

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-178

Judge:

Complainant:

ORDER

January 27, 2021

The Complainant alleged a pro tem superior court judge (now retired) violated Rules 1.2, 1.3, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.11, 2.12, 2.15, 2.16, and 3.3 of the Code of Judicial Conduct.

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 Denise K. Aguilar and Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on January 27, 2021.

Complaint against Judge _____ County Superior Court

I am quite unsure exactly how to do or word this, and given the circumstances involving this judge and my case, I am intimidated doing this, but I hope this will stop another person, family or child from experiencing what Myself and my son have been through due to this judges actions and conduct. I have been told and agree by other legal professionals to not have been given a fair chance and that this judge should be reported. So I'm going to make my best attempt at helping to have a better, more honest court system in place lacking the things that have happened in my case for all too long.

Judge _____' conduct through out both my divorce case and Child Custody has been dishonorable at best and to my knowledge and advisement of multiple legal advisors and attorneys that heard the hearing that took place _____, and reviewed multiple consecutive orders made by this judge in this case, that I should with out a doubt report his conduct and actions in this case. His conduct could and also should be criminal and bias at the very medium, along with his judgments that followed his Ruling. _____ and his brother _____) were criminal clients to Judge _____ as he represented them in a criminal case in _____ County for conspiracy to commit murder, in a drive by shooting they committed together prior to Judge _____ switched court appointed counsel during these times, which appointed Judge _____ (_____) to both parties till much later in the hearings and _____ had to accept another attorney for sentencing. Judge _____ represented the individuals against whom was at the time, _____, and now _____. During that time, attorney _____ became quite close with the _____, often being seen to have _____ on numerous occasions over the years. They often bragged to _____ about their meetings with the judge prior to his _____ and being place as the judge on the divorce and custody proceedings.

Once Judge _____ took the family law case ,he vacated the minimum child support owed to the mother, failed to hold father in contempt for avoiding paying that minimum as County attorney For child support division _____ attempted to gain appropriate funds from him. _____ was heard making statements such as," _____ ". _____ " and " _____ " in regards to being paid to attend school, the monthly funds he received, and his work pay. Judge _____ implemented instead an order for both parents to share costs 50/50. One in Which Judge _____ has only upheld in regards to the mother alleviating the father of his financial obligations and failing to hold him in contempt for violating this order repeatedly for several years.

Judge _____ failed to make fair decisions, leaving the respondent responsible for majority of debts, alleviating the petitioner of his financial responsibility to the child, and denying the respondent her right to half the financial gained assets during their marriage and her half of the petitioners retirement gained.

Judge _____ has repeatedly allowed _____ to use and abuse the court system in _____ County.

his counsel. This case was once again heard by Judge . The hearing was set expedited in order to ensure I would not have counsel present. When I requested the hearing be postponed so that I may have representation/ counsel present i was denied. (please also refer to review hearing held somewhere in early) I had less than to prepare for this hearing, with no representation, true to Judge form in this case in effort to assist his previous client and for a favorable outcome. Repeatedly in this case, Judge waited till late the evening prior to my hearings, or even so much as prior to a hearing to release my counsel from my representation in said hearings, to ensure that i be forced to represent myself. During the finalizations of my divorce, Judge , Denied me my rightful part of my ex-husbands retirement, vacated his child support (in which he refused to pay and admitted to such on record) did not hold him in contempt for not following orders, also allowed to keep a vehicle i purchased on my own after our seperation, did not order him to pay me my portion of its value, and ordered me to be responsible for debts incurred . Judge intentionally set up for financial success, and intentionally set me up for financial failure, repeatedly over looking criminal actions often saying, "

". This statement was also made as recent in the hearing. While Judge in his order based on this hearing statements conclude that he was still not allowing the mother (myself) financial obligated child support due to her as the judge claimed her to be a " and "

It should also be mentioned that Judge during the commencement of the hearing on Judge can be heard asking the petitioner, " ?" referring to the respondent. Respondent believes the judges reasoning for asking this was to ensure she has been financially abused by the petitioner enough to not be able to afford to an appellate attorney to take the actions or file the actions that would be necessary to correct the judges next steps in the case.

The case number attached to Judge order to make it appear as fact, was know to him to be false and " " in any court system. The Mother (myself) has not has ever been charged with any crime in County, nor has she ever been on Diversion program in County. The Case number in which the judge included intentionally to cover up his false statements to make them appear as a genuine basis for his decision in the court order regarding child support and parenting time and custody change, was actually the case number in which the defendant, was a conservator of the minor child subject to this custody hearing, for an automobile accident settlement in which mother and child were in several years prior.

Judge knew this to be the case as Plaintiff and Defendant had filed evidence in this case regarding this case number governed by county.

Judge also during the hearing can and will be heard accusing mother of " " when denying any criminal actions involving law enforcement friends falsely arresting her in earlier , through the say so of of the which Testified on to her husband being his source of her arrest with in minutes of it taking place. Defendant provided the court with Attorney

information to confirm what had happened. Judge [redacted] told accused her of perjury, in open court on the record with no basis, nor any evidence besides opposing counsel and plaintiffs say so. Defendant included in Closing arguments proof of dismissed charges as she claimed in that hearing proving her innocence. Judge [redacted] Ruled to throw the damning evidence out of the case. (copy of the closing arguments and evidence submitted to Judge [redacted] office is enclosed by mail, with the notion that the case will undoubtedly be missing key factors).

It should also be mentioned that, in earlier hearings on or about [redacted] before Judge [redacted] the respondent was force or coerced to agree to term in front of this judge by judge [redacted] on record with representation [redacted] from [redacted] present. When the Judge asked Respondent if agreed to the settlement on record, the respondent made it known that she did not and made it very clear on record why she didn't. The judge told her that it really didn't matter if she did this is what he was ordering and asked her again if she agreed, the respondent still said she didn't like that she was being forced to agree to something that she clearly I didn't. the judge continued and forcibly made her agree.

Further more, Judge [redacted], order in [redacted], made the unjustified statement that the Mother was found to be and "[redacted]". Judge [redacted] justified this Statement by making the following claims, ones in which he KNEW with out a doubt to be false before making them.

Factors defining mother to be unfit in written orders made by Judge [redacted] :

1. Child wasn't in school as ordered
 - a. Judge [redacted] had the childs school enrollment record entered in to evidence and thought it out of the defendants side. He also had admitted into evidence on the plaintiffs side, the childs grades and attendance.
2. The child was attending court ordered counseling in which the Mother/ Defendant fought to have ordered
 - a. Judge [redacted] had in his possession specifically, letters from the child's metal health professional [redacted] at [redacted], advising him of her findings and ongoing efforts and success's with the minor child, as well as treatment plans and recommendations. She also included mother and childs willingness to cooperate. [redacted] own testimony before Judge [redacted] was he was not, nor had he even been in contact with her to even see how the child was doing. Same testimony had been heard repeatedly by [redacted]. The written evidence and testimony surrounding was entered into evidence prior to this order, given directly to and in front of Judge [redacted] He had first hand documented knowledge that this claim was undeniably false at the time he wrote it.
3. Mother was a criminal or engaging in Criminal behaviors and was on diversion in [redacted] for criminal acts, also in which he was denying her claim and request for child support in which had denied her for [redacted], while [redacted] concurred during his testimony on [redacted] stating he had not provided his 50 % of all costs in relation to the child as ordered claiming he had hard times admitting mother/defendant also provided the child necessities when he was in fathers care such as grocery shopping, clothing and admitting told the child to

ask his mother if he needed anything. Furthermore testimony goes on to say “
” when asked if he had made any attempt to reimburse mother of or any cost even
related to his other child in his home for what mother provided. also goes on to
admit that though he had just claimed to have gone through hard times and was unable to
provide for the children, he took monthly extravagant vacations out of state some times twice
monthly for months with girlfriends and lovers often attending expensive shows and eatery’s
and hotels while leaving the children unattended home alone with no other choice but to ask
mother for food and necessities. This testimony was given on , in front of Judge
prior to this written ruling. As addressed above, this statement by judge was
followed by list immediately behind it that the court notices that mother filed for child support
and denied it based on claiming she was on Diversion Program in county listing a “ ”
in which county was the governing agency for the mother over the child
conservatorship, not diversion program nor criminal charging. As stated above, the judge had
knowledge of this not only by defendants evidence submitted and thrown out by the judge, but
also proof in evidence submitted by the petitioner.

Judge also heard testimony given by Petitioner in in which
failed to abide by the judges verbal order set forward to “ ” to stop
interfering with her life. There was no need for contact aside from text or email. admitted
to not abiding by this order and causing the very act he complained about in his petitions set before the
same judge whom created the order. Judge failed to reprimand the petitioner, yet again, but also
failed to put any orders in place to further protect the defendant, as his it was his Sworn duty to keep
both parties safe of harm from each other and any other entity or instrument by either party.

Testimony at this part of the hearing confirms he was unafraid of the possibility of the judge
punishing him while admitting to not abiding by his orders to further go on to chuckle while stating
confidently, “ ”.

During the same cross examination, respondent questioned the plaintiff during his testimony about
threat he made towards her and their common child regarding his personal relationship to
the judge. He was questioned about sending several emails in the last year as well as texts and phone
calls advising the respondent to reconsider taking the petitioner back to court, because she was
forgetting who judge liked or was friends with” and “ ”. Suddenly during
testimony, couldn’t remember if he had. Cross examination continued on this topic asking
to access his email. Or if he could not access his email or texts to follow along with the
threats made by him, eventually admitting to threatening both mother and child stating the judge would
never enter a decision that did not benefit him”; did not deny this. Judge not only did
not Recuse himself, but he said nothing. Judge did not Correct the claims of , nor deny
them. He also made no point on record to clarify his relationship with the petitioner outside the court
room.

During the hearing, judge also breaks out in laughter mocking and making fun of petitioner to the courts clerk whom was sitting right next to him, in order to break the petitioners concentration, and also allowed opposing counsel to make fun of the petitioner laughing and breaking any respectable court room on goings. Judge allowed his court room to be turned into a vometry hour at the attempts of the respondent to fight diligently for herself and child alone as judge denied her counsel for the hearing.

During several Hearings, Judge though through objection of respondent and her counsel when present, allowed Petitioners Counsel to act as though and make references regarding mental health with no degree, or specialization in such matters, against qualified professionals recommendations. IE, of in

He also assisted in continuing to involve himself with the minor child during a child abuse investigation in efforts of ensuring couldn't be charged.

, also testified to being the only party involved in the case to being diagnosed with a serious mental illness and not addressing it.

The child reported to police on his own regard as well as the division of child safety, occurrences that happened and took place in his fathers care.

Several in which the child claimed to be abused and witness abuse of his siblings both mentally and physically.

Judge also without reasoning biasly denied respondents request for the child to be desginted an impartial guardian ad litem; persons whom have reviewed this hearing agree that he did not want an outside impartial person appointed because h would not be able to continue with the bias decision making as he done previously up until this point.

Once denied, mother asked for an impartial home case study because ethe judge wouldn't allow her impartial witness present in the hearing, (whom initiated policed report and report when the minor child wrist was broken in a physical altercation with father in) and had been present in both parents homes, and was physically present of behalf of the minor child impartial to either parent, was denied her testimony by judge direction to the respondent to “ ”.

Judge has violated the following through this case and in some instance repetively violated the following rules and codes of Judicial Conduct in Arizona, as set fourth by the Supreme Court:

CANON 1:

A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY, AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.

**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.**