

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-338

Judge:

Complainant:

ORDER

February 24, 2021

The Complainant alleged a superior court commissioner racially discriminated against her.

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 Denise K. Aguilar did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 24, 2021.

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

FOR OFFICE USE ONLY

2020-338

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.

See Attached

In [redacted] I [redacted] and [redacted] appeared in Judge [redacted] court [redacted] before the Honorable Judge [redacted] out of [redacted]. As soon as we arrived in division I and sat down, we were approached by a man that introduced himself as Judge [redacted] assistant. By this time [redacted] had walked into the court room and sat on the opposite side. The assistant of Judge [redacted] said to us, ([redacted]), I am here to advise you all that the Judge does not tolerate eye rolling, headed bobbing, and arms folded. We then looked at each other with a look of disappointment; I am saying to myself here we go. The assistant then turned to [redacted] who was on the right side of us and ask him are you here for this court hearing [redacted] stated yes, and then the assistant said to [redacted] Welcome. Then the assistant said to us children cannot be present in the court room so we took [redacted] out and she sat in the lobby. This was a first sign of discrimination by [redacted]. Second sign of discrimination by [redacted] was when in this hearing it was proven that [redacted] had not done anything to her [redacted] to cause his death, he still did not give [redacted] her Son [redacted] back nor did he allow her to have visits. [redacted] was not complying with the court order but it was never address by the Judge He allowed [redacted] to continue this behavior for over [redacted] before giving [redacted] at [redacted] a day supervise visits with her child along with myself. I had file an order for grandparents rights this order was never address in court Judge [redacted] seem to think my grandparent's rights were not important, I then knew we were being racial discriminated against by this Judge. My family was not even allowed to testify of our character in the court room, he did not want to hear from us. All the court appearance or telephonic appearance [redacted] Whom is White, he and his family seem too been shown favoritism by Judge [redacted] is a [redacted], and then was stopped and [redacted] and still seems to have been given temporary Custody of my grandson [redacted]. We had gathered information given to our attorney [redacted] submitted as evidence still we are not good enough to keep my grandson overnight and I only get him [redacted] for [redacted] has no visitation at this time. On [redacted] my sister [redacted] was notified by DCS stating for us to be on standby to get [redacted] because his father [redacted] had been accused of [redacted] I was [redacted]

in the hospital and was being released on _____ Days went by we never heard anymore from DCS, _____ and I went over to _____ and file a motion to get custody of _____ son. This was on _____ At _____ and I were instructed by our attorney to call in the court in _____ to Judge _____ office. We called and had told the Judge what was told to us by DCS. (I have a recording of the hearing). After Judge _____ heard the case, he would not give _____ temporary custody due to her not doing her random drug test, so he the Judge ask me if I would take temporary custody of my grandson _____ I stated absolutely yes. _____ has been with his dad temporally for _____ Judge _____ gave me temporary custody until _____ We had advised the Judge that we were told that DCS had removed all children from the home and given them to the Parents of _____ and _____ . We were also told by DCS that the kids were in _____ with the _____ . The temp Order would not be ready until the next day _____ of _____ because it was already _____ and the Judge was going home. We did advise the judge that _____ might be in _____ . I called _____ and advised him that I had temp custody of _____ and I would pick him up on _____ . He told me that he did not know when his parents were coming back. I then notified the police and state trooper in _____ parents did not return _____ to me even with a court order _____ after the order was served. They are white so they can get away with this. On _____ we had a telephonic court hearing on these orders with Judge _____ and His Attorney _____ were present on the phone also. DCS was subpoena by _____ and she testified about the charges and what she had told us. Now we knew nothing about _____ being accused until we received the phone call from DCS. _____ fountain DCS worker under oath said to the Judge she did not remember calling us and he believed her. (Have a copy of this hearing as well). After getting my grandson I took him to the doctor he had not been in _____ . He had _____ that he needed to take and the doctor referred him to the eye doctor they gave him an eye test and something is wrong with one of his eyes. The doctor stated to me that this is not normal to not take children to their well child checkup. I then called the dentist. _____ had all of his teeth pulled out in _____ and had not been back since. During the hearing I testified to this with all my documents. The Judge told me that I did not have no rights taking _____ to all these. I had also stated that I did not call the DCS hotline. While my grandson was in my custody he advised me that his dad leaves him

alone with his _____ while he goes to take the step daughter to school. Then my grandson advises me that he is afraid of the dark and he gets up at night and turn on the lights in the kitchen and waits for his dad to come out of his room. _____ then told me that his dad _____ Duck tapes him to his bed so he won't get out he said the tape is red. I then ask my grandson can you breathe when he does that he said no, but I wiggle my way out and he showed me how he gets out. My grandson then advised me that _____ his step sister and _____ sister calls him _____ stated to me he was tired of them being mean to him. I then called the Police department and made a report. The _____ department called the DCS hotline. So while on this hearing on the _____ attorneys kept accusing me of calling the hot line. I then interrupted him and stated I have never called the hotline. Being black and saying this it was already _____ against me with the Judge. _____ interrupted several times, but the Judge said ok thank you _____ but when I spoke out one time I was told to be quiet. After a _____ court hearing the Judge stated to _____ do you think your parents would want temporary custody of _____ until the next court hearing on _____ The Judge told me that I lied to him and did not tell him I was in the hospital with _____, although I had already been cleared, then he said to me you interrupted in court, and then you have no right taking _____ to the doctor. I am taking him away from you and giving him to the _____ He did not hear nor ask for all the evidence we had. He just sided with the _____ I feel that I have been discriminated against as a matter of fact my entire family has. _____ is being abused and this judge does not care. I requested that they put him in foster care, take him to counseling and the Judge never ask for any of this. I also ask for an attorney for my grandson, Judge never spoke on this. At the conclusion of the hearing he advises _____ if she wanted to visit with _____ on her _____ she need to go to the _____ house. Now these people are very racists and don't like people of color even when _____ was married to _____ she was not allowed to go to their home and they were always using the word _____ declined going to their home. I told them I did not need supervision and I would not go near their home. Court was adjourned. I am officially filing a discrimination against Judge _____