

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-077

Judge:

Complainant:

ORDER

September 8, 2023

The complainant alleged improper legal rulings 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 Roger D. Barton and Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 8, 2023.

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

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2023-077

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.

Judge (Formally) has been railroading me from the beginning of my family court case since my now Ex-husband filed for temporary custody orders without notice on . It started back on when me and got into a verbal altercation because he was leaving out of state to attend his grandmother's funeral and was not going to tell our son that his granny had passed away (was very close with) until returned home. was planning to be gone for a week or more and I didn't think it was right for to be wondering where his dad was the whole time and worried. was packing his bag to leave in our bedroom and was playing his X-box, I told I'm sorry, but I will not lie to my kids and make him be worrying the whole time. So, I said . That's when said, " and picked up a full water bottle off the table and threw it at the wall as hard as he could, it bounced off the wall and hit my son on the right side of the face and water went all over him. Then lunged at me with his right fist and cocked it back like he was going to punch me in the face. At that point we were going back in forth and I told him that I wanted a Divorce, and I told him to leave. As he was using his weight to force his way back in the front door. I feared for the safety of my kids and myself so I contacted the sheriff's office because he would not leave, and I wanted to find out how to obtain an order of protection for myself and my children. Officers came out and took statements and stated because didn't intentionally hurt with the water bottle, they just took pictures and his statements and made him leave since he was leaving anyways, and he came in again to retrieve more property. They also provided me information on how to obtain an order of protection, which I did obtain and was put into effect on but was only effective for myself and my older son because was not his biological dad and would not enforce it for even though was injured by anger and rage and said it had to be addressed in family court for never returned home as of and remained in my custody that whole time while was out of the home yet in a completely different state and he was obviously comfortable and felt safe enough to keep with me and while he was gone. It's because was not concerned about leaving me alone with my own children, especially me and have left the children together alone several times since this alleged incident while they stayed home to play X-box while me and would run arenas for only a couple hours at a time. So, for to say that the boys were not to be left alone was completely shocking because was doing it before we separated and has lied so much to the court without no one even questioning him or investigating him like they all did to me. Just because me and separated, he now wants to use this sexual assault incident against my older son against me now and say I begged him to not tell and that was the parent the Judge choose that would be in the best interest of . Honestly, I don't understand how Judge gave custody when was the one who directly told about this alleged sexual assault incident originally back in , yet failed to report it or do anything about it and he even stated it in a text message I presented to the Judge but again I loss custody of my son all because of a phone call I received from informing me of this incident (HEARSAY) that no one even knows when it took place. So if me and would have never separated he would have never reported it and was never an issue until contested the order of protection I filed, which we had our hearing on , which he lost, and the Judge kept the order of protection effective and added with brady laws, so had to surrender his firearm. Then, on

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show-up on my doorstep because apparently filed a complaint stating that Sexually Abused I advised that this was being used because is obviously retaliating against me because of the order of protection. The incident that is speaking about, I don't believe even happened because is a liar and I was at the ICU with my father because he has a stroke at the time, when I received a phone call from informing me that came to and said sometime while and stayed the night at papas house but was not sure when it was. the boys in the bathroom. The Case manager's name was that interview each of us individually in the living room. When he interviewed each kid, I did hear them both tell him that whoops them with his belt on their butt and leaves marks and said to the point where he has left bruises. When I had spoken with his supervisor regarding his conduct about how he conducts this case and how he failed to report that my kids informed him that physically abuses them with the belt on his initial interview and he never reported this in his records or report and why didn't he disclose this vital information? Because this could have changed the fact that was awarded sole custody and stated that stated that he didn't report it because he didn't see any visible markings on the children, but the children told him that he whoops them on his bottom. Also, stated that it wouldn't have mattered he stated because the children have been in my custody since so that's why he didn't document it in his report. stated they didn't have enough to take out of the home or from me and would inform of their findings, but did advise me to file temporary orders in regard to the child abuse against for what he has done to both and had also admitted in court while under oath during a hearing while being questioned by my attorney (at the time, that he does whoop both kids with the belt for punishment and was never held accountable for any abuse done to my children and was still awarded sole custody to this man. You should have seen the look on Judge face when stated that he whoops the children, and she still didn't do anything about it. The judge never ordered parenting classes, even though it says it in the custody order that it is mandatory for decree by both parents and I was the only parent that completed the my parenting class and he was never even warned about completing it, domestic violence classes even though there was apparent domestic violence noted but not significant enough in her order, it says because child abuse was not significant apparently or spousal abuse. did not have enough evidence to make a case that reported on and they closed the case involving and for this alleged sexual assault incident that claimed happened on . Yet, Judge oversteps there decision and keeps the temporary orders in place and in the final decree she specifies twice, that " . Which, denied from the very beginning of this case up until he was in custody. Then on I return home from getting dinner for me and my children when I have my driveway full of Sherriff officers. I am being served these documents with no information as to why filed for temporary custody and that I needed to hand over , but no one would tell me why. So, the Sherriff stated that he had no reason why and that he was sorry, normally the orders state it on the order and that they cannot make me hand him over without a warrant. So, at that point I did not hand my son over to because if I could not be informed as to why I was being served for temporary custody orders then I was not just going to hand over my son without an explanation and the Sherriff stated he understood How can any legal document be served without no explanation to the other party of the

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they are being served, there must be laws and rights that protect the other party in this case. Which obviously this family court Judge is very aware of everything that has been going on since the beginning of my case, which she has been signing off on. As I informed the Judge in one of my many temporary Order's that she has denied, that when initially served me for Temporary Order's on , I was served with incomplete documents that didn't state the reason filed for Temporary Order's. The document packet includes: "Order Re: Motion For Pre-Decree Temporary Orders Regarding Legal Decision Making And Parenting Plan" this packet includes a total of 2 pages and attached with a total of 5 pages of "Order To Appear Re: Emergency Temporary Orders Without Notice". Once again, none of these 7 documents' nor did the Sherriff's that were present had any idea as to why I was being served. I advised that I guess that I will have to contact the court the next business day to find out myself and I told the Sherriff, I thought that you must be served for divorce at the same time as the temporary order because that's why I was not able to file myself at that time and he said normally yes you are supposed to. had a warrant issued for my arrest for contempt of court for not complying with the custody order, but if would have provided the correct documents to me then I would have complied. I contacted the court and filed my response along with my own Temporary Orders due to the child abuse against I was informed from and since me and has separated and the new findings since the Home interview on . Judge assistant contacts me via telephone while in the courthouse lobby while waiting for a response after I filed temporary order with several pages of supporting Exhibits with the Clerk and he had stated that was Denying my Motion at this time, but she will address my concerns tomorrow at my Evidentiary Hearing on . I advised the clerk that I could not e-mail all my exhibits to since I had an OOP, and she stated that would not be a problem she was going to send them all to him. Well, she never did, and I was not able to use any during my hearing on . Also, I felt that was verballing attacking me about an incident that I was only informed about by only because we separated, and he wanted to take custody from me. was just as guilty for not doing anything about the situation as well that's in fact if it even happened. I honestly do not believe that it happened, and has been waiting to use this incident to his advantage to win over custody as he did. told the judge in his testimony that he switched his job hours to 2nd shift to coordinate so that he was more comfortable, so he didn't leave alone in my custody, which he is a liar. never adjusted any hours at work to protect in anyway once so ever and of course the Judge just took word for it. Yet, the parent that put in greater danger by keeping and home alone together for hours while myself and worked all day just because did not want to bear the costs for putting both kids in a center when the schools shut down due to the Pandemic. Also, stated in his temporary orders that he was the primary caretaker for both children then if that was in fact the case, why didn't get or the help that they needed then and not just make me out to be the bad parent, since he's the primary caretaker? Even since has had Sole custody of , what has been done for him Medically? If in fact claims this alleged sexual abuse happened, any concerned parent would want their child examined, which never did. took to for a Well Child Exam (before we were Divorced & I was clearly involved, see Attached) as stated, " " and that we were Divorced already as of this date of Which the Judge didn't finalize our Divorce until As knew that if he stated I wasn't involved and we were divorced the office wouldn't ask further

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questions like they never did, which once again has been lying and so he can play the system how he wants to play and provide whatever information he wants too whether it is true or not. This is his way of push me out of my own son's life and this is what Judge gave the advantage to do this because she didn't investigate like she should have and just took his word for everything and now he is taking advantage of his custody and blames me as has always done our whole marriage, instead of taking responsibility for his own mistakes. didn't even start Therapy sessions until and of course he blames me once again. say's that I don't provide him with a copy of medical insurance card. I advised my attorney that I removed from my Arizona Medicaid Benefits during a phone conversation back when was first taken from me in . AZ Medicaid you have to report major changes like that especially dependents. Well, apparently likes to commit Insurance Fraud because I have removed several times from my benefits and application/ household since he was no longer there and somehow seemed to re-instate his benefits without my authorization. After months and months of requesting from what the names of doctor's where so that way I could request for his medical records myself, I finally just contacted his last known insurance which was United Healthcare on . Come to find out has been using medical insurance under my benefits since and when I tried to verify my own account information, I couldn't even verify it because updated all my information to his address, phone number and e-mail address. I did verify with Arizona state Medicaid that didn't have an open active case for and himself for benefit's that they were possibly getting our cases mixed up and they stated that did not have any other open case. I notified via E-mail that day advising him to stop using insurance and I honestly don't understand how he was even able to use it since I have removed and of my benefits back in . Even with me advising to stop and he does not have my authorization, I have reported it to fraud to different entities, but no department will do anything about it. I also reached out to his Attorney on multiple occasions advising to stop but he still continues and now has now processed claims to UHC at which I advised I will make sure he is held accountable for and will make sure he pays back to the state for every penny they have paid out for those claims, considering that is solely responsible financially for 100% and is taking advantage of the system. Please also see attached the E-mail's that wrote back to his Attorney as to why he was told by that he got approval to use my benefits even though lives with at a different address, dated: Which, obviously is a complete lie as that is not how state Medicaid works. The have eligibility requirements specifically based off of household income, how many are in your household ect... Also, that does not give the authorization to illegally re-instate back onto my benefits after I have already removed him, regardless I have advised he is not to use my benefits and he continues to disregard what I have told him. Once Appointed during our Temporary Orders Hearing on , she only interviews Myself, , and was scheduled for an interview but for some odd reason her assistant contacted me via e-mail and cancelled it and stated that it was no longer needed because ". Which I didn't understand at all, but she wanted to interview me, when I was only informed of what happened by hearsay by which he could have lied for all anyone knows at this point, considering no one even knows when this incident even occurred because nothing was ever reported but again, I'm the only parent that should lose

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custody of my son never interviewed my father either which is the party who's house where this alleged incident happened at and he would have informed her that there would have been no way that this incident could have even happened and that is probably why and where never interviewed would be my only reason why she never interviewed these parties since they would be the most crucial to this case. As I informed her as well of the same thing as I have stated all along, I have only been informed by of this alleged incident over a phone call while in the ICU with my father. And I am not sure why and kept saying in their reports and court reports that's I have admitted the incident between the boys. When that is an absolute lie and is why I know without a doubt that I have been railroaded through this family court case. Especially since my oldest son was never interviewed for this alleged sexual assault that he supposedly committed besides they were the only ones that did, yet I'm the one being questioned and interviewed when I was only told about it. So, because of that it became an issue after one of the hearings we had in and apparently the Judge had said I was lying about something, but no one would say what it was. I attached an e-mail explaining to my attorney that I was basing it off of what was telling me and why he had agreed originally to about the incident because he was terrified of him because of what did to him. Of course, what child wouldn't just go along with their perpetrator if they were truly terrified for their life and safety. As, I explained to my attorney that if maybe was actually interviewed things could have been different. Also, never requested for medical records for or Myself other than the ones that I provided. Which was only the ones printed from the patient portal so they were very basic and if she actually requested them herself, she could have received the detailed ones. But I did follow-up with PCP regarding the alleged behavior a few months later due to no insurance at that time but It's not like I just disregarded the whole incident like this court and stated. Also, with being in the beginning stages of the pandemic it was hard to even get into see anyone and I don't think I should have lost my child over all of this. Then, because fails to forward his mail for over a year and because a piece of mail said residence I open it I get accused of opening a piece of his mail and because he failed to go down to vital records to obtain Social Security Card that I advised my attorney and knows that we never received one since he was born, I get fined by the Judge because I'm not complying and not giving vital record's when can go down and obtain copies himself he just wants me to do everything for him like I had to do our whole marriage and because I do not give him my only copies the judge fines me, again railroaded because is lazy and did not go get duplicates, when it is in the custody order all he had to do is take the order and go request it. Also it says in the custody order that must obtain medical insurance for and he has been committing insurance fraud under my Arizona Medicaid benefits and is continuing to using insurance policy after I have stopped his benefits over and over after I have removed from my benefits and case back in when I lost my custody but contacts the office and they re-instates benefits without my authorization. I have filed multiple fraud reports, and no one had held accountable for anything he continues to do because as he says ' ' so everything goes his way but has to stop please help me, it has been almost years now since I lost my baby boy and I am so terrified what more damage is doing to him. I was able to request medical records of his therapy records and is stating that this alleged sexual assault that his stepbrother did to him was year ago, but that is incorrect. This just confirms that is lying because this alleged sexual assault

**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.**