

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-263

Complainant: No. 1429410241A

Judge: No. 1429510241B

ORDER

The complainant alleged that a superior court judge made incorrect decisions in a child custody case.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing the information provided by the complainant, the members of the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission has no jurisdiction to determine the legal sufficiency of the judge's decisions. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: November 23, 2011.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on November 23, 2011.

This order may not be used as a basis for disqualification of a judge.

During a hearing for custody in this case evidence was heard that proved that my wife, [redacted] was using marijuana. She herself admitted to using the drug recently, but only once. Testimony was heard that gave cause for concern that she may lie about the extent of her drug use as she had done recently. Testimony was given concerning her perjuring herself and evidence was offered to support the claim of perjury but was rejected due to it not being in the proper format.

I feel that it is highly improper for this judge to have

1. Left the children in the custody of [redacted] after she admittedly used marijuana.
2. Not accept evidence, audio recording, showing that [redacted] perjured herself after I transferred the recording to CD format – a format Judge [redacted] said would be acceptable. He instead insisted that the evidence wait to be submitted until trial.

I feel that the children living with not only [redacted] but her brother [redacted], who is under indictment for marijuana trafficking, is detrimental to their safety and well being and that the evidence of perjury would not only show that [redacted] had lied on the stand but that she would also be willing to lie to this court about the extent of her drug use.

The fact that Judge [redacted] simply said “Be very careful” to [redacted] regarding her behavior is disturbing to me in many ways. It shows suspicion on his part that he believes she may be behaving in a way that could cause the children harm and the lack of any drug testing being ordered by the court when it held such suspicion is most concerning of all.