

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-111

Judge:

Complainant:

ORDER

July 31, 2019

The Complainant alleged a superior court commissioner engaged in improper demeanor and discriminated against her son.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Rules 16(a) and 23(a).

Commission members Diane M. Johnsen and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on July 31, 2019.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2019-111

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 My son (in custody) for violation of probation positive UA for marijuana appeared before Judge
When I informed the judge that my son was approved by a state licensed Medical Marijuana Physician she refused to except that he had a Medical necessity and stated that it was impossible that no minor in her court would be approved for the use of medical marijuana and what kind of parent was I to condone the use of marijuana. I explained I did not condone the use of marijuana but when my son came to me expressing that he had a medical necessity I was not qualified to make this decision so I scheduled him an appointment with a State Licensed evaluator. My son and I agreed ~~we~~ he would have to comply with there decision. He was approved based on his diagnosis of PTSD, Child sexual abuse, ADHD, Combined presentation, and ineffective phsyctic medications. I explained to the judge that he would be administered the THC in drops not by Smoking marijuana. The judge became irate and refused to believe he was approved. When I tried to offer her there bussiness card with there contact information she refused to except it.

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She then proceeded to release my son immediately from probation and designated his charged as a class 6 felony.

I feel my son was discriminated against because of his mental illness something he has no control over. While on probation my son completed Life skills group with _____ and Completed Substance abuse group with _____. He was also receiving individual trauma and family counseling through _____.

• He was able to do this while on The otherwise it would have been impossible due to his social anxiety disorder. I feel Judge _____ put her own personal judgement before the laws of the state of Arizona.

_____ said he was shocked at what had just happened but when I got the copy of the courts recommendation it said he recommended it.

Initial and/or Change in Diagnosis

Client Name:

Date of Birth:

Modified Date:

Modified By:

Mental Health Diagnosis

Code	Description	Specifier
	Malingering	
	Oppositional defiant disorder	
	Posttraumatic stress disorder	
	Child sexual abuse, Confirmed, Initial encounter	
	Attention deficit/hyperactivity disorder, Combined presentation	

COUNTY, STATE OF ARIZONA

Judge:

Commissioner One

Clerk of the Superior Court

By:

Deputy Clerk

Official Record: Transcript of the

Recording System

Hearing Date:

In the Matter of:

MINUTE ENTRY

A person under the age of
: DOB

CASE NO:
Hearing Type:
START:

Petition Date:

Offenses:

This matter comes on properly before the Court and the record reflects the following appearances:

Deputy County Attorney:

S/O:

Probation Officer:

Parent:

Minor:

The Minor states TRUE NAME and DATE OF BIRTH as charged, and a copy of the Petition is provided. The Court advises the Minor of the allegations, constitutional rights and range of possible consequences.

Discussion is held regarding release, a
the Probation recommendation, which is Arizona and

For the reasons stated on the record, IT IS ORDERED entering a denial and appointing the Office to represent the Minor in this matter. A Probation Violation Hearing is set on a.m. before the Honorable A Public Defender Administrative fee of is hereby assessed and the Court reserves jurisdiction to assess additional fees at the conclusion of this matter.

IT IS ORDERED the Probation Violation Hearing previously set for is vacated.

IT IS FURTHER ORDERED dismissing the Petition to Revoke Probation filed without prejudice. The Minor shall be released from unsuccessfully. Probation shall prepare a form of judgement for all the fees. The offense of of the County Attorney Petition which was previously left undesignated shall now be designated a Class Six Felony.

After the hearing, and on the Courts own motion, IT IS FURTHER ORDERED the Minor shall be released to the custody of his Parent today and the Public Defender Administrative Fee assessed today is vacated.

CC:

FILED

COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF
COURT

IN THE MATTER OF:)

Case No

Certification of Mailing

A person under the age of)
of age: DOB:)

I, _____ Clerk of _____ Court of _____ County, State of Arizona, hereby certify
that a true and correct copy of the Recommendation for Release from Probation filed on
_____ and Amended Recommendation for Release from Probation filed on
_____ were mailed/placed in the box of the following parties:

- County Attorney,
- Defense Attorney,
- Probation Officer,
- Assigned Judge,
- Parent/Juvenile
- Finance Specialist

IN WITNESS WHEREOF, I hereunto set my hand and official seal of this _____ day of _____

By: _____

Copies of the foregoing mailed/hand delivered
this _____ day of _____

- County Attorney
- Defense Attorney
- Probation Officer,
- Assigned Judge,

Mailed to the Parent(s) of:

Both are identical why was it amended

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**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**