

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-402

Judge:

Complainant:

ORDER

June 28, 2023

The Complainant alleged erroneous legal rulings and inaccurate minute entries were issued by a superior court judge hearing a family 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 Colleen E. Concannon and Scott C. Silva did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 28, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY**2022 - 402****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.

Hello Arizona Commission,

It brings disappointment to have to reach out in this manner but I have been through a lot and upheld the Oath of the court but the opposing party nor participants of the _____ Court of _____ County have shown to do the same for our Justice System. I am a _____ of now children single father. This complaint and my attempt to inform or alert the Honorable judges that set on the cases have not enforce or upheld the statutes by Arizona rules of Family Law Procedure, 27(d), 39, 40, 41 and 43. 25-403. Legal decision-making; best interests of child

A. The court shall determine legal decision-making and parenting time, either originally or on petition for modification, in accordance with the best interests of the child. The court shall consider all factors that are relevant to the child's physical and emotional well-being, including:

1. The past, present and potential future relationship between the parent and the child.
2. The interaction and interrelationship of the child with the child's parent or parents, the child's siblings and any other person who may significantly affect the child's best interest.
3. The child's adjustment to home, school and community.
4. If the child is of suitable age and maturity, the wishes of the child as to legal decision-making and parenting time.
5. The mental and physical health of all individuals involved.
6. Which parent is more likely to allow the child frequent, meaningful and continuing contact with the other parent. This paragraph does not apply if the court determines that a parent is acting in good faith to protect the child from witnessing an act of domestic violence or being a victim of domestic violence or child abuse.
7. Whether one parent intentionally misled the court to cause an unnecessary delay, to increase the cost of litigation or to persuade the court to give a legal decision-making or a parenting time preference to that parent.
8. Whether there has been domestic violence or child abuse pursuant to section 25-403.03.
9. The nature and extent of coercion or duress used by a parent in obtaining an agreement regarding legal decision-making or parenting time.
10. Whether a parent has complied with chapter 3, article 5 of this title.
11. Whether either parent was convicted of an act of false reporting of child abuse or neglect under section 13-2907.02.

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The court failed to properly annotate Minute - Entries, The Honorable judges involved relied on those minute entries with no regard to my fact and findings along with allowing the opposing parties to file misleading statements nor proof provided for testimonies given by opposing parties. I actually have been trying through petitions and testimony explaining the error of what is missing from those minute entries that the Court has been relying on to assist in developing the orders but seems to be ignored and empowering the opposing parties to use the justice system with the help of the Honorable Judges to base the outcome on personal emotions. This is unacceptable and to know how important those minute entries are for future litigations in the courts eyes that process isn't being treated as such. Coming to court should no longer feel one sided in fact in this type of environment neither party should have to worry about those feeling because what matters is the Best Interest of the Kids and this system has failed the kids despite my beliefs of those individuals who choose to wear that symbolic robe of Honor will proceed Honorably. My life have been effected, my bond with my kids have been damaged and yet everytime new judges have the opportunity to review for assistance the actual facts and findings arent viewed equally. This proceedings are said to be recorded which I would like to believe for the protection of the parties and the court but it seem repeating what has occurred in prior hearings and informing the court that the minute entries are not being filled out properly in order for the Judge to use as a reliable source in providing a judgement in these cases. Our children and I lost out emotionally, physically, mentallity and financially due to the improper judgements. I am inititating this complaint process while consulting potential counsel to assist address the harm and damages caused for this disappointing situation. This process has caused serious defamation of character for me and my family and if the

Court doesn't address this it wil continue and more lives will be affected. Not to mention how many other Arizonians lives may have been effected by clerical errors and financial hardships others may have or will be affected. I pray my complaint is address pfor my family and others. I sacrifice by volunterring my life to United States of America and our allies to defend our freedom and made it back home damage not expecting to fight a battle at home when all I have been doing to get by is be a Great Father and raise our kids to be great HEALTHY citizens of Arizona and these United States of America.

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IN THE COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF

IN RE THE MATTER OF:)	
)	
)	CASE NO.
)	
Petitioner,)	
)	
and)	
)	
)	
)	
Respondent.)	
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BEFORE THE HONORABLE
COURT COMMISSIONER

TRANSCRIPT: REVIEW HEARING

Transcript prepared by:

A P P E A R A N C E S

On Behalf of the Petitioner:

On Behalf of the Respondent:

(Telephonically)

P R O C E E D I N G S

THE COURT: Good afternoon. This is Commissioner
. We are proceeding to hearing in , in
the Matter of and . This matter
is proceeding by virtue of a GoToMeeting platform. If I could
have appearances, please? Beginning with .
: representing

THE COURT: And , are you present?

THE RESPONDENT: Yes, I am.

THE COURT: All right. Please state your full name.

THE RESPONDENT: .

THE COURT: And , your full name, please?

THE PETITIONER: .

THE COURT: All right. This matter was set for a
conference at with a conference officer. My
understanding is, , you did not participate in that
conference; is that correct?

THE PETITIONER: No. I wasn't aware of the -- this
call.

THE COURT: You weren't aware, I'm sorry?

THE PETITIONER: I thought this was, that I wasn't
-- I wasn't aware that there was a scheduled call for a
hearing today.

THE COURT: All right. Well, you should have

**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.**