

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-149

Judge:

Complainant:

ORDER

August 28, 2019

The Complainant alleged a superior court judge improperly denied him temporary custody.

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

Copies of this order were distributed to all appropriate persons on August 28, 2019.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

19-149

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 filed for Temporary Orders to gain custody of my children after learning that on _____ Ms. _____ had plead guilty to Felony Endangerment and a Misdemeanor DUI which was pending from _____ and would be facing jail time and probation. Ms. _____ felt that was not significant enough for me to gain temporary custody of my children so she schedule an Evidentiary Hearing for _____ During the hearing there was plenty of evidence submitted to show that Ms. _____ had committed the crime, that she would be going to jail, and that she had been driving with my children while she had no license from a DUI in _____ which she had never gained her license back or completed her interlock sentence. I also stressed in my paperwork and during the hearing that I felt Ms. _____ had a drug problem and that it was effecting my children. Ms. _____ and her attorney lied about the jail time saying it would be waived and made it seem as if I was unwilling to work with her and that I had blown her convictions out of proportion and was just using that to gain custody of my children. Ms. _____ advised she would make a decision within the next couple of days, she also advised that mediation should have been used and that we should be co parenting for the benefit of the children. The decision was made that since Ms. _____ was not in jail yet and that a max of _____ days was not significant amount of time for me to gain full custody of my children. In the ruling she advised I could have my children for the _____ days unless I didn't want that extra time with them. Ms. _____ also made a ruling that I would have to pay for Ms. _____ attorney fees. It was apparent that Ms. _____ had not read any of the paperwork submitted for evidence which included Ms. _____ plea agreement stating her max would be _____ being waived if she completed a drug treatment program. The plea agreement also states that jail time would not be deferred. In my preliminary statement I requested for findings, facts and conclusions to be provided, Ms. _____ did not provide. On _____ I filed another request for finding facts and conclusions and for Ms. _____ to be removed off my case. Ms. _____ sent info denying my request for clarity into why she felt Ms. _____ should keep her full rights. In the meantime I attempted to work with Ms. _____ We met at my children's school to discuss her pending jail time. We attempted to go over things that would help the children. It was a fight from the start. when asked about the child support she would be receiving while I had the children for the _____ Ms. _____ responded " _____". On _____ Ms. _____ self surrendered at _____ to County Jail and is currently on work furlough and will be there until _____ I am still currently paying child support to Ms. _____ while she is incarcerated and I have my children full time. I feel my rights as a father and a man have been violated, and that the justice system has failed me. I have been struggling to effectively co parent with Ms. _____ for the last _____ years from being attacked in my children's school parking lot by her, to harsh and abusive text messages from her, being unable to make decisions for my children best interest because she constantly wants to argue with me, to having her family stock my house. I was trying to do what I felt was best for my children but made to feel I am in the wrong. I have included the plea agreement, the direct complaint, and her sentencing paperwork.

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OF ARIZONA

COUNTY OF

HONORABLE

THE STATE OF ARIZONA

V.

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SENTENCING ORDER

Supervised Probation

This is the time set for Sentencing hearing held on _____ in the _____ Court
and Defendant

Hearing Start:

Present in the courtroom,

- Defendant
- Public Defender
- State's Attorney

A record of the proceedings is made digitally in lieu of a court reporter.

IT IS THE JUDGMENT of the Court that the Defendant is guilty of the following offense(s):

The Court is suspending imposition or execution of sentence and, under the supervision of the
placing the Defendant on Probation for:

.....

Condition 15: IT IS ORDERED that the Defendant shall pay financial obligations through the Clerk of the Court as directed.

Total	Payment	Begin	Note
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IT IS FURTHER ORDERED that the Defendant shall submit to fingerprint identification processing by the _____ if directed to do so by the _____ The _____ shall direct any Defendant who is placed on probation and who does not already have a State Identification Number (SID) established in this matter be fingerprinted.

IT IS ORDERED dismissing allegation(s) as listed in paragraph _____

**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.**