

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-348

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge endangered his child by the rulings she made in a family law matter.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, 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: January 20, 2016

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 January 20, 2016.

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

I understand the commission cannot reverse court orders or assign a new judge to a case.

I declare, under penalty of perjury, that the foregoing information and the facts I have provided upon which my allegations of judicial misconduct are based are true and correct.

Signature: _____

Date: _____

INSTRUCTIONS

Use the following space or plain paper of the same size to explain your complaint. Explain why you believe what the judge did constitutes judicial misconduct. Be specific and list the names, dates, times, and places relevant to your allegations. Additional pages may be used and relevant copies of documents may be sent with your complaint (please do not send original documents). Use one side of each page only and write legibly or type your complaint. Please keep a copy of your complaint for your records.

See attached.

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Having going through the Arizona Code of Judicial Conduct, I was shocked that safety was not mentioned. I have been a [redacted] for over 14 years and I am required by law to be a universal reporter to report anyone that would cause harm to a child. Therefore, I don't know where else to go. I would like at this time to report [redacted] of the following:

1. Child Endangerment
2. Violating Code of Conduct

Here is a little background.

Case Number: [redacted] and [redacted]

1. On a phone conversation, on [redacted] stated that after reading the Emergency order she granted me temporary full custody. She also ordered a one day a week of supervised visitation to my ex-wife. [redacted] was aware of the following:

Assault and Battery, Assault and Battery with a deadly weapon, mental and physical abuse, neglect, harming another child at my ex-wife workplace, living with a sex offender, neglect and abandonment. These were all documented through [redacted]

(Enclosed) However, in [redacted] became double minded and made the statement; "I don't feel comfortable that mom is not seeing her daughter alone," (without supervision). She also admitted that she is overwhelmed with her case load and hadn't had a chance to read the whole case. Therefore she admitted she didn't read the whole case. (Proof: Court Case Recording. This was witnessed by [redacted] She didn't base it on the law but admitted that she didn't feel it was right, her personal feelings.

As a [redacted] I would conclude that this would be child endangerment as well as, incompetence and negligence. A violation of Both Cannon 1 and 2. Two points I would like to bring to light, first the above reports mentioned earlier and secondly, the Judge's knowledge that both [redacted] would be interviewed next month. The interview was to substantiate the abuse inflicted upon both of them and have [redacted] establish what her wants and desires would be moving forward. The interview conducted on [redacted], states mother doesn't try to communicate with us or make an effort to see us. [redacted] she states that she did not wish to spend time with her mother. [redacted] e stated, when I did spend time with mom it was not fun for me and I would not like to do that again. It was consistent with the [redacted] conducted 3 years earlier.

How is it possible for someone that is sworn to serve and protect would intentionally put children at risk? It is egregious for the Judge knowing that my ex-wife is a current drug addict and a known abuser to intentionally put them in danger. Doesn't [redacted] have rights?

[redacted] . I cannot abuse, neglect, coerce, manipulates, exploit, extort, manipulate and retaliate. I

have also taken my daughter to the ER and she was given the same rights as an adult when she was twelve. So, I believe my daughter's rights have been violated! In [redacted], I was asked to allow [redacted] to see her mother unsupervised. So under duress, I agreed to allow my daughter to see her mother. I felt coerced and manipulated in agreeing to allow my daughter to be with her mom. I feel ashamed to admit that [redacted] intimidated me. I was shocked that she wouldn't wait for my daughter's to be interviewed.

[redacted] wouldn't allow me to read a caption of the [redacted]. This would be a violation of Cannon 1 and 2. I tried to convey that I didn't feel that [redacted] would be safe. She pointed her finger at me and said the [redacted] was too old but it was only 3 years ago. (That is a lie it is seven years). What Cannon did [redacted] violate?

She kept repeating that I needed to pick a day. I knew then I needed legal representation even though I couldn't afford it. So what happened: My daughter had a panic attack an hour before my ex-wife showed up at our home on [redacted] t [redacted] t [redacted]

[redacted] olved because I was told that I couldn't influence my daughter. So [redacted] asked [redacted] to tell her Mom that she didn't want to go with her.

the car. She was upset when she got back and did not want to go with her ever again. I understand that in most cases it would be beneficial for a child to be with both healthy and safe parents. No, I understand the new media reporting how CPS through negligence that children get killed. My attorney is aware of these events on [redacted] My ex-wife hasn't seen [redacted] since. In the recorded case taken August [redacted] stated that she is concern with [redacted] welfare, really? [redacted] told me that she didn't say much in the interview in [redacted]. This was due to [redacted] being afraid the court would make her be alone with her mom. This is substantiated with her older sister during the interview. I feel [redacted] has some agenda or bias toward me and my daughter. I noticed that [redacted] already has been reprimanded this year. It saddens me that others would have to go through this hell.

This now leads into my second claim. When I first [redacted] she stated she wasn't going to rule on anything because my ex-wife didn't show up to the [redacted] hearing. [redacted] asked if I was representing myself and when I said, "yes" [redacted] proceeded to roll her eyes at me. [redacted] witnessed this behavior. Then on [redacted]

I proceed to ask if I had full custody then I should have the child support stopped. [redacted] said she wasn't going to rule on in until the November trial. After being rejected, I then mentioned that my oldest daughter [redacted] turns 18 in a few months and if I could stop and/or change the child support. She asked my ex-wife if it would be ok to take [redacted] off the payroll and she said, yes, that would be O.K. [redacted] said I would have to bring in my last 3 paychecks and she would readjust the formula for child support. I informed her that it was agreed upon that most of the child support was tied into Spousal Maintenance because of the tax advantage both attorneys earlier in 2010 agreed. They felt that this would be good for both of us. I told her that if we used that method that I would be paying [redacted]

more. I then ask if she could ask if she is working in order to see if it would be worth persuing. was silent and gave me a sarcastic smile and would not answer my question. (Another violation) witness along with her staff. Is this behavior to promote ethical conduct that would create in reasonable mind a perception of honesty, impartiality, and temperament?

Now I ask you, how is this fair or just? My attorney told me that she could not keep me paying child support unless she had a good reason to withhold support. I am still waiting on the reason why my children's financial support was delayed from February until November? Can someone tell me how money that is supposed to go to the children goes to the parent that chooses not to be a part of their lives? This seems to be some form of malfeasance and misconduct. My ex-wife has never contributed anything in her daughter's lives. You will later see that later helps to continue this injustice. I do not believe that will ever be responsible for the financial responsibility of . I feel that my daughter's rights are secondary to rights. I think most people can agree that this is a gross violation of code of conduct. I have been a for over 14 years and have provided and continue to provide a loving and safe home for

been a stable influence for both of my two daughters. I look at the destructive nature of their mother and can only wonder what is thinking? It keeps me up at night, having to worry about how to keep my daughter safe. In the interview on makes reference on how the court system has provided undue stress on our family. in the last hearing talked about Therapeutic Intervention to my ex-wife. While ignoring my daughter's statements or evidence or my feelings on the subject. I have been down this road before, back in ; I took them to a therapist under my insurance, per recommendations of the . Little did the court know that I had taken them the year before to get help from the trauma inflicted from their mother. This time I took them for reunification with their mom. The therapists ask if my ex-wife is going to therapy. Is she going to AA? Has she stopped drinking? My answer is the same now as it was back then. We are divorced so I don't know what she is doing. The therapist told me she would lose her license if she brought an unsafe person to counseling. She read the report and stated she has a great concern because my ex-wife has shown consist and a continuous patterns of abuse and harmful behavior toward the children that goes far beyond alcoholism! Something chooses to ignore. In the it states over 16 incidences and over a almost a decade of abuse. Can someone tell me, why the focus isn't to make sure my ex-wife is safe? e is thriving in spite of my ex-wife behavior and being out of her life for the last 2 years. is an A student, involved in extracurricular activities and has many friends.

The last two things I would like to bring up is behavior directed toward my attorney in the hearing. warns my attorney, not once but twice that he needs to follow her lead. She states, "I don't want to tell your councilor how to run his case. She again

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states, "I am not going to tell Dad and his attorney how to strategies their case" Is this common practice? This defines cohesion and manipulating behavior. Now recall earlier she stated that the [redacted] was too old back in [redacted], however my attorney was able to read evidence from the [redacted] and the interview back in [redacted] in a eloquently informed manner. My attorney stated that the reason is because she was traumatized by her mom. Listen to the tape it is at approximately 19 minutes into the hearing, [redacted] states right after my attorney statement (ignoring what was said) "I need to understand why [redacted] doesn't want to see her mom". That statement is frightening and should be to anyone reading this. Does this enhance the public trust and enhance confidence in the legal system? It seems that her attention is to put my daughter at risk and ignore any information contrary to her feelings. [redacted] seems fixated in reuniting both mom and daughter together when it is clear that neither one wants to be reunited. To make my point even stronger, my ex-wife hired an attorney three weeks before the trial date and due to a conflict ask for a postponement of the trial. This is a woman that hasn't seen or contacted her daughter in almost 2 years. She also lived within one mile from the children at one time. So now my ex-wife is requesting a new trial date that will postpone for another 9 months. I love [redacted] and if it were me I would do everything in my power to see my daughter. The only benefit for [redacted] to postponing the trial is to delay paying child support for another 9 months. I don't understand how this is the best interest for [redacted] that easily manipulated? I cannot believe if the roles were reverse that we would be getting the same outcome. I am frustrated about everything mention above. It is a shame that I am going to have [redacted] testify against her mom in order to keep her younger sister safe. However, I don't think it will matter to [redacted]. I have sent her all the reports, interviews and even my attorney summed it up for her and she still doesn't get it. I don't want this to happen to anyone else. My attorney said if my number one goal is to keep [redacted] safe then I should allow the postponement of the trial? It sound like my attorney knows [redacted] and I cannot get a fair trial with this Judge. That is telling, if that is the legal advice I am getting. Why else would an attorney give this advice? Please help me keep [redacted] safe.