

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-241

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was biased against him and failed to follow the law in a divorce proceeding.

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: October 12, 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 October 12, 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.

I am writing to file a formal complaint about _____ of the
This Judge violates Canon 2, Rule 2.2 Impartiality and Fairness and Rule 2.3 Bias, Prejudice, and Harassment in family law Court proceedings.

My former spouse filed for divorce in Arizona on _____ . Our marriage was a short term marriage of _____ years where both parties worked full time. Prior to _____ she separated on _____ absconding with our son at the time and taking him over _____ miles out of _____ from the marital home to live in _____ without written consent from me. Since we were not yet legal residents of Arizona due to the _____ day residency requirement, and between these periods of time, there was a divorce case filed by me in _____ state that gave temporary custody orders to us here in Arizona because my former spouse was preventing me from seeing our son. At the time of separation, my former spouse also took \$ _____ from our joint bank account. My former spouse withheld my son multiple times from me, even under Court orders. A police report was filed in _____ with the _____ and the police were contacting my former spouse but since the Order was not yet domesticated, they did not arrest her. The divorce case in _____ was later dropped and that is when my former spouse filed for divorce in Arizona within _____

We appeared in family court in Arizona for temporary custody orders on _____ . A major factor for determining custody of children is determining whether or not one of the parties will provide meaningful contact between the child and the other parent. My former spouse clearly did not meet this requirement and evidence was presented in Court on _____ showing a police report and several exhibits of her withholding our son from me. However, my former spouse was given approximately _____ % custody of our son by _____ Rule 2.2 Impartiality and Fairness state that the Judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially. My former spouse was not even sanctioned for withholding my son from me.

My former spouse clearly violated Arizona law, section 2 of Arizona law HB2248 - 431R - I Ver which says the following:

A. A person commits custodial interference if, knowing or having reason to know that he THE PERSON has no legal right to do so, such THE person DOES ONE OF THE FOLLOWING:

1. Knowingly takes, entices or keeps from lawful custody any child who is less than eighteen years of age or incompetent and who is entrusted by authority of law to the custody of another person or institution.
2. BEFORE THE ENTRY OF A COURT ORDER DETERMINING CUSTODIAL RIGHTS, TAKES, ENTICES OR WITHHOLDS ANY CHILD WHO IS UNDER EIGHTEEN YEARS OF AGE FROM THE OTHER PARENT.

rewarded my former spouse's actions by letting my spouse make up a number for spousal maintenance while she was on the stand without any proof of financial documents. The marriage was short term of years where both parties worked full time.

During my testimony, I provided documents of financial proof that my household bills were absorbing all of my take-home after-tax net income. disregarded this evidence and further awarded my spouse with the spousal maintenance of which I cannot afford and have been unable to pay.

In summary, does not exhibit impartiality or fairness in her ruling and shows gender bias in her ruling to impose financial penalties, in the way of spousal maintenance, to me as a law-abiding, male litigant which affect my right to life, liberty, and property. I have done nothing wrong in this case and have followed all of the rules of custody and I am being punished by this Judge with extremely limited child custody and huge financial penalties. I would like to know on what grounds that I am being punished so severely for a state which is mostly favorable to a child custody outcome since new laws of child custody went into effect.