

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-162

Complainant: No. 1421010658A

Judge: No. 1421010658B

ORDER

The complainant alleged that a superior court judge demonstrated bias in her custody case by failing to follow the law and ruling in favor of the opposing party because he believes fathers deserve more custody than mothers. After reviewing the complaint, the supplemental information provided by the complainant, and the court record, the commission found no evidence of ethical misconduct on the part of the judge. The primary allegations concern the judge's decisions, which are outside the jurisdiction of the commission. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: September 14, 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 September 14, 2011.

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

June 19, 2011

State of Arizona
Commission on Judicial Conduct
1501. W. Washington Street, Ste 229
Phoenix, AZ 85007

Letter of complaint against Judge _____ of the Northwest Regional Center

To whom it may concern:

I believe Judge _____ is 100% biased and prejudiced against me, and has been since the very beginning of his involvement in my case. I think he has a preconceived notion that father's in Arizona deserve more custody of their children, than mothers. If I had known that Judge _____ was the judge in the case of Dawn Axsom, who was murdered by her abuser, and father of her child, approximately two years ago, I would have requested a different judge, based on the fact that my ex-husband has abused me and been convicted several times, and this judge doesn't seem to give much merit to that fact. I previously submitted all court documents from Idaho as a foreign judgment to the Maricopa Court, in 2003. **Please see attached Findings of Fact, Conclusions of Law, and Order.**

In August 2010, I filed an emergency petition for modification of custody. I advised Judge _____ of circumstances harmful to my children and he refused to do any thing about it. He was also advised that my ex-husband has kept my child in the past and kidnapped his other children as well, and that he would do it again. **Please see attached Motion for Post-Decree Temporary Order Without Notice for Modification of Child Custody and Parenting time Dated Aug 3, 2010, facebook messages, and journal entry date of August 5, 2010** My ex-husband then later did keep my daughter from me during my time on March 13, through March 14, 2011, and again on June 17, 2011.

We had a hearing October 5, 2010. Judge _____ had placed orders for my ex-husband to submit a urine sample to TASC by 5:00 pm that day, and advised him that if he did not that it would count as a positive and would affect the outcome of custody and/ or visitation. My ex-husband did not submit the sample. **Please see attached Court Minute Entry, Date 10/05/10.** October 8, 2010, I filed another emergency motion to modify custody, because my ex-husband admitted guilt by not submitting the urine sample, and I was concerned for my children. Judge _____ denied my request. **Please see attached Motion for Post-Decree Temporary Order Without Notice for Parenting Time Dated Oct 8, 2010.** On January 24, 2011, I filed a motion to compel my ex-husband to submit a hair follicle sample to TASC after he finally submitted a

urine sample three months after he was ordered, which gave him plenty of time to clean out his system. Judge denied my motion. **Please see attached Motion to Compel to submit a hair follicle drug test to TASC prior to court date 2-01-11 Dated Jun 24, 2011, and Court Minute Entry Date 1/31/11.**

During our hearing on February 1, 2011 Judge did nothing, when my ex-husband didn't provide me with his witness list and evidence prior to our hearing and heard all testimony and allowed the evidence. Judge also did nothing about my ex-husband not submitting his urine sample to TASC when he was ordered. **Please see attached Court Minute Entry date 2/01/11.** I believe that if Judge addressed this as he should have, the outcome of my custody case would have been very different.

We had an emergency hearing on March 14, 2011 relating to my ex-husband keeping my child. I filed a motion to enforce custody, and my ex-husband filed a motion for full custody of my child again. **Please see attached Petition to Enforce Child Custody Order Dated March 14, 2011, and Parenting Plan for Joint Custody and Sole Custody Dated March 14, 2011.** During this hearing, the judge did not give me the opportunity to have my fair time to explain to the court the violation, nor did he give me the opportunity to reply to one of the allegations against me, and proceeded to reprimand me as a parent and ordered parenting class, based on those false allegations, in which I am fully capable of proving wrong. **Please see attached documents from Idaho related to the involvement of Child Protective Services, and the Findings of Fact, Conclusions of Law, and Order.** The allegation was that my ex-husband was never informed that our daughter was placed in foster care at any time. I tried to tell Judge that my ex-husband did in fact know this because Child Protective Services removed my daughter from him, and took her to a foster home, and then a CASA worker was assigned, years ago in Idaho. But Judge cut me off with every attempt to tell him this. Also during this hearing I pointed out that the judge unfairly ordered parenting time regarding our oldest daughter, and it was a conflict with the joint custody order. The judge advised me to file the appropriate petition. As for my petition to enforce, Judge only told my ex-husband, "don't do it again." There has been no minute entry for this hearing provided to me, nor does it exist in the online access to the court minute entries. **Please see attached website printout of the available Minute Entries.**

On May 23, 2011, we had another hearing. I had received an order to appear for this date in relation to the petition I filed on March 16, 2011 requesting modification of the parenting time and child support. The judge was addressing a completely different petition in which my ex-husband had also filed in March. When I pointed this out to the judge, his response was "well I don't have that." Then I provided a copy of the order to appear, again he said "I don't have this." Then the judge proceeded to deny my petition for modification of parenting time, but then ordered a hearing to be set in September for the child support. Judge didn't even give me an opportunity to present my case for the petition to modify the parenting time, and told me that I should have addressed the issue sooner. **Please see the attached Court Minute Entry Date 5/32/11, and Order to Appear Dated March 18, 2011.**

I feel that my ex-husband is committing a severe case of parental alienation with my older daughter. He has done quite well with turning her against me. With nearly every motion or evidence my ex-husband submits, he provides letters written by my daughter, some in response

to my exhibits, and Judge has done nothing to discourage the behavior. In fact, I feel like Judge is giving my ex-husband more encouragement to alienate me from my child, with the various rulings, and preferential treatment that he gives my ex-husband.

I ask that Judge be removed from this and any other case I may have with the Superior Court. I respectfully thank you for your time regarding this complaint.

Sincerely,