

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 20-296

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Judges:

Complainant:

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**ORDER**

January 13, 2021

The Complainant alleged that two superior court judges issued and enforced invalid orders in a family court case.

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 Michael J. Brown, Louis Frank Dominguez and Joseph C. Kreamer and did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on January 13, 2021.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2020-296

**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.

Judge \_\_\_\_\_ issued a no contact order on \_\_\_\_\_ (attached) between my minor son, \_\_\_\_\_ (DOB \_\_\_\_\_), and I. However, the order was not signed or dated by Judge \_\_\_\_\_ or any other judge or commissioner and therefore, the order is invalid and has been illegally enforced since its inception by \_\_\_\_\_ and now Judge \_\_\_\_\_ its unlawful enforcement kept me from having any contact with my son since he was taken on \_\_\_\_\_. It has also resulted in me being in me being illegally charged with multiple counts of criminal contempt and put in jail for \_\_\_\_\_ ( \_\_\_\_\_ ) for allegedly violating this invalid and unenforceable order.

SUPERIOR COURT OF ARIZONA  
COUNTY

HONORABLE

CLERK OF THE COURT

IN THE MATTER OF

AND

**MINUTE ENTRY**

Courtroom

Prior to the commencement of today's proceedings, Intervenor's exhibits 1 through 79 and the State's exhibits 80 through 92 are marked for identification. Prior to today's Hearing, the Court met with counsel informally in chambers, outside the presence of the clerk.

This is the time set for Contempt Hearing regarding Intervenor's  
Emergency Order to Show Cause Re: Contempt. The State of Arizona is represented by  
. Defendant, is present, represented by Defense attorney,  
Respondent/Father, is present on his own behalf.  
Intervenors, and ( are present with counsel, Best  
Interests Attorney, is present in the courtroom.

SUPERIOR COURT OF ARIZONA  
COUNTY

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

Discussion is held regarding the status of the case.

is sworn.

**THE COURT FINDS** Defendant knowingly, intelligently, and voluntarily admits to the following allegations of Criminal Contempt:

1. On Defendant directly emailed
2. On Defendant left voice messages on phone.
3. On Defendant called several times.
4. On Defendant dropped off a birthday present and letter at school.
5. On Defendant left a voicemail.
6. On Defendant posted on about “
7. On Defendant posted on about the Intervenors.
8. On Defendant posted on about the Intervenors.

**LET THE RECORD REFLECT** Defendant further admits to being aware all allegations were prohibited by Court Order issued on entered (filed)

**LET THE RECORD REFLECT** all parties are satisfied with Defendant’s admissions to the Court.

**IT IS ORDERED** finding the Defendant guilty of Criminal Contempt of the Court order issued on entered (filed) pursuant to ARCP 33.1.

**IT IS FURTHER ORDERED** sentencing the Defendant to be incarcerated in the county jail for (FLAT), with credit for zero days served. The jail time shall be deferred if Defendant remains in compliance with the Court Order issued on entered (filed)

The State’s exhibits 80 through 92 are received in evidence.

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<sup>1</sup> To correct the record, the Court was mistaken at the Hearing. While is guilty of criminal contempt, this matter is not reflected as a criminal conviction on record.

SUPERIOR COURT OF ARIZONA  
COUNTY

**IT IS FURTHER ORDERED** affirming the Court's prior Orders dated and entered (filed) . providing a pathway back for Mother to have her supervised parenting time restored by completing **all** of the following:

- 1) Provides proof that she has completed a full psychological evaluation with a licensed M.D. or Ph.D. Mother must provide copies of 1) Intervenor's Petition for Third Party Rights, 2) Mother's mental health records as provided in the exhibits; 3) The Court's temporary orders from ; 4) The Best Interest Attorney's Position Statement and the Under Advisement Ruling from this hearing to the M.D. or Ph.D. and the M.D. or Ph.D. must reference that he or she has reviewed all of the listed documents in preparation for the evaluation **and**
- 2) Submit to a hair follicle test **and**
- 3) Submit to three (3) months, which is defined as 12 consecutive weeks, of twice weekly, random drug testing through Any missed, positive or diluted tests will cause the three (3) months, meaning the 12 consecutive weeks, to be repeated.

and *all other* Orders contained therein.

**IT IS FURTHER ORDERED** Defendant must appear for a hair follicle test at a location of as indicated on the Referral Form, and that the results of that assessment shall be provided to the Court. Based on the assessment, the Court will determine if additional follow-up programs are necessary to ensure that the best interests of the child are served.

**IT IS FURTHER ORDERED** that prior to the hair follicle test Defendant shall not cut, dye or chemically treat her hair in any way on any part of her body that might alter the test results.

**IT IS FURTHER ORDERED** Defendant shall report to Inc. and present a photo I.D. at the time of testing, along with any prescription medications currently being taken.

**IT IS FURTHER ORDERED** Defendant shall be responsible for and pay all costs associated with the hair follicle test in CASH, MONEY ORDER, or CASHIER'S CHECK.

**ISSUED:** Court Ordered Substance Abuse Testing Referral and Release Form

SUPERIOR COURT OF ARIZONA  
COUNTY

**IT IS FURTHER ORDERED** directing Defendant to immediately remove the page titled “[ ]” and any subpages.

**TELEPHONIC STATUS CONFERENCE SET**

**IT IS ORDERED** setting a **Telephonic Status Conference** regarding the status of the Defendant’s deferred jail time for [ ] (time allotted: 30 minutes).

**NOTE:** The **Best Interests Attorney** is to initiate the telephonic conference by first arranging the presence of all other counsel or self-represented parties on the conference call and by calling this Division ( [ ] ) promptly at the scheduled time.

There being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of the Court,

**IT IS ORDERED** that the Clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked, or to their written designee. Counsel/party or written designee shall have the right to re-file relevant exhibits as needed in support of any appeal. Re-filed exhibits must be accompanied by a Notice of Re-filing Exhibits and presented to the Exhibits Room of the Clerk's Office. The Court's exhibit tag must remain intact on all re-filed exhibits.

**IT IS FURTHER ORDERED** that counsel/party or written designee take immediate possession of all exhibits referenced above.

**ISSUED:** Exhibit Release Form

Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at:

**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  
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THE COMMISSION CASE  
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**ISSUED:** Court Ordered Substance Abuse Testing Referral and Release Form

SUPERIOR COURT OF ARIZONA  
COUNTY

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