

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 14-167

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge had violated his due process rights.

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. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: July 28, 2014

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on July 28, 2014

*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**

**2014-167**

**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 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.

I believe the Judge has not followed the rules of procedure as they apply to my case.

I made a no contest plea in \_\_\_\_\_ to the allegations set forth in the  
dependency petition. I have completed all services that were required by the State.

Then in \_\_\_\_\_ the State motioned to change physical custody make to  
ADES. During this trial on \_\_\_\_\_ the State introduced evidence that  
was not party to the initial dependency petition. It seems clear to me that Rule 48 (E)  
of rules of procedure juvenile court. Amended petitions.

the petitioner upon order of the court not less than thirty (30) days prior to trial unless good cause is shown.

I was arrested on \_\_\_\_\_ and my \_\_\_\_\_ was retaken. This was due to  
allegations my ex-wife made in \_\_\_\_\_ for prostituting her out. This was  
never a part of the original petition \_\_\_\_\_ and or admission I made in \_\_\_\_\_

I was never arrested for anything relating to this prostitution allegation until \_\_\_\_\_

\_\_\_\_\_ Then I was released on my own recognizance and have not been charged.

Then on the \_\_\_\_\_ trail, no notice was provided regarding any amend-  
ment to the petition, yet the State used and the Judge allowed this information against me.

If the State and the Judge followed the Rule 48 (E), and I was provided proper  
notice, I would have testified at this trial, however, it seems that the State and or  
Judge has committed judicial misconduct by no following the rules that are established  
for \_\_\_\_\_ and \_\_\_\_\_ Court. This act(s) have not afforded me due process

to properly be represented on changes and NEW charges that I was not aware of or had plead  
no contest to in \_\_\_\_\_

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My attorney filed a motion of no reasonable efforts by the State in \_\_\_\_\_

The State has been allowed to make motion and had orders presented to me.

None of the motions that have been brought up my counsel have been denied.

Then the Judge granted the State leave from the court to motion to sever

parental rights, which was granted by the Judge.

The motion of no reasonable efforts filed in \_\_\_\_\_ would show

that \_\_\_\_\_ waited for over \_\_\_\_\_ days before they provided any services for

reunification. Additionally, this time allowed and not heard concerning

reasonable efforts, directly impacts the States motion to sever, based on the

amount of out of home placement of my almost \_\_\_\_\_

This is judicial misconduct, if my motion was heard within a reasonable time,

the State would need to support why they failed to provide services for a less

than \_\_\_\_\_ when they know the statute. The \_\_\_\_\_ worker

let \_\_\_\_\_ pass with nothing even though I asked which would be presented

in the no reasonable efforts trail, if the Judge let it happen, I believe that \_\_\_\_\_

that this motion has been out there then the Judge at an initial severance hearing

denies my attorneys motion for this to be heard. Due Process is not being afforded.

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