

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-095

Judge:

Complainant:

ORDER

August 23, 2024

The Complainant alleged improper legal rulings by a superior court judge hearing a criminal case.

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 Colleen E. Concannon and Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on August 23, 2024.

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

FOR OFFICE USE ONLY

2024-095

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.

I will describe in detail the conduct I have witnessed and have fallen subjective to. I will describe my interactions with Judge _____ from the Petitioner's [Fathers] perspective. The main issue that provoked the draft of this complaint is that Judge _____ submitted a minute entry stating that I need to request weekly drug test to see my child (unprovoked [details below]), therefore, I then submitted a motion to reinstate weekly testing so I can see my child and he denied said motion stating that it has " _____ and that I have " _____ ; despite having submitted two hair follicle tests to Judge _____ detailing _____ months of sobriety previously. The fact that he told me to submit for weekly testing and denied it, does not detract from the consistent conduct Judge _____ has displayed towards me and me alone, throughout this case. Below are the details of what I have witnessed.

Judge _____ was assigned my case post-divorce. After my divorce was finalized, I filed a petition to Modify Parenting Time as well as an Enforcement of Parenting Time petition because the Respondent [Mother] would no longer let me see my child post-decree against Decree orders. There is a very long history of the Respondent using my child to ask for things directly or indirectly and/or using the child to hurt me. A recent example summarized: "

" . The hearings were both merged into one court hearing. During the Evidentiary Hearing on _____ @ _____ , I provided 2 negative hair samples to show my sobriety during this hearing, along with other samples gathered throughout the entirety of the divorce proceedings. As explained during the proceeding and later in petitions, it is mandatory to provide a minimum of 1.5-2 inches of hair or they will not take it and test it. This length of hair tests examines the entirety of the hair sample, providing a detailed examination of substance use over a full _____ -month period. The hair samples proved material evidence of _____ months of consecutive sobriety. This to me, was evidence provided (Judge _____ later states that I have not demonstrated sobriety). Inversely, the respondent only showed a couple of exhibits, yet all her exhibits were submitted into evidence during the trial. This does not seem like proper conduct as we went through all my exhibits to see if they should be submitted or not with Judge _____ specifically denying some of my exhibits to be submitted to evidence. The Respondents exhibits were all submitted by default. We went through very few of the respondents exhibits yet at the end of the hearing, Judge _____ ordered all her exhibits to be submitted stating in court "

" , when in reality, we only went through my exhibits because the Respondent only talked during her testimony and didn' t really show any relevant evidence. Furthermore, during this hearing, I was not allowed to talk about any of the Respondents conduct, prior to the divorce finalization in _____ of _____ per Judge _____ as he interrupted my testimony several times to tell me that I cannot talk about anything prior to _____. The Respondent was not only allowed, but the majority of the Respondents testimony was describing events prior to the divorce finalization, even discussing much of things that happened prior to initially filing for divorce in _____ of _____

I highlighted all the above to Judge _____ for his awareness and reconsideration in a petition submitted after receiving Judge _____ ruling/minute entry for the court hearing on _____. I believe perhaps that I may have inadvertently caused offense to Judge _____ after submitting that petition because it was a direct challenge of his conduct and ruling. Not that I meant to. I am no lawyer and I just detailed the facts as I had witnessed them. This was titled " Motion for Consideration," filed on _____

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In the Minute Entry/ruling in response to my " Motion for Consideration" , Judge ruled that I would need to continue to provide hair samples every single month for the next months to see my child OR that "

. In our evidentiary hearing, I explained the process during court. I further explained the process for this in my "Motion for Reconsideration". Judge gave me the impossible and redundant task of having to obtain hair samples every single month in order to see my child even though I explained to him that each hair sample costs and that the sample covers a three-month span because you specifically have to give them enough hair to test for that.

Further showing the one-sided favor of Judge has ensued... Judge was the Judge that presided over our initial divorce case. In the Evidentiary Hearing, did not provide any material evidence to overturn Judge decisions. However, I provided evidence, by way of months of hair follicle EtG samples, hoping to show our newly appointed Judge (that Judge decision to remove my alcohol monitoring in the final decree was justified. In the end, Judge decree was overturned, and Judge reinstated my need for alcohol testing. There was no supported evidence to support the overturning of decisions from a judge that presided over our case for months. I also had to provide evidence that I have a safe and healthy relationship with my daughter and other things due to the Respondents testimony, but I am trying to stick to what is actually wrong with these court proceedings and rulings. I have expressed and shown mothers ill will, use of the courts and the use of my daughter to cause negative outcomes for me strictly for the purpose of hurting me and not for the safety of my -year-old child. The Respondent has provided Positive drug tests during our divorce with no repercussions. I brought this to Judge attention in the hearing and stated that she got a hair sample for her positive test results but did not provide that evidence to myself or Judge Judge make the respondent provide and proof of this and did not make the Respondent resume drug testing. However, I was made to continue testing despite bringing evidence of months of consistent sobriety. All actions are taken against me only.

The acts of Judge that is most in question is the fact that I submitted a motion to Judge for the court to implement Weekly Drug Test per Judge himself, and he denied it without cause. On - Judge Ruled "

. So. I did just that with a motion I filed on , titled "Motion for Weekly Drug Testing". Judge denied my petition stating that it was already addressed and further stating that I have failed to provide proof of sobriety. How is this possible when I am doing exactly what the judge asked? Furthermore, Judge recently issued OTA orders for petition stating that she cannot get registration on her vehicle. This is not a family court issue. This is a issue and shows the direct favor the respondent has gained in this case.

The fact that Judge told me to submit a petition to do weekly drug tests, and then denied that petition is unprofessional at best. I have been sober now for days and have seen my child maybe days in the last year. This is very serious, and Judge is treating this case like his actions don' t affect real people.