

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-298

Judge:

Complainant:

ORDER

January 13, 2021

The Complainant alleged a justice of the peace was irrational and failed to allow him to present evidence.

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 member Louis Frank Dominguez 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

2020-298

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 the date of _____ I appeared before Judge _____ to petition a order of protection against my ex-wife and the mother of my children, _____ I proceeded to state my case regarding the safety of my children in the care of their mother. I advised the judge that in multiple occasions my children were in possession of fire arms and exposed to dangerous environments that could result in physical harm. I attempted to provide a video and photos of the incidents in question however the judge refused to review any evidence. The video evidence that I attempted to present shows one of my children in possession of a fire arm two days prior to the first hearing. At this time, the judge made a statement that the gun in question was 'toy' and it was not harmful to my child. The judge had no witnesses, had not reviewed the video or any other type of evidence to be able to officially determine it was a toy. The video was not reviewed by anyone in the court or any expert witness to determine it was not a real fire arm. I also attempted to provide a second video that also took place _____ prior to the hearing. The second video shows my three children in a vehicle, moving at high speeds on the freeway without any booster, car seats and moving about the vehicle with no restraints. At this time, the judge also refused to view that video evidence and determined that any information I provided would be contested by the defendant either way. For a period of time I provided multiple dates and incidents in which my children had been in harms way with physical evidence, the judge solely added this information to the comments and granted my protection order.

On the date of _____ the defendant _____ appeared in court with two witnesses. These witnesses consisted of her current boyfriend, _____ and his sister. The hearing was primarily to discuss the weapon in question and to explain why the children where not in car seats as needed. The judge allowed two irrelevant individuals to state the weapon was a "toy" when in fact the weapon is an _____. This weapon can be loaded, it can cause harm or death and should not be used by any child even under the supervision of an adult.

The gun was not brought to the hearing only a video that was viewed by the judge on a laptop. The judge allowed the defendant to show a video as I had tried before and the judge was more than willing to watch _____ video and make a decision based on no physical evidence or research. The information provided by the defendant had no basis, there were no dates of when the video was taken, and it was not confirmed it was the same weapon in the previous video. The witnesses who testified the gun was a 'toy' were irrelevant to my protection order request. I had never met these individuals in person nor was I notified that witnesses were allowed to appear on the defendants behalf. These witnesses were able to give their testimony on a matter that did not involve them or my children. The judge also allowed the defendant to make a personal choice to use car seats when it is required by the law. The judge stated on record that individuals can make a personal choices to use car seats. The judge made his decision with no basis, determined that the defendants actions did not put my children's lives in danger at any point in time. The judge's demeanor was completely irrational and allowed the defendant to pick up my children once again with no car seats.

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I believe that my testimony was not taken into consideration. I was not heard and I was made to feel that I was the aggressor. The judge gave me the title of " " because he believed that I wanted to control her parenting when in all reality I want the protection and safety of my children. I was made to feel that my word and opinion did not matter and that her actions were excusable as she was given the benefit of the doubt once again.

I am completely disgusted and appalled that in the court of law a judge would allow any individual the personal choice to put a child in a car seat. My children are all under _____ and in the front seat at high speeds on the freeway. I am holding the judge personally responsible if my children were to be injured in a car accident and furthermore killed since their mother was allowed to make a personal choice by the judge. I request that both court hearings be reviewed by the Commission. I am pleading to the courts and to the judge that the safety of my children is in stake and Judge took the word of the defendant, two irrelevant witnesses that were not part of the protection order nor experts in the matter of weapons. The judge released my children to the defendant and stated the gun was a 'toy' and that the car seats were to be her own decision and personal choice to use. I have also obtained both hearings from the court as evidence that the judge did not use his knowledge or best judgment with the information provided. The judge did not use the evidence but the word of the defendant and both individuals who testified to make a decision on my kids lives. I am pursuing legal council to review both hearings in question. I am fighting for my kid's lives until someone finally listens and uses their better judgment other than their personal opinion about their mother _____ who has always neglected my children and failed to provide a stable environment. I understand the court proceedings and I am aware that this is not family court however I was referred to this _____ by the _____ as it was an emergency to get this protection order granted. I will be continuing to fight for my children in hopes that their mother is one day held accountable for her actions.