

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-214

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Judge:

Complainant:

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**ORDER**

November 9, 2023

The Complainant alleged a superior court commissioner was biased in her rulings in a family law 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 Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on November 9, 2023.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2023-214**

**COMPLAINT AGAINST A JUDGE**

Name:

Judge's Name:

Commissioner

**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 statement -

To the Honorable Judge/s at the Commission of Judicial Performance. My name is \_\_\_\_\_ and I am filing a complaint against Commissioner \_\_\_\_\_ with the \_\_\_\_\_ County \_\_\_\_\_ Court.

- 1- Commissioner \_\_\_\_\_ removed my son \_\_\_\_\_ from the currently **active AND served** protective order in error and without considering all of the evidence in the case. Commissioner \_\_\_\_\_ spoke to Judge \_\_\_\_\_ from \_\_\_\_\_ Family Court on \_\_\_\_\_ per UCCJEA requirements. In the minute order from Judge \_\_\_\_\_, he explains that Commissioner \_\_\_\_\_ would hold a status hearing and that she intended on removing \_\_\_\_\_ as a protected party. Their justification in this decision was that the proof of service was not in the file and therefore the other party, \_\_\_\_\_, was not aware nor notified.

This shows the appearance of bias and that an order was already established and ruled on without notifying me nor allowing the opportunity to object as a self-represented party.

\_\_\_\_\_ was indeed served on \_\_\_\_\_ by Officer \_\_\_\_\_ and Sgt. \_\_\_\_\_ with the Police Department at his \_\_\_\_\_ home address - \_\_\_\_\_ and again on \_\_\_\_\_ by Sheriff - \_\_\_\_\_ at \_\_\_\_\_. I drove myself for \_\_\_\_\_ hours from \_\_\_\_\_ to \_\_\_\_\_ to ensure that \_\_\_\_\_ was served properly as \_\_\_\_\_ has lied about not being served in the past. I was present as well as my partner \_\_\_\_\_ and we witnessed the incident. When \_\_\_\_\_ was served, he refused to initially open the door. \_\_\_\_\_ then refused to let Sgt. \_\_\_\_\_ know where \_\_\_\_\_ was located. He told Sgt. \_\_\_\_\_ that \_\_\_\_\_ was with his grandmother, \_\_\_\_\_ Sgt. \_\_\_\_\_ then wanted to go to \_\_\_\_\_ house but I opted not to because it was \_\_\_\_\_ pm at night and I didn't want \_\_\_\_\_ to be afraid of the chaos. Sgt. \_\_\_\_\_ advised that he had until \_\_\_\_\_ to exchange custody with me at Parenting Time in \_\_\_\_\_ (3<sup>rd</sup> party exchange center). \_\_\_\_\_ refused to abide by Sgt. \_\_\_\_\_ orders and on \_\_\_\_\_, \_\_\_\_\_ was charged with a Felony as well as a Misdemeanor for refusing to abide by the served order of protection \_\_\_\_\_. This report was provided to Judge \_\_\_\_\_ as well as Commissioner \_\_\_\_\_. (Please see the attached police reports)

During the status hearing on \_\_\_\_\_ I tried to advocate for myself and provide evidence but Commission \_\_\_\_\_ raised her voice and told me to "\_\_\_\_\_". She then stated that she was only calling this hearing to inform us that our son would be removed from the orders of protection and that I should file in \_\_\_\_\_ going forward. I then stated that I no longer live in \_\_\_\_\_ and that the violations occurred here in \_\_\_\_\_. I then tried to explain that \_\_\_\_\_ has \_\_\_\_\_ reports, several written violations with the DA's office for **FELONY** charges, and that \_\_\_\_\_ also has a case here in \_\_\_\_\_ with (DA # \_\_\_\_\_), for contacting me in violation of my **NO CONTACT** order. Commission \_\_\_\_\_ continued to ignore my statements. She stated the Judge from \_\_\_\_\_ seems to think differently and that he contacted her stating that she didn't have Jurisdiction as she held an ex parte hearing and \_\_\_\_\_ was not informed AND \_\_\_\_\_ wasn't served. I then began to explain that she indeed had Jurisdiction at the time of filing, as my son \_\_\_\_\_ was enrolled in school, and Judge \_\_\_\_\_ in \_\_\_\_\_ ordered for \_\_\_\_\_ to revert back to the current orders which granted me custody and visitation, in which Commissioner \_\_\_\_\_ interrupted me and stated that the proof of service was not in the file and therefore not enforceable. I then explained that the proof of service was served by the Sheriff on \_\_\_\_\_ and \_\_\_\_\_ and that a detective from \_\_\_\_\_ uploaded the proof of service into the system. Commission \_\_\_\_\_ then stated that she would not accept

the proof of service from me as I would alter the proof of service. This statement is false and shows bias towards me.

Commissioner continued to interrupt me and she stated over and over, “

” Commissioner refused to acknowledge that the proof of service was done correctly in of and that the current orders that she issued in should have been enforced. Commissioner ignored the rules of procedure and therefore granted immunity for his violations which is bias towards me and it continues to put my life in danger as well as my son

***(Please reference the minute order issued by Judge which summarizes their ex parte hearing on and Commissioner intent on removing )***

Prior to filing for contempt of court in County, I went to the county clerk’s office in \_\_\_\_\_ and I double checked that the proof of service for and his wife were on file. The clerk confirmed that proof of service was showing on their end but I would have to go upstairs and confirm with the Commissioners Dept. on the 3<sup>rd</sup> floor. I then went upstairs and received confirmation that the proof of service was indeed in the file. I was then able to move forward and file documentation for contempt of court because I had all of my documents in order with the clerk. When you go to the County Courthouse the clerks ask you questions, they speak to you, they confirm that the rules of procedure are being followed, if anything is wrong or missing, the clerk won’t let you proceed with the next motion. The clerk would not have accepted my request for contempt of court without the proof of service in the file for this case.

I contacted Detective on and I asked him about the proof of service. Detective confirmed that he could see the proof of service, that he verified in with the Sheriff and the DA’s office the validity and that he is unsure why the Commissioner couldn’t see the proof of service on her end. I then asked for a letter or email from him to provide to the court. He stated that I would have to contact and get a copy from them and he provided me with phone #...

- 2- Commissioner committed an **Act of Fraud** on the court by removing the proof of service from the file and purposely ignoring the rules of procedure in order to make her own laws. Commissioner actions and decision making were influence by an outside party.
- 3- Commissioner committed another act of judicial bias by stating that she would not accept the served proof of service from me as it most likely would be altered. This statement is false. I did not alter the proof of service. This shows the appearance of bias in this case. Commissioner then urged me to file in when I no longer live in and the domestic violence happened here in the state of

Additional Facts- - Prior to filing for the orders of protection, I contacted law enforcement as well as the Court in . I initially filed in but my paperwork was rejected and I was told that since I was in when the violations occurred that I would have to file in .

County Judges have advised me that County is a higher court than Court and any orders from County supersede the Orders.

Prior to filing in , I also consulted with an attorney –

Family Code 3044 presumption does apply to this case as this is now the  | year in a row that has violated the orders of protection issued by County.

At the time of filing there were no pending cases in and Judge ordered that I indeed had custody of our son every and weekend of the month. In Judge order he references what standards were applied in the case at Trial

currently has reports from other "mother's" listing as a victim along with his adopted brother . The original court order states

- County per UCCJEA regulations can obtain jurisdiction as was registered for school and his registration living with me in the state of was established. There was also domestic violence committed towards and myself by and his wife refused to abide by the court orders issued by Judge on and that is why I was able to file for modification. has missed over days of my time with , wife, is currently restrained from for **violently and physically attacking me** at my son's school on . was already ordered by the Sgt. and the Sherriff that she could not be in custody of my son on . I was advised by County Judge that this act alone was enough evidence to hold and his wife accountable as it proves the refusal to abide by the order of protection.

- By law I am to have equal rights and equal protection. has committed acts of domestic violence and he has violated several **served protective orders** purposely. has been granted immunity by Commissioner and Judge as they are refusing to acknowledge the violations. is able to attack me, his wife is able to hit me and my son without consequence. and his wife continue to harass me because they are able to get away with it.

Commissioner purposely ignored the Rules of Procedure by removing the valid proof of service from the file as a means to interfere with a judicial proceedings. Commissioner committed judicial misconduct- which occurs when a judge acts in ways that are considered unethical or otherwise violate the judge's obligations of impartial conduct by refusing to hold

accountable for his violations and by making an order prior to notifying me and allowing me an opportunity to submit evidence in objection.

Commissioner actions should be considered Fraud on the Court as she is trying to make her own rules and write her own set of laws. External circumstances controlled her decision making in this case. Judge contacted her and convinced her to remove my son ignoring the evidence of abuse. These actions violate my rights as well as rights as an American citizen to have Equal Rights and Equal protection.

I am asking that this order is over ruled and that is added back to the Protective Order. I am asking that Commissioner is reviewed and held accountable for Fraud on the Court, Judicial bias, and Judicial misconduct. I am also asking for this protective order to be enforced as was indeed properly served and allowed time to respond. made a conscious decision to ignore the filings and I am requesting that my motion for contempt of court is approved. I am also asking that to be returned to me due to refusal to abide by court orders.

Please see attached evidence

**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.**