

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-056

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge showed favoritism to an attorney and made improper rulings in a family law case.

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).

Commission member George H. Foster, Jr. did not participate in the consideration of this matter.

Dated: April 5, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer

Executive Director

Copies of this order were distributed to all appropriate persons on April 5, 2017.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2017-056

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.

On _____ I had a child support hearing, No. _____ and there was a dispute about wether or not _____ mailed court ordered documents to me. _____ said he sent them on _____ and I said I never received them, _____ said that I always make that excuss. _____ openly sided with _____ saying that because he was an officer of the court, she would take his word over mine. I later proved that I was right, and that _____ was lying. I motioned the court and asked for a new hearing, which _____ denied, stating that I did not include proof of mailing to the other parties, which I did, as it was on all of the other motions, including the court clerk's copy, as she made sure it was there before she stamped it. When _____ sided with _____ over me because he was an officer of the court, that constituted an unfair hearing. and iudicial misconduct. I have proof that those documents could not have been mailed before

On _____ My daughter, _____ and her husband, _____ filed a PETITION FOR POST-DECREE TEMPORARY/EMERGENCY ORDER WITHOUT NOTICE, which went in front of _____ Their petition never mentioned in loco parentis, nor could they have proved it had they mentioned it. Proving they were in loco parentis was one of two ways they could have got custody of my son _____ They didn't prove it, nor did they try.

The second way they could get custody of my son _____ was through A.R.S. Section 25-409, subsection B. A.R.S. Section 25-409, subsection B, reads as follows: "Notwithstanding subsection A of this section, it is a rebuttable presumption that awarding legal decision-making to a legal parent serves the child's best interest because of the physical, psychological and emotional needs of the child to be reared by a legal parent. A third party may rebutt this presumption only with proof showing by clear and convincing evidence that awarding legal decision-making to a legal parent is not consistent with the child's best interest."

Petitioners initial pleading/petition were nothing more than allegations, that petitioners claimed were my emails, without proof. or evidence that they were mine, nor did they have proof, or evidence of anything they presented to _____ yet _____ granted their petition. The court did not have the proof and clear and convincing evidence it needed for jurisdiction to grant petitioners initial petition. I would like to know if _____ even has an oath of office. If she does, she violates it regularly. What _____ did, was allow _____ and _____ to kidnap my son, and illegally imprison him.