and request she return the _____ to Arizona. The officer _____ came to my house and reviewed the paperwork(parenting plan) from the courts. He stated that he wasn't real clear on custody issues and would contact the Judge as soon as possible. In the officers statement he tries several times before making contact with Judge _____ On _____ The officer made telephone contact with the judge and got clarification on his orders in which the judge admits the petitioner violated his orders and did not allow my summer parenting time and that the judge would request the petitioner be physically present at the upcoming hearing on _____ and bring the _____. On _____ i received a letter from the courts vacating the _____ hearing because the court was not aware that the petitioner would be in _____ on _____ and obviously it would be not be reasonable to require petitioner to travel to Arizona for a tentative hearing. This in my opinion is a lie by the courts, they were made aware on _____ before the court date was set that the petitioner had moved to Florida. The A.R.S. 25-408 puts the burden of proof of the petitioner to prove that it is in the _____ best interest to relocate. No evidence was provided by the petitioner as to why it was in the _____ best interest. Judge _____ agreed that the petitioner has caused a strained relationship with my _____ and I, and has not been willing to allow me meaningful contact with my _____. Judge _____ says the courts will not allow a parent to unjustifiably destroy a relationship between a _____ and the other parent, yet he allows this to continue. He allowed the petitioner to leave the state with the _____ without giving me an opportunity to spend time with my _____. He ruled that i pay travel costs for my _____ and I. Why should i be punished for the petitioners disregard of the law

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I provided evidence that the petitioner went completely against the A.R.S. 25-408. This should prevent relocation instead the courts and Judge _____ allowed the petitioner to relocate and gave me very minimal parenting time. Judge _____ has ruled against a statute that was put in place to give equal parenting time to both parties. I submitted on _____ a Petition to Amend judgment and requested a new trial. I was denied on the basis that the petitioner has relocated to _____. The petitioner kidnapped my _____ took _____ out of state without my knowing and Judge _____ allowed it all to happen and continues to allow it.