

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-213

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge improperly increased parenting time for her child's father.

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).

Commission member Margaret H. Downie did not participate in the consideration of this matter.

Dated: October 12, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer

Executive Director

Copies of this order were distributed to all appropriate persons on October 12, 2017.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2017-213

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.

*Exhs 8 & 9 text message posts. They were not in regards to _____ . The text regarding the fathers drinking were a completely different occurrence, from _____ to _____ . Father did not state he stopped drinking in _____ it was from the texts in _____ . Father also did not state that he was going to counseling for co-parenting, he did not even reference this. Father stated he was in counseling for mental instability

*The trial documents state that mother acts unreasonably and does not respond to text. This is untrue and there was no documents to prove this. Mother has recently moved and was not withholding it from father. Mother also informs father of all medical appointments to witch he does not attend by choice, with the exception of one appointment in which he refused to pick up the child's medication that she was prescribed.

*Father did become unnecessarily agitated when being asked his income, which per the judge did not match to what he previously stated in the _____ hearing. He also became very agitated and wanted the "plead the fifth" when asked if he would be willing to take 1 or multiple random drug testing after his earlier admittance to smoking marijuana. In order to have visitation with his child.

*The father clearly tried to mislead the court when asked how much money he makes an hour. In the previous hearing _____ he was on record at _____ an hour, when he answered a _____ an hour this trial while at the same employer

*Father admitted to smoking marijuana, but also denies it in the trial decision statement (written by the judge her answers condescend one another. Mother has personally seen the father smoke and showed proof from social media, and these statements were not recorded during trial.

*The father admitted that he does consume alcohol, many times during this hearing. There was quite a bit of testimony of the father being impaired with the child, including character letter confirming in a specific situation when the father started a fight while impaired and holding the child. There were also many pictures of the father drinking while holding the child

*The father told the court on record that he does not pay taxes and is paid in cash under the table from his employer. This being said father does not pay taxes and should not be allowed to claim the child on tax returns any year.

MY QUESTIONS:

***Why would father be granted more time when he would not even agree to one drug test the day of this trial, after admitting to drug use, and supporting evidence of it.(why was 1 drug test not mandatory when father admitted to use)

*Many exhibits where entered into evidence during trial seemed to be not even considered. Child had come back from father's house, on multiple occasions with diaper rash so bad, mother has to take her to the doctor. Sometimes these rashes occur in 10 hours of fathers care.

*The father shows inability to care for the child properly with the time he currently has with her. There is no reason the father needs, or should have any more time, unless he can prove otherwise.

*Given all the evidence the father was granted more time (over nights)

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