

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-124

Judge:

Complainant:

ORDER

November 23, 2022

The Complainant alleged a superior court commission did not conduct a hearing as required by law.

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 Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on November 23, 2022.

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

2022-124

Name: _____ Judge's Name: _____

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COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: _____

(J). A person who furnishes a report, information or records required or authorized under this section, or a person who participates in a judicial or administrative proceeding or investigation resulting from a report, information or records required or authorized under this section, is immune from any civil or criminal liability by reason of that action unless the person acted with malice or unless the person has been charged with or is the suspected of abusing or neglecting the child or children in question.

(K). Except for the attorney-client privilege or the privilege under subsection **(L)** of this section, No privilege applies to any:

(1). Civil or criminal litigation or administrative proceeding in which a minor's neglect, dependency, Abuse, child abuse, physical injury, or abandonment is an issue.

(2). Judicial or administrative proceeding resulting from a report, information, or records submitted pursuant to this section.

(O). A person who violates this section is guilty of a class 1 misdemeanor, except if the failure to report involves a reportable offense, the person is guilty of a class 6 felony.

Facts and Procedural Background

Commissioner :

Commissioner _____ witness in the case
(_____) granted the respondent Fraudulent Emergency Custody
Request submitted on (_____) filed and constructed by the Respondent
Attorney Judge Pro-Tempore Attorney _____ in bad faith, Family
Court Case (_____). The respondent with knowledge of the false
statements within the request approved the fraudulent emergency motion to be
filed. (_____ hrs after Commissioner _____ Granted the emergency custody
request) Multiple _____ Officers executed the Order on _____ night
(_____) @ _____ Mr. _____ was deprived of a hearing within
_____ days, as stated in:

17B A.R.S. Rules Fam.Law Proc., Rule 48 Temporary Orders Without Notice (d), (e). (d) Hearing. An evidentiary hearing must be set on the motion not later than _____ days after the order's entry unless the court extends the time for good cause.-

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The nonmoving party may request an earlier evidentiary hearing with reasonable notice as the court directs. P.D. did not provide Mr. _____ with a copy of the Granted Emergency Request.

(e) Service. The order and notice of the evidentiary hearing must be served as soon as possible after the order's entry or as the court directs.

Commissioner

Case # (

Comm. _____ initiated the fraudulent request on (_____) granting the respondent sole custody and decision making suspending Mr. _____ parental rights. (_____) Comm. _____ supported the misconduct of the respondent by granting the respondent an order of protection submitted in bad faith to justify her misconduct. Mr. _____ submitted multiple documents revealing NO Domestic Violence between the parties. Documents where omission by Comm. _____

THE COURT FINDS *by a preponderance of the evidence that there is reasonable cause to believe that Defendant has committed an act of domestic violence within the last year.* The documents revealed the ongoing crime of Child Abuse; the Victim of Domestic Violence is only a diversion used by the perpetrator to hinder further the Chronic Physical / Sexual Abuse of a Minor Child.

Commissioner _____ granted the order of Protection (_____) supporting the misconduct and further depriving the father (Mr. _____) of his parental rights.

The Judicial officers violated the following judicial rules of conduct Pursuant to:

**A.R.S. Sup.Ct.Rules, Rule 81, Code of Jud.Conduct,
Rule 2.11. Disqualification:**

(1). The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.

(6). The judge:

(c). was a material witness concerning the matter; or

(d). previously presided as a judge over the matter in another court.

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Judge :

Vexatious Litigant (father) Mr. _____ was labeled by Judicial Officer _____ to deprive further the father of the 14 amendments to the U.S. Constitution a fundamental right. Pursuant to **A.R.S. 1-601. Parents' rights (B)**. This state, any political subdivision of this state or any other governmental entity shall not infringe on these rights without demonstrating that the compelling governmental interest, as applied to the child involved, is of the highest order, is narrowly tailored, and is not otherwise served by a less restrictive means.

"THE COURT FURTHER FINDS *that a child may be the victim of child abuse or neglect as defined in A.R.S. § 8-201"*.

- Commissioner () - Docket Code Form Page 2

"Based on the investigation, the D.C.S. investigative case manager found that the child was to at risk of abuse or injury if he remained in Mother's care."

- Childs Best Interests Attorney Ms. () - Page 7 of The Initial report filed ()

Judicial Officer _____ continues to deprive Mr. _____ of his parental rights, the right to a fair hearing, to be treated with dignity and respect free of Perjury, BIAS, and Prejudice. Contrary to The Child's Best Interest, the Best Interest Attorney Neglected her responsibilities in the case () and based her report on the respondent's best interest (Court Employee). Judicial Officer _____ supported the misconduct by granting the request for relief filed by the Childs Best Interest Attorney contrary to the child's best interest and the general public tax money paying for incomplete service.

Table Of Authority

17C A.R.S. Jud. Conduct Comm. Rules of Proc., Rule 6. Grounds for Discipline:

The grounds for judicial discipline include willful misconduct in office, willful and persistent failure to perform judicial duties, habitual intemperance, conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or a violation of the code.

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COMPLAINT AGAINST A JUDGE

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(B). This state, any political subdivision of this state or any other governmental entity shall not infringe on these rights without demonstrating that the compelling governmental interest as applied to the child involved is of the highest order, is narrowly tailored, and is not otherwise served by a less restrictive means.

**A.R.S. Sup. Ct. Rules, Rule 81, Code of Jud.Conduct,
Rule 2.3. Bias, Prejudice, and Harassment:**

(A). A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.

(B). A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

(D). The restrictions of paragraphs **(B)** and **(C)** do not preclude judges or lawyers from making legitimate reference to the listed factors, or similar factors, when they are relevant to an issue in a proceeding.

A.R.S.1-601. Parents' rights protected:

(A). The liberty of parents to direct the upbringing, education, health care, and mental health of their children is a fundamental right.

Pursuant A.R.S. 25-403.03. Domestic violence and child abuse:

(A). Notwithstanding subsection **(D)**. of this section, joint legal decision-making shall not be awarded if the court makes a finding of the existence of significant domestic violence pursuant to A.R.S. 13-3601 or if the court finds by a preponderance of the evidence that there has been a significant history of domestic violence.

**17C A.R.S. Jud.Conduct Comm.Rules of Proc.,
Rule 19. Mitigating and Aggravating Factors**

The following nonexclusive factors may be considered in determining appropriate disciplinary action:

(a) the nature, extent, and frequency of the misconduct;

**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.**