

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-189

Judge:

Complainant:

ORDER

September 29, 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 member Barbara Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 29, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023 - 189

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 attachment

For the Attention of the Arizona Commission of Judicial Conduct

To Whom it May Concern,

My name is _____ and I am the mother to a beautiful _____ year old girl named _____. I have taken it upon myself to contact you regarding a very delicate incident that has occurred with my child because I have no one else who I can go to for help. The following details are extremely graphic, but I need you to understand the gravity of my concerns and why I have come to you.

The morning of _____ after being dropped off to the sitters by her father, _____ was found touching and playing with her _____ area. When asked what she was doing and being told she would not get in trouble, _____ reported to her nanny that her daddy was touching her in her _____ area while on his bed because they were playing a game. The nanny called me immediately to report this to me and asked me to come over to speak with my child. I arrived as soon as I could, went into one of the bedrooms for privacy so I could talk to her and change her for her pending doctors appointment, and asked _____ to please teach me how to play the game she had shared with her nanny (who she calls "nana" and has been her caretaker since she was months old and is also her grandmother figure). My child lay on the bed, opened her legs as wide as she could, and started flicking her _____ area with her fingers while stating the following, "

As you can imagine, my heart sank when my child reported this to me. I was in shock and scared. Especially since _____ had made multiple reports to her therapist and myself of sleeping downstairs with her father on the sofa on multiple occasions and had recently reported (_____) that she was now sleeping in her daddy's bed with him and another younger sister while his partner was sleeping in another room. Since we had a pending doctor's appointment (she had _____), we took off and once at the clinic, I reported it to the nurse. As I repeated what my child had said, _____ interrupted by saying, " _____ ". The nurse asked if I had any concerns regarding _____ behaviors and I told her yes. In the previous months, my child had become self harming (scratching her face and arms when she would get upset), she was aggressive and would throw things against the wall, she would hit others, and would become extremely upset when her father would pick her up. I shared that it got to the point where she tried hitting him as he grabbed her or would hold on to items such as her bike while screaming and crying because she refused to go with him. I had previously shared my concerns regarding these behaviors with the clinic's social worker and as a result had also enrolled _____ into therapy (_____).

The nurse let me know she would have to inform the doctor. I repeated the same words over and over on this day from _____ all the way up to _____ at night. I repeated them to the police, to the _____ (_____), to _____ Police investigators, and a forensics examiner who all became involved. My child had a forensic exam done at a place called _____ that night and there were some concerns as there was an unusual discharge from her _____. There was also a video I had shared which I had recorded when talking to _____. As a result, _____ informed me that _____ would not be allowed to go back to her father's until _____

further notice. The case manager tried contacting him to let him know there were concerns, and he refused to cooperate and said he would not talk to her without a lawyer and no longer responded to outgoing calls. That night, the in Arizona took custody of my child and granted me guardianship. They advised that I file an order of protection for against her father and also advised that I delete the video because it could be considered "pornography" since was not wearing any bottoms.

Since then, the series of events that have resulted from this report have been a complete nightmare. I went in to file the order of protection business days later for ust as recommended. The judge who saw me actually got in touch with Judge office who suggested the order be denied since we (parents) were set to see her for the emergency hearing the week after. We saw Judge on of opened our session by stating that we were only there because of the emergency order I had filed and was well aware of the friction between both parties.

As the session progressed, expressed her dissatisfaction with the case manager who testified what had taken place on Instead of listening to the case manager as she shared her concerns, **Judge was extremely disrespectful towards her.** She ill-mannered questioned the protocols that are in place by the she disregarded the legitimate concerns that this professional shared in regards to the comments, video, and behaviors that my child expressed during the investigation with investigators. Judge downplayed the fact that it is extremely unusual for a **year old to have discharge** as shared by the Children's forensic examiner and **ignored the "red flags" that had taken into consideration such as father's unwillingness to cooperate and speak during the time that the incident had been reported or how clearly showed on the video the manner in which she had been touched.** This video was deleted per request of the case manager and police investigator who communicated that the content could be considered child pornography if kept. This information was shared to Judge per the case manager and clearly stated protocols (since then, I have been able to recover the video and have it saved).

As the session came to an end, completely dismissed all concerns and directed herself to me, the petitioner, stating that I have filed multiple court requests and police reports. Judge indirectly implied that I was abusing the system and it was "

". It was at this moment that I realized **had not done her due diligence** in reviewing all prior documentation regarding the multiple concerns and cries for help that I have been submitting since If she had truly reviewed all evidence submitted to the courts, **she would have found the following:**

1. The **Order of Protection** filed against the morning of was a result of making direct threats to me via text messaging and following through, in efforts to get me fired from the school in which I have been recently promoted to as School Principal for the school year. After our separation in decided to keep his children enrolled at the school I have been employed at since with the intent to know my whereabouts.
2. The **first police report** was made as a result of calling PD on On this day refused to give me our daughter for the exchange. He had originally requested that I see him outside of a precinct that he provided an address to (a precinct that is usually deserted and dark). He then emailed and asked for the exchange to take place at a Soon after, he called and stated that if I didn't show up within minutes he would not give me When I arrived

no one was there. Around or minutes later, pulled up with police. He had reported that I was being uncooperative and had a weapon. When I showed the officers the order of protection and the communication that had taken place prior, they immediately apologized, handed over and let me go home. Before to walking away, **the police officer advised that I document as much as I could regarding all prior, present, and future incidents with**

3. My efforts to **modify court orders** on resulted after made it extremely difficult to exchange our daughter the day prior (please see item #2 above). He had also followed through with his threat of making complaints about me to my administrators in efforts to get me fired as he had mentioned previously via text. The modification of court orders was suggested to me by officers and who had recommended that I ask the courts for exchanges to take place at their precinct (Precinct) which is usually open, lit up, and has a lot of officer traffic.
4. The **second police report** was made on . when was officially served the first order of protection. On this day, the police officer on site was able to report what she had witnessed in regards to our daughter. Regardless of making visits with father for the past days, she cried and held on to my clothing as father tried to pull her away. The officer found this extremely odd and asked him why was behaving this way. reported that it was her first time going over. The police officer also reported how had brought along one of his older daughters to make the exchange. On one end, he was accusing me of "harassing" his daughters at school, yet he continuously was bringing them around out of the school setting in an effort to get them close to me. Judge would have noticed the concerns made by PD and the contradicting standards held by
5. The **Order of Protection was Amended** on when refused to let me make contact with our daughter during her day stay with him (he has her and every other weekend). This was the first time he retaliated and pulled from her caretaker on his days regardless of the initial court orders stating that it is ". I even bought our toddler a cellphone with all apps blocked in hopes that he would change his mind and let me make contact with her. This went on from until . Regardless of the multiple attempts to make contact and sharing the concerns regarding behavior changes and comments that were arising such as " , " ?", " ."
refused to let me talk to our daughter **and stated that making no contact was now my punishment for filing the order of protection against him.**
6. The attempt to file an **order of protection for** on was made when the case manager requested that I file it, in order to ensure well being. This order was rejected per request made to the serving judge. No paperwork was provided.
7. **The emergency custody order** was filed because of the statements my child shared and the recommendation done by and the police investigator on . This

recommendation was also shared by the case manager while on the stand. Prior to this day, I was prepared to come to an agreement with regarding our parenting time (he had previously offered in months past, that he only wanted hrs every weeks).

a. **Pediatrician's Report**

b. **Ex-Parte Removal of Child**

c. **reports-** report that had fluid which is uncommon for a toddler to have and requested that be removed from her father's based off of the findings as well as showing how she had been touched and the game her and her father were playing when it happened.

d. **Therapist's Statement**

8. Supporting videos of feelings and actions towards father:

a. sharing

that she did not like the way her dad was hugging her. Multiple times she has shared she sleeps on the couch, floor, and in the bed with him.

b. - this was one of the many times she cried, tried hitting her father, or would hold on to things because did not want to go with her father

c. is her year older sister. has also reported multiple times that her father is not at the home when she is left alone

d. continues to cry and says her daddy is ugly and does not want to go with him

Since then, **has done everything in his power to remove our child from her safe zones** and people she trusts. As soon as our emergency court hearing ended, he immediately pulled our daughter from her caregiver, shared that he only wants me to make phone contact or times during her day stay, wishes that I do not call our daughter when she is with the caregiver he has recently obtained (caretaker that also hit my child on her first week of caring for her), and does not agree that her nana (caregiver since she was months) make any contact with her during his time. This is not the first time that retaliates and has our child pay for the consequences for such drastic changes. He is well aware of what these changes cause on our child. **I had a statement written by therapist to submit to the judge and she refused to listen to anything else.**

It was recommended by law enforcement as well as law exports that I document as much as possible (i.e., take pictures, save emails, take videos), all which I have been doing and have submitted. Since then, I have also been proactive in seeking the support my child needs. **I have gone to the experts; , therapists, social workers, pediatricians, PD, County Judicial system, yet Judge shows no interest in reviewing and taking into consideration all of their professional concerns as well as supporting documentation and testimonials. There are countless incidents in which has been returned in foul and concerning condition as well as numerous recorded incidents that herself has communicated, yet again, Judge dismisses all of these concerns.**

I feel targeted by this judge for being a public educator. There is no reason for her to disregard the legitimate concerns there are for my child, regardless if I work for a system that I myself have to report to as well. How dare she, an "honorary Judge" who is there to support and protect, imply that all of these different scenarios have been planned or are a coincidence??? Holding my screaming and crying year old's legs open while I watched how they swabbed her genitals and took pictures was a traumatic experience for both her and I. It brings tears to my eyes to remember this experience and is one I will never forget. This experience

**THE COMMISSION'S POLICY IS
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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.**