

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-094

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge refused to review her evidence and failed to follow the law 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(a).

Dated: May 18, 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 May 18, 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 &

Signat _____

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 3 PAGES

2016-094

To: Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007
cjc@courts.az.gov

Formal Complaint
against Judge

From:

Judge:

I have a case before this judge, Yes, it's
Current counsel: N/A
Witnesses who observed the judges conduct:

To whom this will concern,

On _____ I petitioned Judge _____ for Temporary Orders W/O
Notice. I brought with me letters from my child's teacher, and school counselor in whom
he reported child abuse to by the hand of _____
granted this for 10 days. The granted motion said that I must return on _____
and bring any evidence as well as witnesses to testify on said date. This was same date as
our Child Support hearing.

On _____ would not review the supporting evidence nor did
he allow the 5 witnesses to testify, first hand testimonies of the child reporting to them
directly of abuse _____

_____ quashed the Temporary Orders without reviewing the documented
evidence nor, did he allow 5 witnesses to testify.

Again, on <http://www.azleg.state.az.us/ars/13/03623.htm> refused to follow A.R.S. 13-3623 Vulnerable Child Law

- A. Under circumstances likely to produce death or serious physical injury, any person who causes a child or vulnerable adult to suffer physical injury or, having the care or custody of a child or vulnerable adult, who causes or permits the person or health of the child or vulnerable adult to be injured or who causes or permits a child or vulnerable adult to be placed in a situation where the person or health of the child or vulnerable adult is endangered is guilty of an offense as follows:
- B. Under circumstances other than those likely to produce death or serious physical injury to a child or vulnerable adult, any person who causes a child or vulnerable adult to suffer physical injury or abuse or, having the care or custody of a child or vulnerable adult, who causes or permits the person or health of the child or vulnerable adult to be injured or who causes or permits a child or vulnerable adult to be placed in a situation where the person or health of the child or vulnerable adult is endangered is guilty of an offense as follows:
1. "Abuse", when used in reference to a child, means abuse as defined in section 8-201, <http://www.azleg.state.az.us/ars/8/00201.htm> except for those acts in the definition that are declared unlawful by another statute of this title and, when used in reference to a vulnerable adult, means:
 - (a) Intentional infliction of physical harm.
 - (b) Injury caused by criminally negligent acts or omissions.
 - (c) Unlawful imprisonment, as described in section 13-1303.
 - (d) Sexual abuse or sexual assault.
 2. "Child" means an individual who is under eighteen years of age.
 3. "Emotional abuse" means a pattern of ridiculing or demeaning a vulnerable adult, making derogatory remarks to a vulnerable adult, verbally harassing a vulnerable adult or threatening to inflict physical or emotional harm on a vulnerable adult."

A.R.S. 8-201. <http://www.azleg.state.az.us/ars/8/00201.htm>

In this title, unless the context otherwise requires:

2. "Abuse" means the infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist and is caused by the acts or omissions of an individual who has the care, custody and control of a child. Abuse includes:

(a) Inflicting or allowing sexual abuse pursuant to section 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual assault pursuant to section 13-1406, molestation of a child pursuant to section 13-1410, commercial sexual exploitation of a minor pursuant to section 13-3552, sexual exploitation of a minor pursuant to section 13-3553, incest pursuant to section 13-3608 or child prostitution pursuant to section 13-3212.

Therefore, due to this misconduct the child is currently vulnerable and in immanent danger, where his emotional/mental and physical safety are of exasperated concern.