

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-095

Judge:

Complainant:

ORDER

August 1, 2023

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

Commission members Denise K. Aguilar and Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on August 1, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023-095

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.

SEE ATTACHED DOCUMENTS TO EMAIL

CONFIDENTIAL

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

FOR OFFICE USE ONLY

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.

SEE ATTACHED DOCUMENTS TO EMAIL

In the matter of:

DOB

REF: Grandfather's () complaint against Judge

To whom it may concern,

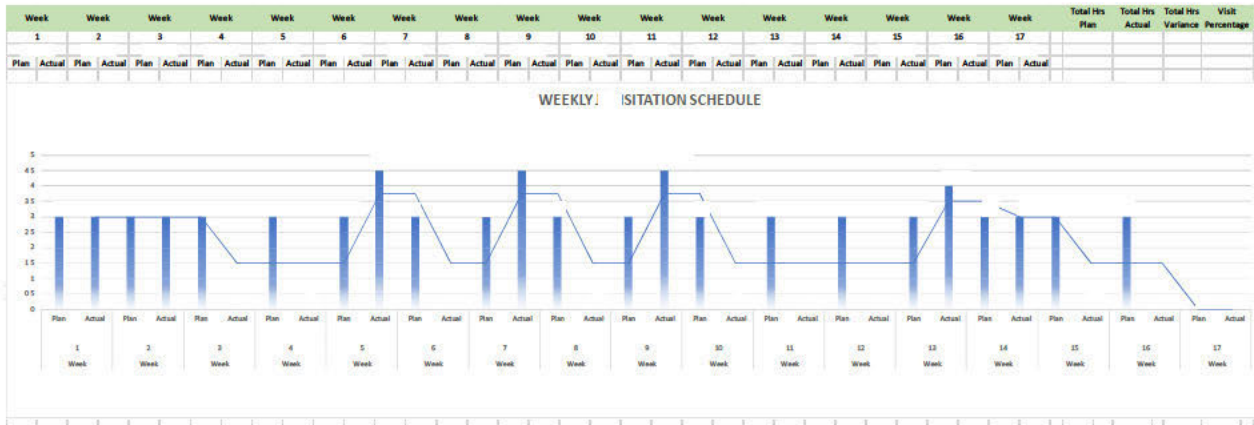
I originally was writing this letter to support my most recent filing of a motion for a bonding assessment with my grandson. Of course, Judge denied my motion in a single line with no explanation as to why it was denied. This judge's non-caring and total disregard for the law has become a consistent theme in this case even though she herself admits that grandfather has done nothing that would warrant her not considering grandfather's several motions to reestablish his and his grandson's relationship after being falsely accused of hitting said child. I am writing this letter to file a complaint against Judge in the above referenced juvenile case concerning my grandson who will be on . was taken from our custody on due to a false allegation of abuse made by mother and his father my son. It should be known that has since rescinded his original statement in a most recent hearing (See Attached Ruling Exh: , Page) and admitted that the allegations were false and that he and mother made the allegations up due to my wife and I being awarded custody of weeks earlier due to both parents being indigent with no means of income, they were homeless and had no way of supporting , Judge confirms that there was no abuse in her ruling. This was the time that my wife and I had been given due to pending dependencies and or both parents being unable to take care of our grandson. further concludes in their on site assessment (Exh: , Page) by both the investigator and case manager that abuse was " ". Further, attached exhibits and reports clearly call out the heinous nature of the allegations and the fact that neither the case aide, supervisor, on site manager, and their supervisor all concluded that the bruise on lips were most likely a result of him licking his lips and them being chapped. All later confirmed by both and Judge in her ruling. Additionally, in these same police report the onsite case aide tells the investigator and the police that night that mother was coaching in the corner whispering in his ear multiple times. So much so that she warned mother the visit could be cut short.

Judge has clear and convincing evidence that was taken under false pretenses and lies by both mother and father. What makes this worse is the continual denial of grandfathers' rights by due to their lies during the entire last years (See Exh:) where tells me that grandparents aren't allowed to see grandchildren while their parents are under criminal investigation. This all the while her and her supervisor supporting visits with by maternal and paternal grandmothers.

What makes this even worse is that [redacted] knows via their own and police [redacted] investigative reports conclude there was no abuse. The judge totally ignores these facts in evidence. Further, [redacted] continues this charade of pretending they're concerned about grandfather and applies for and receives under false pretenses and lies a protective order in a [redacted] hearing. I was unable to attend this hearing due to me being so upset that I became very ill over this matter.

1. The court has clear and convincing evidence that [redacted] has lied, hid and concealed exculpatory evidence in this case since [redacted] that grandfather didn't abuse child. Further, in a purposeful, willing and intentional effort [redacted] has tried to hide these facts from the court by continuing their ridiculous claims that they're concerned about [redacted] visiting his grandfather. To make matters worse in the absence of real evidence or facts [redacted] and its personnel imply to this court that they're concerned about the mental state of grandfather to throw this court off the evidence in this matter. This court should recognize this this behavior to be unethical, illegal, and plain wrong and should ignore the request of [redacted] to deny grandfather's request for a bonding assessment. Why? Why would anyone to include the judge in this matter refuse to reunite a loving grandfather with his grandson under these circumstances? How does this court or [redacted] reconcile the reports of nothing but love and caring between grandfather and [redacted], and the continual denial of trying to reestablish the relationship between grandfather and [redacted].
 2. Arizona law states that grandparents who are willing and capable of taking care of said minor child they are next in line to be considered as both placement and potential adoptive parties.
 3. The court has in its possession clear and convincing evidence that grandfather did not abuse or harm [redacted] in any way. This coupled with positive visitation reports for every visit during the last [redacted] years should be enough evidence to cross over the hurdle of convincing evidence and remove all doubt in the courts mind that there continues to be a strong loving bond between grandfather and child that should be allowed.
 4. To bolster grandfathers, claim this court has in its possession clear and convincing evidence through [redacted] vs. [redacted] pictures that [redacted] wasn't abused and never was by grandfather. If true, why doesn't this court allow the relationship to be repaired by whatever means necessary to facilitate a connection again.
 5. The court has in its possession clear and convincing evidence that [redacted] has known since [redacted] days after the initial allegations that there was no abuse. Yet in the attached Exhibit [redacted] claims that grandparents aren't allowed to visit with child while criminal investigations are happening with parents. All the while knowing and allowing maternal and paternal grandmothers to visit [redacted] weekly. This is unfair and bolsters the lying, cheating, manipulative behavior of [redacted] and shouldn't be allowed by this court. At a minimum, this court should weight this very important evidence as to the mistake made by [redacted] for taking [redacted] away from grandfather in the first place. Optimally, this court should allow interaction between [redacted] and his grandfather even if it's in the presence of a court ordered counselor to allow a proper assessment of the true relationship between [redacted] and his grandfather. This due to the demonstrated love between the two witnessed by court assigned case aides. I want to know why the court isn't more interested in learning the true nature of [redacted] and his grandfather's true relationship?
 6. The court has in its possession clear and convincing evidence that [redacted] has expressed unsolicited to case aides that present placement [redacted], maternal grandmother [redacted] and mother [redacted] has and continues to speak ill of grandfather with the sole motivation to alienate [redacted] against his grandfather.
-

- 7. As witnessed by the below visitation graph grandfather and were cheated out of court ordered visitation due to the alienating behavior by , mother, and Grandmother . This attested to by during his reports to case aides whose statements and reports are in evidence. This blatant alienating behavior results in feeling as though he can't visit with grandfather without being punished for his feelings.
- 8. Court has in evidence (Ex:) visitation notes between child and grandfather that indicated several issues that happened during court ordered visits and Judge has declined to consider that evidence. These notes demonstrate how grandfather and were cheated out of court ordered time together due to several alienating situations by maternal grandmother and mother



- 9. claims that if the court grants this motion that it would be a drain on time and resources. Given the present circumstances of both parents being separated from due to their individual circumstances, and requesting that their rights be terminated do the stakes get any higher for . Instead of asking this court to deny my motion to help conceal their mistakes further, should admit the wrong they've done and agree with the bonding assessment request to truly find or discover what's in best interest.
- 10. This court has clear and convincing evidence via exhibit: where tells who is a past involved in this case that prompts to tell lies to the court and police that she () was forced to give to . All a lie. The intent of this comment is to demonstrate to this court that , and has done everything they could to include
- 11. and this court have refused to have interviewed outside the presence of placement and other members of maternal family. Why? What are they and this court afraid of what would happen?

There is no valid reason this court should deny my motion to have a bonding assessment or a motion to establish guardianship to try and repair a loving relationship between myself and my grandson. I've asked this judge for a bonding assessment to be completed by an independent neutral party to ascertain the true relationship between grandfather and grandson. This in light of my son being sent to prison for years and mother still struggling with her addiction. has requested and this court has approved a hearing to terminate parental rights. The stakes don't get any higher. Let me ask why the court wouldn't want to know the truth given the details provided by grandfather that are in evidence from prior hearings. Grandfather asks that this governing body recognize and acknowledge the grievous wrong that's

**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.**