

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-009

Judge:

Complainant:

ORDER

November 27, 2023

The Complainant alleged a superior court judge improperly ruled her son could not live with her in his juvenile 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 November 27, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023-009

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.

Please see attached for complaint statement, along with copies of some relevant court documents, and some other documentation to support complaint.

I believe that _____ Judge in the _____ Court of the State of Arizona in and for the County of _____, _____ Court has acted in a considerably unethical manner and I would like to make a complaint based on Judicial misconduct for the following reasons;

Refusing, without good cause shown but here-say _____, to cooperate in the investigation in which she assigned _____ to conduct. On _____ my son had a case management hearing. He was ordered to still be detained due to having extraditable warrants out of _____ however there was the issue of whether or not _____ was going to come get him or _____ was gonna to take him back. Back in _____ we had this same issue and it resulted in Judge _____ releasing my son to me and me being financially responsible for getting him back to _____ to handle his warrants. Back in _____

I did not have any rights to my son he had ran away and came to _____ in which case I was cooperating with _____ on returning him and was in full communication with them about the matter at that time. In _____ my sons team consisting of _____ County _____ court, and _____ County _____ court granted my son a travel permit pending interstate compact so that he could live with me. My rights were severed back in _____ and my mother adopted him and my other son around _____, and the rest of the team I just listed found my son was best living with me and my mom was going to be doing a _____ and I would be taking over her parental responsibilities, pending all this we did a Power of Attorney for the time being. Judge _____

has been aware that my rights were severed since first interaction with my son in _____ of _____. My son ends up catching _____ new charges here in _____ and thus violating his terms of the travel permit and pending interstate compact but again _____ was not going to pay to bring him back and _____ was not going to pay to get him back either. Also to be noted I am the victim of the first case he caught here in _____, I was not pressing charges the state decided to pick them up and then he was charged with another case that had happened before the offense involving me. Judge _____ was aware of the fact that I still wanted my son to be and live with me. The judge leaves discretion to release my son to appropriate placement IF the warrant is modified to not be extraditable. Due to being the victim of one of the crimes _____

asks the judge to order _____ to investigate and conduct a home study and make sure that I am willing, and able to take my son back and allow him to live with me. Also there was a incident with son while in detention that occurred _____ in which my son allegedly told detention staff I was bringing him in ' _____ ' thru visitation while they were preparing to get authorization to conduct a _____, which never got authorized, but they had to take that statement seriously even though they already knew who and how and what was being passed around the detention Pod. On _____ Investigator came to my house to do the study around _____, at the end of the visit he stated he was not denying me but was concerned about my safety along with my freedom due to being on Probation myself and the accusation my son allegedly made. He then handed me a paper which was an Authorization to release Personal Health Information, but he was requesting it from Probation. I scribbled it out not once, but twice and changed it to _____ who actually has all those records and who I have all my services with.

He then called my probation officer and told her he was sending her a ROI I signed and he had questions for her. Long story short she gave out that information without properly reading the form that was sent to her, attached is the email thread showing proof of that.

On [redacted] I was called by [redacted] from [redacted] who had to fly out here to conduct a visit with [redacted] and meet with [redacted] Investigator, she asked if she could come over and speak with me that it was important and she also needed to conduct a home study herself. Once arriving at my home [redacted] discloses to me a lot of information given to her by [redacted] Investigator [redacted] that she found to be not right and advised me I needed to talk to my PO and if I did not sign that form for her to release information then I needed to start my chain of command and make a complaint. In which case I did starting with Supervisors, to Supervisor of Supervisor, Director, Ombudsman, Juvenile Probation, Adult Probation etc. [redacted] also followed suit and verified with several of these parties that what I was making my complaint about was valid and she produced evidence of her own to other things this [redacted] Investigator had said and done that was not right. Come [redacted], my sons next hearing, we have a different Judge. Judge [redacted] for [redacted]. At this time my sons [redacted] cases were dismissed and he was unsuccessfully discharged from probation there and the only case remaining open is the D&N in which my mother was filling for APR. Judge [redacted] asked for update from Juvenile Probation, [redacted] and without any mention of the [redacted] Investigators report or misconduct while conducting this report which [redacted] was well aware of, it was order my son be released to the custody of me and was given next disposition hearing set for [redacted]. During the time between the [redacted] and the [redacted] I continue my complaints was assigned a new [redacted] caseworker, and life seemed to be going great. During a random home visit by two Juvenile Probations officers my son was caught out front of my home with a unlit cigarette in his hand, but he admitted to getting ready to light and smoke it and was informed he was going to be given a warning but they do not tolerate cigarette smoking under the age of [redacted], he stated ok and he did not do it again. About a week later while I was at Parenting Class one of those Probation officers came back and advised [redacted] he was going to be taken into custody on the [redacted] and he was going to have to do [redacted] days with [redacted] days suspended if he did a work program for the cigarette. and that per the Judge and Senior Probation Officer [redacted] "

[redacted] ' Not known to me at the time my Probation Officer was dropping me from her caseload, and Im under inter-county supervision due to my probation being out of [redacted] County, and sent back to [redacted] Adult probations caseload, not on a violation, but a lost of interest due to non-compliance. [redacted] right before entering the court room we were approached by my sons lawyer that he's going to push for no detainment that it is a little excessive to re-detain a youth who just did [redacted] months in detention over a cigarette that was not even lit and was originally told he was being given a warning, however he was informed they were going to be bringing up that I have dirty [redacted] and he was not sure how that was going to go over with the Judge. Judge [redacted] made is clear she does not tolerate underage cigarette smoking and left the opinion of Juvenile Probation to make recommendation, [redacted] disclosed he agreed with the Judge about the cigarette and was ordering my son to do the weekend detained with early release if he did a work crew program, however he had information that I have multiple dirty [redacted] that were of concern and he requested my son remain detained until that matter is looked into. Judge [redacted] then addressed me to speak and I advised her due to her not being present for the last hearing that [redacted] already botched the investigation and violated my

PHI, HIPPA, and Civil Rights and that I have documentation for my [redacted] because of my medications and that my Probation Officer is well aware of it and has been for many months. She did not want to hear it nor ask to see my documentation which I had in my hand ready to hand over for her to review. She then made the statement while addressing fee's that I was to be responsible for along with new terms for my sons violation of probation and reinstatement of probation "

" [redacted] County then addressed , they were phoned in once this hearing started and informed the Judge mom has POA signed by adoptive grand-mother and we have hearing on [redacted] finalizing APR and Bio Mom having full parental responsibilities. Judge states "

" the [redacted] team attempted to ask the judge "

" Judge then makes a statement of "

"
I feel that Judge [redacted] has intentionally discriminated me based of my disability, which is why I am on such medications. That she is retaliating against me for all the complaints I made with the courts, [redacted], Juvenile Probation, Adult Probation, and I believe that once I turn this in matters will most likely become worse. Months ago I was acknowledged by Judge [redacted] as being " [redacted] ' after reading my letter to the court after the assault offense my son committed on me stating that I forgive him and am not giving up on him and love him and want him and all the accomplishments I have put forth not just for myself but for my son specifically because I did not want to see him go down the path me and his father went down. And then turned around and used my past against me, I have requested these said documents that they were given showing no show [redacted] and dirty [redacted] and some alleged confirmation test conducted on my last [redacted] which came up diluted , due to a medication that I have proper documentation from a Licensed Doctor who prescribed me [redacted] (a [redacted]), and have been refused my own results from all these parties who claim to have these said test results.

Judge [redacted] has previously released my son to me several times before knowing my rights were severed, but was working very hard to get them back. I know this complaint is going to make matters worse but at this point in my life with all of this going on I have exhausted all routes and in return fighting for my son and making valid complaints has turned my life and my families life upside down. I hope this matter gets resolved fairly, I have attached some of the documentation of have for proof, I have a whole lot more of evidence to provide should this not be enough. I have also attached my most recent result showing negative and this was taken [redacted] via [redacted] I no longer test for [redacted] health but still test with [redacted] Thank you for your time and help in

this matter.

**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.**