

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-322

Judge:

Complainant:

ORDER

December 24, 2019

The Complainant alleged a superior court judge made improper rulings in a guardianship matter.

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 Commission Rules 16(a) and 23(a).

Commission members Christopher W. Ames, George H. Foster, Jr. and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 24, 2019.

19-322

STATEMENT OF THE CASE

Dear Honorable Judge, this is an appeal to the _____ from the entire judgment, entered in the legal guardianship case number _____ on _____ in the ward's best interest.

There was no fairness and impartiality and it created an unfair result. The Honorable Judge made errors in his fact finding. The Judge's ruling was unfair because he excluded evidence, admitted exhibits the other part never received. He admitted false accusations against a man's conduct with lack of sufficient evidence to support a finding of guilty. A fear is not a fact. We want the courts, in our country, United States of America, remain respected and reliable forums for justice.

Honorable Judge, I apologize for any mistakes I might entered and for disturbing you but my daughter, _____ is in serious danger. _____ rights and my rights as a human being and as a mother continued to be violated.

_____ is not suitable to continue serving as the guardian for

I trust God, this painful, unfavorable decision will be reconsidered.

In the following pages, I will point out the inconsistencies in the original unjust ruling.

In the best interest of the ward's, sincerely,

STATEMENT OF FACTS

In the best interest of the ward, I will point out the inconsistencies in the original unjust ruling on

1. There was not fairness and impartiality and it created an unfair result. The judge made errors in his fact finding. The judge's ruling was unfair because he excluded evidence, admitted exhibits the other part never received. He admitted false accusations against a man's conduct with lack of sufficient evidence to support a finding of guilty. A fear is not a fact. We want the courts, in our country, United States of America, remain respected and reliable forums for justice.
2. Fraud has been committed by presenting notarized false signatures to the Honorable Judge. Attached notarized signature of a person that was not present at the time of the notarization by

Notary Public in AZ:

claims it is not his signature. His signature attached. He does not speak, write, read

The same Notary, _____ is a close friend of the family of _____ and his wife, _____. They work together in a project called _____ in _____. They appear together in pictures in social media, facebook/instagram. I Included a picture on social media of my daughter _____ with the Notary.

Signatures of _____ (She lives in _____ does not understand _____) and _____ (present in court) are false.

3. The honorable Judge, _____ admitted in the case exhibits that were never given to us. These exhibits were presented at the last minute by _____ including:

Exhibit 1: Not related to the legal guardianship. Objected/unknown
 Exhibit B: _____ envelope containing 2 DVDs. Objected/unknown
 Exhibit C: _____ envelope containing a DVD. Objected/unknown
 Exhibit E: Copies of printouts of facebook photographs. Objected/unknown
 Exhibit F: Copy of _____ talk activity. Objected/unknown

4. The honorable Judge, _____ admitted in the case, an informal new report. He admitted in the case, the false accusations against _____ conduct with lack of sufficient evidence to support a finding of guilty. A fear is not a fact. Mr. _____ is an honorable man, father of _____ girls, _____ of age. He has not criminal records what so ever. He has maintained an excellent. father to daughter relationship with _____ during the last _____ years. _____ calls him Daddy. There has never been

any report against accusations against from in court. denied all

5. The honorable Judge, admitted in the case and part of his ruling say: “
 ” This is incorrect as does
 not have a proven income. He offers volunteer work for If
 he has an income, it is minimal and he is married with a child to support.
 did not present to the Honorable Judge a prove of income or the last
 income taxes. He is in a very unstable, low economic status.

6. Improper exclusion of evidence by the Honorable Judge Report from the
 court-appointed investigator; when initially appointing the guardian in determining what is
 in the ward’s best interest. Per the investigator: “
 ”

” Per the investigator there is no reason to believe that and
 her husband will endanger the ward’s physical, mental or emotional health.

7. Improper exclusion of evidence by the Honorable Judge Report from the
 court-appointed Psychologist; when initially appointing the guardian in determining what
 is in the ward’s best interest. Per Dr. “
 ” “

” Dr. last paragraph mentioned, a caregiver with if needed or any
 fears, during unsupervised hours while staying with her mother and husband.

8. Improper exclusion of evidence by the Honorable Judge Official report and
 conclusion from the investigator and the psychologist: “

” Letter attached.

9. Improper exclusion of evidence by the Honorable Judge “

”

10. Improper exclusion of evidence by the Honorable Judge [redacted] The Honorable Judge excluded [redacted] and [redacted] prove of income. Attached income tax for the last [redacted] Prove of [redacted] excluded.
11. Improper exclusion of evidence by the Honorable Judge [redacted] disobey several court orders to take [redacted] to implement an immediate psychological evaluation ordered by a Judge. He waited until [redacted] to the hearing. He prepared [redacted] to say what he wanted. This disobedience was reported to the judge and he excluded it.
12. Improper exclusion of evidence by the Honorable Judge [redacted] several violent, aggressive behaviors in front of [redacted] and [redacted] physically attacking and abusing their mother, [redacted] charging with video recording of the violent actions.
13. It clearly appears from the following facts, that immediate and irreparable injury, loss or damage likely will result if not action is taken to protect the ward. [redacted] safety is in danger: Per Psychologist report “
- ”
- [redacted] has failed and neglected to provide training to the dog and safety devices/education to [redacted] prior to exposing her to danger at [redacted] outside on her own. He is sending her to work without wearing her [redacted] for her blind and her sight dog.
- [redacted] has been removed from schools and voluntary programs due to been found in [redacted] allowing [redacted] She does not understand the risk of rape and pregnancy. Per Dr. [redacted] report, her cognitive functioning is at the level of a girl.
- [redacted] owns different accounts under different names on face book and Instagram. She posts inappropriate pictures of her and her [redacted] She is unsupervised.
- After the judge’s ruling, per social media on face book, instagram, you tube; [redacted] left to [redacted] with the [redacted] company, for [redacted] months, leaving unsupervised in his house. Additionally, [redacted] is left alone at home taking care of her niece and they are both in serious danger.
14. At the time of appointment and as per the Arizona law, [redacted] did not meet certain standards including completed training covering information about looking after another person provided by the [redacted] Court.
15. The appointed guardian refuses to follow the court order. He is not correctly performing his duties under the agreement. He exercises too much control over the ward. The appointed guardian, [redacted] deny visitation, contact and any type of

communication between [redacted] her mother and husband. As [redacted] biological mother, she maintains her parental rights; her rights are not terminated by the guardianship. Attached pictures of regular texting and calls to the ward by [redacted] Read texts with no response. Very unusual for the ward.

The Arizona Revised Statutes revised sections from the 54th Legislature, 1st Regular Session, states: 14-5316. Maintaining ward's relationships; contact orders; definitions: "A guardian shall encourage and allow contact between the ward and other persons who have a significant relationship with the ward." "A person who has a significant relationship to the ward may petition the court for an order compelling the guardian to allow the person to have contact with the ward. The person has the burden of proving that the person has a significant relationship with the ward and that the requested contact is in the ward's best interest."

16. The honorable Judge, [redacted] allowed in his courtroom leading questions to [redacted] by [redacted] He also, allowed questions and confrontations non-related to the legal guardianship but questions that dishonored [redacted] the mother of the ward, in her presence.
17. The honorable Judge, [redacted] did not order communication between the ward and her parents. Parents have not been able to see and spend time with [redacted] since [redacted] and more so, after the ruling.
18. [redacted] provided false information to the Judge. She does not live in [redacted] She lives in [redacted]
19. [redacted] ineffective assistance of counsel. Her attorney, [redacted] sustained long conversations and shared [redacted] case information with [redacted] Her attorney focused on sexual comments in court in front of [redacted] and she did object at all times when [redacted] mother tried to respond to those questions in the presence of the judge. She recommended for [redacted] to be the guardian for [redacted] without knowing him, [redacted] or her mother. The attorney [redacted] was knowledgeable that all the presented exhibits by [redacted] in court, were not provided to [redacted] mother.
20. [redacted] has never lived with [redacted] and is family. She stayed with them for short periods of time while her mother was at working. [redacted] and his wife were paid for their rent, all the house expenses and their child's school; as a payment for taking care of [redacted] during those days.

21. Family pictures

**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.**