

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-276

Judge:

Complainant:

ORDER

December 4, 2024

The Complainant alleged a superior court judge engaged in judicial misconduct when she limited the time scheduled for trial, denied a request for a jury, and erroneously ruled in favor of the opposing party.

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 Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 4, 2024.

2024-276

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 [] was assigned to a case where my step adoptive grandmother filed an emergency petition on her own behalf to take custody of my son. Previous to this Judge [] granted my step adoptive grandmother a restraining order against me with my son on it whom i had full custody of illegally. I have the recording of him saying he can't legally do that and then she perjured herself and said i was doing [] and without any proof or any documentation [] granted her the order of protection removing me from the home where me and my son lived while i had full custody. Then Judge [] removed my son from the restraining order and the judicial clerk of the court [] failed to remove him from the court documents which prevented me from going and taking my son back from her and bought her time to file the petition. In other words if it weren't for the clerks neglect then my son would have been in my care and would have never been taken from me. See Rule 85 Arizona Family law Subsection(b) Grounds for Relief from a Judgment. On motion and on such terms as are just, the court may relieve a party or its legal representative from a judgment for the following reasons:
(1) mistake, inadvertence, surprise, or excusable neglect
I showed this law to Judge [] who said she could not dismiss her petition on recording and she stated that i wrote too much. I had hired a lawyer [] and when we had the original evidentiary hearing judge [] violated my constitutional rights as she admitted on a telephone call that she had not paid attention to any of the evidence we submitted before the hearing when deciding wether to grand the emergency custody petition. She granted the petition with no material evidence proving any allegations permantley destroying mine and my sons relationship forever. That is a huge decision that she so lightly made and disregarded all my evidence which included a hair follicle showing all negative results for [] or any drug.
To put it simply my adoptive grandmother came into this court crying saying i was doing [], i responded by doing a hair follicle within 10 days of her initially going into the court, proving beyond a shadow of a doubt that she had lied to the court to convince them to take away my son, shouldn't that be the end of the case once her allegations were proven false? Pursuant to A.R.S. § 25-403 7.) Court Should Consider Whether one parent intentionally misled the court to cause an unnecessary delay, to increase the cost of litigation or to persuade the court to give a legal decision-making or a parenting time preference to that parent
You can even call [] and ask him about judge [] she neglected our evidence in the first hearing and took away custody from me for no reason and her negelect of our evidence violated my constitutional rights. Then i asked for a trial and she said that i couldn't have a jury trial meaning she was the jury which again violates my rights. Then she had the trial set for [] hours beginning at [] on [] ; we showed up early and didnt get inside the courtroom until after []. She proceeded to swear me in and let me present my case at [] and proceeded to give her findings [] minutes later which again violated my rights to due process and any reasonable person would presume that she already had her orders written before the trial even began because how can she consider my case when she gave me less then [] minutes to try my case and when directly into her findings the moment she said my time was up she did not even consider giving me my son back for a split second and on what grounds there was no evidence offered by the other party. The trial was set for [] hours she only gave me minutes and let the trial go for [] hours while not allowing me to call all my witnesses to the stand even though we still should have had another hour. To me this is very serious as my son is my life . She violated my rights to a due process.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

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Pursuant to A.R.S. 25-409 A third party must show clear and convincing evidence that awarding legal decision making to a legal parent is not consistent with the child's best interest.

When a judge rules on a family court case shouldn't they have to abide by these laws? Well if a third party doesn't show any evidence to prove any allegation in trial and the opposing party who is the child's biological father actually produces evidence proving all her allegations false shouldn't that mean the third party doesn't get custody under A.R.S 25-409?

There are more laws that this judge has violated as well because in _____ the petitioner my step adoptive grandmother was arrested and charged with Two counts Of Domestic violence and Assault in which me and my son were the victims.

AZ Rev Stat § 25-403.03

D. If the court determines that a parent who is seeking sole or joint legal decision-making has committed an act of domestic violence against the other parent, there is a rebuttable presumption that an award of sole or joint legal decision-making to the parent who committed the act of domestic violence is contrary to the child's best interests.

Pursuant to 18 U.S. Code § 3771 - Crime victims' rights
In the case of a crime victim who is under _____ years of age, incompetent, incapacitated, or deceased, the legal guardians of the crime victim or the representatives of the crime victim's estate, family members, or any other persons appointed as suitable by the court, may assume the crime victim's rights under this chapter, but in no event shall the defendant be named as such guardian or representative.

Therefore in conclusion all these laws have been violated and many more by judge _____ she completely ignored all my evidence proving the allegations false and all my evidence proving that the other party has abused their kids in front of my kid anybody who views the court transcripts and recordings will be able to see the misconduct