

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-334

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was biased against him, lacked knowledge of the law, and made improper rulings in a family law matter.

The responsibility of the Commission on Judicial Conduct is to impartially determine if a judicial officer 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 a judicial officer's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judicial officer 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 members Gus Aragón and Louis Frank Dominguez did not participate in the consideration of this matter.

Dated: February 20, 2019

Copies of this order were distributed to all appropriate persons on February 20, 2019.

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

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CONFIDENTIAL

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

FOR OFFICE USE ONLY

2018-334

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.

This is the complaint filed against Judge _____ Judge _____ has a pattern of Implicit Bias, poorly written orders, and a continuous display of incompetence of family law. On _____ the Respondent, although having knowledge (and acknowledge the Petitioner as the father of the _____ child) denied the paternity of the Petitioner in order to delay the court. Judge _____ stated that if the Petitioner was indeed the Father ' _____ ' Make up time would be given seeing that the next court date would not be until _____. Also during this order, Judge _____ orally ordered the Respondent to bring the _____ child to _____ and take the test at a facility here. The Respondent to the test at a Lab _____ in _____ instead with no recourse from the court. He had also The test results came back with the Petitioner being the Father. When the Petitioner then asked the court when would this " _____ " take place, Judge _____ stated, after trial. He then wrote in a Parenting plan that was unrealistic to where the Petitioner would have to provide a flight, hotel, and rental car in order to have parenting time, when the Respondent fled to _____ and had thwarted and alienated the child for _____ already, and avoided _____ process services attempts. Although, Family Court Laws are " _____ " the Respondent was in Default, for not turning her response in the allotted time and sharing with the Petitioner. This too, nothing was done, even after filed motions. On several occasions the Respondent was ordered to bring the child and she did not follow orders without consequence.

During this _____ hearing Judge _____ orally made the order that if the Respondent was _____ late, he would " _____ ". The Respondent on the very _____ exchange was _____ late, and nothing was done. Also during this same hearing on _____ Judge _____ ordered that Petitioner Parenting Time be held in _____ the weekend during the _____ Meeting. The orders read that the Petitioner was to return the _____ child each evening at _____ On _____ The Petitioner followed court orders, and the Respondent, after just arriving by car less than _____ before, decides to take the _____ child back to _____ and return the following _____ for the rescheduled _____. The _____ were called by the Petitioner, body camera footage showed the Respondent not to be compliant even with one of the Officers stating "

This contempt and interference of Parenting Time, prompted an emergency hearing on _____ During both the _____ and _____ Hearings the Petitioner brought in _____ evidence stating that _____ The Respondent's brother who is a _____ Offender for forcing minors to Solicit was registered to the Residence. As well as _____ Offenders within _____ of the Residence. In addition the Process Server stating the concern of the mental stability of the aunt, in which the Respondent had mislead the court of all the residents of the home where the _____ child was being held, was watching the _____ child to be in question mental health. Judge _____ asked her about the Aunt (whom did not attend court) and her mental state, and he relied on the Respondent's word only, ignoring the _____ affidavit stating the contrary. Also a report from credible _____ housing websites stated the high crime and sex offender reports, but even after Judge _____ reviewed and admitted all of this information, asked the Respondent, who had already deceived the court if these pieces of _____ evidence was true, and she said no, and he disregarded factual pieces of evidence based on her word.

Finally during this same hearing on _____ the Petitioner made note that the court had made several

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On the Respondent, although having knowledge (and acknowledge the Petitioner as the father of the child) denied the paternity of the Petitioner in order to delay the court. Judge stated that if the Petitioner was indeed the Father " Make up time would be given seeing that the next court date would not be until Also during this order, Judge orally ordered the Respondent to bring the child to and take the test at a facility here. The Respondent to the test at a Lab in instead with no recourse from the court. He had also The test results came back with the Petitioner being the Father. When the Petitioner then asked the court when would this " take place, Judge stated, after trial. He then wrote in a Parenting plan that was unrealistic to where the Petitioner would have to provide a flight, hotel, and rental car in order to have parenting time, when the Respondent fled to and had thwarted and alienated the child for already, and avoided process services attempts.

Although, Family Court Laws are " the Respondent was in Default, for not turning her response in the allotted time and sharing with the Petitioner. This too, nothing was done, even after filed motions. On several occasions the Respondent was ordered to bring the child and she did not follow orders without consequence.

During this hearing Judge orally made the order that if the Respondent was an hour late, he would " ". The Respondent on the very exchange was late, and nothing was done.

Also during this same hearing on Judge ordered that Petitioner Parenting Time be held in the weekend during the Meeting. The orders read that the Petitioner was to return the child each evening at . On The Petitioner followed court orders, and the Respondent, after just arriving by car less than before, decides to take the child back to and return the following for the rescheduled . The were called by the Petitioner, body camera footage showed the Respondent not to be compliant, even with one of the Officers stating " ".

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Respondent, who had already deceived the court if these pieces of evidence was true, and she said no, and he disregarded factual pieces of evidence based on her word.

Finally during this same hearing on the Petitioner made note that the court had made several errors with their written orders, and Judge never put into place Temporary Holiday Orders, up to this point the Petitioner had missed several Holidays with the child. The Petitioner had asked in the previous hearing for the ability to take the back to to see his father and grandfather that were both having life threatening illnesses, and they had never seen the child in person due to the Respondent leaving with child and avoidance. Judge had said in response to this request, "

" The mother was not breast feeding and the father had already had visitation for weekends at this point. Judge asked what could we do to have some resolution for the incident, I stated that I wanted for . His response was is a long time away from the mother, yet he did not think over was a long time from an active father?

Upon meeting to exchange the child the Petitioner had been drinking again, and she is documented by doctors as being a ' and even by her own acclaim in previous conversations with the Petitioner. This a common trait with the Respondents biological mother, who as result of her addiction. Seeing this erratic behavior before turning over the minor to her, sought different officers and Deputies at the and they all stated that I should not release the child to an unhealthy environment. If something were to happen, then the state would even take the child from me. So I filed emergency orders but Judge denied them but never wrote in any order that I had to turn the child over. Knowing that trial was near, I kept the child.

So on during our Trial, Judge found me in contempt of court, and made that his focus before even hearing testimony or seeing evidence. He levied punishment before even hearing or seeing anything. The Petitioner is on record asking, "

" He then changed his verbiage and said yes. During the trial when the Respondent was caught perjuring herself and the respondent presented this contradiction to the court later, Judge stated " ". During Trial evidence was presented of the Respondent cursing and even making statements like, "

" Judge still ruled that she left the state in " " despite what admitted video evidence and her own written evidence stating "I

"....Through out this trial you could see his full display of bias. He made several accusations without any evidence or witnesses, just the testimony of the respondent. For example, video, sheriffs, reports, her own testimony with transcripts presented, contradicted her claim of domestic violence, Judge stated, "

', as well as several other accusations by him. At the end of the case because I was against child support and he was trying to enforce it, but when it turned out that the Respondent owed me child support, he stated " " I

stated my same stance, that I just wanted the Respondent to get the counseling and help she

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needed. He then replied " . Although, I had not done anything to show other for him to make that statement.

So the trial concluded and Judge despite evidence showing that the Respondent did not even show up to the exchange location, punished me and took of parenting time away from me and and . Yet he said was to long to have the child away from the mother. He also was not going to change the child's name to the Father's last name out of his anger. He allowed the mother to decide on most things, despite her proven ability to lie, thwart and party lifestyle.

Both Judge and the Respondent decided that we would commute the child for visitation rather than do every . He also claimed that he could not make the mother return back to the state of although it was the child's home state. He allowed the mother excuses for not returning claiming that she was in school that she had to physically attend , but never requested any information to support this claim.

We had placed in the orders, random drug testing with a to complete. Also, in these orders were the locations were you could test, and no alcohol while in custody of the child, and if any of these things were violated, it would constitute as a positive test, and up to of Supervised visits.

On the Petitioner Requested a Random Drug and Alcohol Test from the Respondent. The Respondent took vs the orders required at a Lab or The respondent took it at a different facility other than what was ordered. A motion was filed by the Petitioner stating the fact that the test was not taken in the time from allowed, which would count as a positive test, and the incorrect facilities, although when she previously defied court orders for the Paternity test, she took it at a Lab in . She claimed that she was in and is an drive to take the test, but she drove to to take the test.... Even the Judge's JA's read the orders as such with supervised parenting time. Judge ignored his orders and did nothing. Once discovering that on that she was allowed to get away with this violation, I ordered another test for her, and she showed up positive with alcohol in her system. I filed notice with the court and was waiting for a response from the court before rendering over the child. Instead, Judge allowed her file a Parenting and Contempt of Court orders on the Petitioner.

At the hearing on for the Contempt and Parenting of parenting time was taking from the Petitioner, despite the Respondent was the one not in compliance. The Petitioner at this hearing immediately tried to enforce Arizona Rule 42.1 due to the lack of faith of Judge being unbiased or fully grasping family law.

During this hearing the Petitioner stated to Judge that the Respondent would mess up again, and she did. On she interfered with court orders of daily Video Chat time with the child. The Respondent went of no contact, when orders state daily. Then the Respondent moved to without ANY notice. Refused to share where she was with the or who was keeping the even after written request via email, text and recorded

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calls. Which also in the order it clearly states written notice when traveling outside of or with child. Also, the only relocation that could take place for the Respondent was in or Contempt of Court orders were filed and a hearing took place

During this hearing the Respondent did not disclosed where she was and had been staying with the child. The respondent had been there for days with the child, accepted a job and everything. She refused to share with Judge where she was staying and he had to ask several times whom she was residing with... She claimed to not know the address to where she was living and Judge did nothing, except allow her days to disclose the address. He also change the travel and moving orders that actually empowered the Respondent and her flight risk behavior with the child.

Basically the Respondent had to turn over the child on their exchange date not knowing for days where the Respondent would be taking the child. In all of the earlier orders, the Respondents ability to be a flight risk has been brought up. Irresponsible decisions like this has placed the Petitioner in a very troubling position. What responsible parent would turn their child over, not knowing where they were going? Especially with the Respondents lifestyle and history of

She also told Judge that she was not going to Video Call This made his assistant say something to her, but shewed his assistant away. Judge did nothing about these actions. He often does not have knowledge of the Laws and Rules, although they are often written in the Motions/Pleadings. His decisions often leave the Petitioner only losing parenting time. He also does not fully read the motions, stating what orders were violated, although it has been written in the motions and notices. The way this hearing was ran, there was not a judgement made on the Contempt of Court. The option for a trial was not given as there was for the Respondent on the hearing. Judge seems to never had control or command of the court when it is regarding the Respondent.

Throughout this process, I have seen Judge make prejudgments about me. I have also seen him mock me. Even when the Petitioner is caught perjuring herself, he has excused it. On many times the Petitioner has expressed concerns about the environment that the child is kept in while in Mother's care, he has discounted these concerns as the father is just being a parent... His latest rulings have made it easier for the Respondent who has proven to be a flight risk, more flexibility to continue this pattern. He still has not even discussed how any of his judgments have been for the Best Interest of the Child involved.

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COMPLAINT ON ITS WEBSITE.**

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COMPLAINT IN THIS MATTER,
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