

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-439

Judge:

Complainant:

ORDER

July 5, 2023

The complainant alleged improper rulings by a superior court judge hearing 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).

Copies of this order were distributed to all appropriate persons on July 5, 2023.

Judicial Complaint and Plea for Assistance for a child with Federally Recognized Disabilities

2022-439

URGENT

Please "comp

I, _____, as a pro-se litigant, was informed on _____ by a Judicial Assistant of the existence of "_____ " constituting false, inflammatory and defamatory remarks – as well as statements in contrast of evidence presented in testimony & hearing- that appears to be creating a bias, within judicial proceedings, causing harm to both child and litigant who have been victims of Domestic Abuse by Respondent in case _____ for more than _____ years.

My daughter's father owes us _____ in back child support. He was advised by an attorney that the only way he could "_____ " was "_____ ." In _____ my daughter's father, _____, elicited a third party to file a false claim of neglect against me, in another state. He had her removed from me, without order, or legal warrant to do so IN HANDCUFFS, causing her immense trauma and anxiety as well as generating a ream of unsubstantiated (no evidence & DO NOT meet requirements of Federal Child Welfare Act) 'court documents' to slander me with. My understanding, now, many months later is that he sold this idea as a "project" because he does work for/with _____. Due to the multitude of federal violations happening and people questioning them, he arranged to bring her here, to _____, changing jurisdiction, baiting me(truthfully, having me directed to, in a court room) to follow, knowing that I would not leave her in his care without oversight, due to his lifetime of intermittent drug involvement.

After arriving here, I was advised by attorneys (3!) to file to have the already established order of custody accepted and enforced. Upon the direction of _____, Court staff at the _____ location where helpful in realigning the disaster that was created by a newer clerk who originally tried to enter the petitions.

I am recently in receipt of transcripts for _____ conferences that took place in violation of _____ ARS 25-1010(D) procedural Protocols. Judge _____ denied mother the right to participate and chose to conduct hearings WITHOUT recording them, even though he PREEMPTIVELY PLANNED to discuss more than calendar dates and times. Under Rule 1.2.5 this degrades the ability of litigants and the general public to possess confidence in the integrity of The _____ Court and Judge _____. constituting a violation of rules of Judicial Conduct, set forth by _____. Additionally, this constitutes a Due Process Violation Under my rights protected by The Fourteenth Amendment of The United States Constitution.

To increase the level of damage/harm caused to our child, this case and Petitioner (myself), Judge _____ took information from _____, of _____, knowing that he was about to retire and that he (Judge _____) had received evidence that proved _____, and _____ Court's, claims against me to be **false**. Namely:

That I restricted father's access to our daughter- in point of fact- I have _____ years of text messages throughout which he replies "yes" only twice to confirm that the number reaches him. He willfully and purposefully REFUSED to acknowledge us or take any responsibility for her. This is a matter of record in _____ case.

_____ continues to give false information by stating that I, personally, filed a claim against father even though it was a matter of record that my _____ attorney urged, on court record, for The State to recognize violations. When they chose to not do so, violating their own statutes, my attorney advised me to file in the county where the child was physically present- approximately _____ minutes south.

Additionally, _____ characterized that our daughter was "_____ " after getting to _____, even though as a matter of record her therapist submitted statements and letters constituting the opposite. Also, our daughter was threatened prior to leaving _____ if she tried to contact me and told that she would never see me again. She was cut off from communicating with her attorney for almost _____ months as well as myself.

Clearly, these are acts of child abuse and Domestic Abuse, perpetrated by father who knew that he had jurisdictional 'freedom'/protection, due to relocating across the country. This situation was why I was advised by an Arizona licensed (consulting) attorney to file for enforcement of the ONLY legal and properly certified/sealed order regarding custody of (daughter).

Judge chose to accept, in hearings, as evidence, documents purported to be legal "orders" from the Court. However, documents submitted were NOT sealed/certified, or final orders, as proven by evidence presented and testimony. Additionally, at the second hearing, I submitted evidence that father lied in the first hearing MORE THAN TIMES as well as violating numerous Arizona Statutes. Judge CHOSE to, again, violate this state's requirement to enforce a foreign order, appropriately, in accordance with

Judge order denied enforcement and issued temporary orders with no end date, which I believe is a violation of Family Court procedural rules. Said temporary orders violated AZARS 25-403, 25-103, 1-601, 1-602, as well as my constitutional right (Under The Fourteenth Amendment) to have access to my child and educate her. These orders were issued with complete negligence, by Judge due to the assigned Best Interests Attorney NOT completing any of the duties ordered by , yet, Judge gave her father (who has criminal history, could not answer questions about her education properly on record, and has been addicted to marijuana since he was) permission to have her taken to . Father had ALREADY left , without , against Judge verbal order for him to find work here and keep here for more than days (constituting abandonment) with individuals who has no legal decision making or parenting rights, what so ever.

*Judge has ruled submissions in our case even AFTER leaving the department, rotating to the Criminal Division, more than three times, months after having left, once, denying to vacate his order, with NO legal impetus to address the motion, as he had rotated away > days earlier.

Clearly, as [redacted] is a child with federally recognized disabilities- [redacted] - as a matter of record, this egregious action by Judge [redacted] has put her IN HARM, experiencing, also as a matter of record, now (letter submitted by child's therapist) additional traumatic events. Therapist describes that [redacted] is so scared that she does not want to act independently and that she attempted to refuse to board the plane to [redacted] by refusing to give her name, her fathers name, or any personal information. She was forced to go anyway.

State Troopers (out of [redacted]) had gone in to the remote mining camp to check on her when they learned that he had restricted her from me for [redacted] months. The report is not being released and I have to wonder if this is not specifically to protect the fact that she may have confided that she does not want to be in her father's care. If this information was conveyed, in confidence, when released to her father, would, inevitably, result in punishment for her honesty (child abuse).

I am advised by another consulting attorney that given the fact that father REFUSES to provide ticket stubs for transporting her to [redacted], this most probably happened PRIOR to [redacted] granting permission and that having been taken by individuals with no legal decision making rights, against her wishes, may constitute trafficking of a child.

This situation, as well as other violations, including the FACT that father has restricted [redacted] and I from each other, and [redacted] from her Emotional Support Animal, School and friends, for [redacted] MONTHS, have all been put before our new judge- Judge [redacted]. Judge [redacted] has had many opportunities, furnished by my petitions and pleas, supported by the fact that father purposefully made false statements to law enforcement and a court (costing a judge her job!) to obtain a false Order of Protection against me (a [redacted] year old knitter with two graduate degrees) to block me from being able to see our daughter.

*Judge [redacted] has left the bench, for [redacted] weeks, with more than [redacted] motions/reply to address in our case. of which are well over [redacted] days since submission, in violation of The Arizona Constitution Article 6 Sec. 21.

Every judicial officer who has touched this case has CHOSEN to treat me with contempt and deny or dismiss every pleading, with NO explanation of why. At this juncture, this refusal to allow me access to the right to protect my child and I in the court system, must be due to the “ ” that the JA informed me of. This collective affront is a violation of my Constitutional Rights.

At this point, both my daughter and I are experiencing a high degree of stress and harm due to father not being forced, by the court, to abide by the laws of this state, established through the painstaking efforts of The

Legislature, that have been developed with the knowledge that children need both parents and that a parent who DOES restrict and psychologically abuse a child- by Rebuttable Presumption- MUST NOT have custody. It is a well documented fact that the harm caused to children by this act is lifelong and irreparable.

Yet, Judge , with opportunity present, chose to not enforce the order, accepted as enforceable in , by Court on .

Therefore, under The Americans With Disabilities Act, I, as parent, MUST request the assistance of Your Honor(s) and this Judiciary to rectify the unjustified actions taken against us both, in violation of the provisions of Title 25 and The United States Constitution. The order of custody from , registered here, in was established due to her father’s patterns of abuse and drug use. He clearly has ALL of the same abusive behaviors and disrespect for the law and court orders. For this reason, the order accepted in must be enforced, as accommodation, under the Americans with Disabilities Act, to alleviate the harm to and suffering of a child with federally recognized disabilities. Judge order and Judge unwillingness to reverse or relieve, have caused harm and are jeopardizing my daughter’s safety and welfare, daily.

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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.**