

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-285

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge had violated his and his mother's constitutional right to the due process of law.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Dated: December 7, 2016

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on December 7, 2016.

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

Comp

2016-285

RE: Call to Action - Miscarriage of Justice in

(Is There Any Justice?)

What does it mean when an elected official is sworn into office? What does it mean when they swear to uphold the Constitution? Before a candidate is elected to office, they must take a loyalty oath of office. In the oath, the elected candidate solemnly swears, or affirms, they will support the Constitution of the United States, the Constitution and laws of the state of Arizona, and they will defend

the U.S. and Arizona against all enemies, foreign and domestic, and states they will faithfully and impartially discharge the duties of their office.

Does this mean
 has the obligation to ensure each person is ensured equal opportunity and that they are not denied their Constitutional rights to the best of her ability? When an elected official denies the People of their Constitutional rights, should they remain in office? When actions are taken to deliberately hurt a child, is that in the best interest of justice or in the best interest of the children? When
 swore into office, did he have any idea the magnitude of
 injustice he was causing? Did he have any idea of the miscarriage of justice that was, and still currently is, being delivered to the system? I was present when
 raised her right hand and solemnly swore to support the Constitution of the United States.

Fact: On the day that was sworn into office, she solemnly swore that she will Support the Constitution of the United States: which, would include the right to Due Process. Why is it that, time and time again, actions taken by and employees within the have continued to violate my Due Process right and the Due Process rights of my family? Why is it that the Constitutional violations allowed by the so called, "justice system" allowed placements of intimate danger? Why is it that the, so called, "justice system" of thinks it is in the best interest of children to separate them from their identical twin brother and keep them away from family who have only supported and encouraged them? Why is it that my child has been abused because of the, so called, "justice system" of ? Why is it that my son had to send me the picture on the following page because of actions taken in the, so

called, "justice system". and actions taken by the and
the (more specifically,)?

Please allow me to introduce myself and the situation. My name is and I am
the father My son. has been taken away from me,
my wife, his identical twin brother. is currently
involved in the due to an incident that occurred when he was living with his
biological mother, has lived with me and my wife,
for the past years Over the last years during the time has lived with us, he took off
from to within our family business. This year he has returned to
High School, he has excellent grades, and is With online
classes he took in his off time, he was able to return to high school with the plans of graduating with his
class has had no problems with the law and has been doing great! He has had the
family support that a child needs to succeed and do well.

has been for an incident that occurred while his biological
mother, had sole legal custody. contacted me within minutes of the incident
that, ultimately, landed him in the grasp He asked me what he should do,
and I advised him that he needs to go to the police. going to the police ultimately landed him
behind a solid sliding door at the for almost months.
He was assigned , of them being and
Among many of the initial conditions for was that he was to have no contact with myself, his
biological father, and his paternal grandmother, The records became sealed, and the
only information that was obtainable was from individuals that were in the court room. For what reason
could a think it is in the best interest of a child to keep him away from
his father and grandmother? No evidence had ever been submitted showing there was any type of abuse

from myself or his grandmother, and yet, made conditions with that he was to have no contact with myself or his grandmother. These conditions were also made on the record during court proceedings while was presiding. It was ordered that have no contact with his closest family members. However, there were no court hearings for us to defend ourselves; our Due Process rights were intentionally violated.

What is DUE PROCESS? What does section 1 of the 14th Amendment state? Should any American citizen be denied the right to procedural Due Process? If the courts want to make any type of allegations against me or my mother, that would prevent contact with my son, shouldn't we be entitled to our Procedural Due Process rights? The answer is, "YES," we should have been provided our Due Process rights. But, we have not!

Along the way, allegations have been made. Those same allegations have been amended in court petitions and orders to just say that, The are orders that to have no contact with me. No justification, no court hearing. Honorable has allowed our right to be violated by not allowing a court hearing for me to defend myself against any allegations. Nowhere on paper, that I have seen, does it say I can't have contact with Yet, has advised me and my wife that he has concerns, and that can't have contact with me or my mother, Because of hostility towards me, and the lack of Due Process in courtroom, these actions caused to be physically abused by his biological mother, , and the results of the abuse are the photo of on the previous page.

and have worked together to place restrictions against to prevent him from being able to obtain a safe place. Time and time again, have been made aware about the living conditions that were present in forced home. And yet, the only thing that was done was for to have conditions of no contact from the two people that did the most for him, his father and grandmother. Is this justice? I'm starting to think that this is how justice is interpreted in the But, how will we ever know? Records get sealed, and we get told the only person that can unseal them is However, by her unsealing the records, it will reveal all the Due Process violations and the injustice that has occurred along the way. Just over years ago . He also had the same conditions of no contact with me or his grandmother. Again, there were no reasons, just injustice. Now, has lived with me for over years, and he has never done better! WHERE IS THE JUSTICE:

was involved in a major accident on His brother, was present and notified us what happened. My wife and I were in when we got the call, and we drove straight to get back to be with as quickly as possible. Soon after, started with physical therapy and had many doctor appointments. He was attending physical therapy times a week. Many of these appointments we had to take him because he was unable to get a ride, and his biological mother would not, for the most part, take him. At this point, I had never been advised of a court hearing, nor was I served any type of paper stating that I could not have contact with It was

just saying that probation said we could not have contact. So, I was going to be there for my son in any way I could.

On [redacted] went over to visit [redacted] at his home. When [redacted] came home to us that night, he was visibly upset. He told my wife and me that [redacted] the biological mother to [redacted] had got in a fight with [redacted] and that [redacted] smashed a picture frame over [redacted] head, causing the damage shown in the previous picture. What could I do? Apparently, there were court orders stating I can't have any contact with [redacted]. Fearing he will get in trouble, [redacted] does not want to call; even though, there were several witnesses stating [redacted] didn't do anything wrong. I was furious at the, so called, "justice system!" If he was living with me, this would have never happened! By placing the no contact condition, he could not come to his family for protection. [redacted] put him in this situation, and he could not trust them! I tried to rationalize everything as best as possible and to come up with a plan to protect my son. My wife and I thought about it and, luckily, the next morning, [redacted] we were scheduled to pick up [redacted] from his home so we could take him to his physical therapy appointment. That Monday morning, [redacted] was outside and waved to us; [redacted] then got into the truck. I asked his how he was, and he said, "Good." I told him that I knew what happened, and he started to cry. I told him that I was going to do something about it; I didn't care who gets in trouble, but I was going to protect my son. I told him that we were going to take him to his physical therapy and that after we were going to report what happened.

When [redacted] got out of his physical therapy, I told him he needed to call [redacted] and tell her that he needed to talk to her in person as soon as possible. He was scared to talk to his current [redacted] due to his unfairness and his unreasonable conditions of [redacted] (i.e.: NO contact with his father and his grandmother). Arrangements were made that [redacted] would meet [redacted] and his brother at a park in [redacted]. I believe it was between [redacted] before [redacted] could show up. When they showed up, an unmarked police car also showed up. One officer was hiding behind the restroom with a listening device pointed at [redacted] and the [redacted]. After they started to talk, my wife and I approached the group. We let probation know that we had [redacted] call and that we had brought him to the park. [redacted] informed me that [redacted] would be taken to a safe place, and that he would call us with an update. [redacted] left crying saying he just wanted to be with his family!

The next day, [redacted] my wife and I went in to speak with [redacted]. He had never called us with an update. Over the course of the conversation, he said,

He said

[redacted] He didn't even ask, just assumed that [redacted] was done with school. As I said earlier, [redacted] is currently enrolled at [redacted] with good grades, and [redacted] (

[redacted]) said that the judge has put in certain orders sealing the files and restricting [redacted] from having contact with me, but that he would talk to her and get back to us. As of today [redacted] has not gotten back to us, only to continue enforcing the no contact; even though, we helped [redacted] come forward to prevent further abuse. How am I the bad person here? [redacted] for the [redacted] placed my son, [redacted] in danger by keeping away the

**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.**