

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-260

Complainant: No. 1346700514A

Judge: No. 1346700514B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The issue raised is legal or appellate in nature, and the more appropriate remedy would have been to appeal the judge's decision to a court with proper jurisdiction.

The commission is not an appellate court and cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: November 18, 2008.

FOR THE COMMISSION

 \s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on November 18, 2008.

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

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Legal Note as to paternity: As this complaint is against Judge [redacted] in part because of his failure to allow a paternity test to be done, and I am 99.9999% positive that the Child [redacted] is My Biological Son, any and all references made as to paternity assume that it would have shown positive that I am the child's Biological father had the paternity test been allowed.

Legal Note as to Conception: While the courts and ADES have questioned the validity of how the pregnancy happened non-the-less their was a child conceived that fits the Time Frame for Birth, [redacted] being exactly 36 Weeks from suspected date of conception, he also has the Same First Name as to what I was told my son's name is, also [redacted] looks like myself at the same age to the point that Facial Recolonization Software says equally the same. Also the state of Arizona is the Last Place where [redacted] mother was known to reside.

Conception of [redacted] was obtained by the following means, [redacted] mother went into my bedroom and stole my sperm from a previous sexual act that did not include his mother, she used my sperm from that sex act against my knowledge to impregnate herself, the key-phrase being "against my knowledge" and "did not include his mother" as with similar cases where it would have been with her it would be considered a gift for her to do with what she wants and against my knowledge to show why I did not know I had fathered a child and should not be reasonably expected to know and/or inform any database or agency of the possibility.

Legal Note as to child's Mother's identity: Full disclosure was made to the courts and ADES as to how the pregnancy happened to provide the explanation as to why I do not know her name. As I do not remember her name after being told of [redacted] by a reluctant party I believe her name was [redacted] however that may have been a assumed name, I was not told of her last name.

Legal Note as to ADES (Arizona Department of Economic Security) and
During the court proceedings ADES's Lawyers stated that I had not given them several key Information facts in which I had given the information to [redacted] a employee of [redacted] a subcontracted company of Arizona Department of Economic Security. A 47 page e-mail printout with the conversation between myself and [redacted] has been supplied to prove the statement. I also told all of the information that they said that I did not tell them to 2 employees of ADES,

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Complaint: Judge [redacted] violated both my parental rights and constitutional rights by not looking further into the case beyond what was stated by ADES in the reply to the Paternity Complaint, Based solely on the information in the ADES response Judge [redacted] Denied me the right to prove paternity, After sending a reply to the Courts that the ADES response has incorrect information provided to the courts and pointed out what the true facts are he still did not allow me the chance to prove paternity.

After receiving the Case Judge [redacted] failed to look into the allegations by ADES that I failed to provide pertinent information to them, Even after I told Judge [redacted] of the mis-information provided to the courts by ADES he still refused to provide relief. I called [redacted] to make sure that he received the information and to see if he was going to change his ruling based of Facts in the case and Constitutional Law.

After I informed Judge [redacted] via a letter to Judge [redacted] in writing that in fact any Termination of parental rights if so in effect would be Unconstitutional as the Mother Knows that I am the Father [redacted] and has defrauded the courts of Arizona by not providing my name to them, Termination of Parental Rights under the use of Alleged Father or John Doe when a father is known is unconstitutional.

I have been denied a meaningful hearing to contest the termination of my parental rights and Judge [redacted] has / is continuing to violate my constitutional rights even after being notified that My Parental Rights were unconstitutionally taken away from myself.

Attorney [redacted] failed to conduct any factual investigation of the case, including a failure to inquire of his client as to the factual basis of the response he gave. Furthermore Judge [redacted] failed to conduct any factual investigation of the response given to him by [redacted]

Judge [redacted] has Imposed Unlawful, Irrelevant and Onerous Conditions the Reunification of Myself and My Son

1. Continuation of Separation from a known father who wants custody and not providing relief to a paternity complaint as to prove paternity.
2. Imposing conditions that I should have somehow known that my parental rights were being terminated when I was not informed nor could identify my son to the state before
3. I notified the state of Arizona as soon as I could identify my son to the state, Several calls went unanswered up until the next day after he was taken off the adopt us kids website.

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Federal and State (AZ) Constitution along with Statutory Rights have been violated due to the father of is known to the mother.

Both AZ Court's and ADES have arbitrarily withheld mandated and available services that would alleviate dependency and/or placement and/or achieve reunification.

1. Paternity Testing
2. fulfillment of Paternity Complaint

Being that Adoption has not been held as of when I notified ADES they also have violated Constitutional and statutory rights seeking separation of parents from their children despite the fact that the statutory requirement that there be no feasible alternatives to separation is not met.

Both ADES and Judge have acted with intentional and/or reckless disregard of the Constitutional and statutory rights of individuals.

1. Arbitrarily discriminating against the Constitutional and statutory rights of individuals, including all Plaintiffs herein with either or both intend to discriminate or through improper execution of its duties.
2. As a result of the above described acts, Plaintiff (myself) was deprived of rights and liberties secured to myself by the United States Constitution, Specifically, I am deprived of the care, custody and companionship of my son without due process of law in violation of the Fourteenth Amendment to the United States Constitution.
3. As a result of the above described acts, is being deprived of rights and liberties secured to him by the United States Constitution. Specifically, is deprived of the protection and companionship of his natural father without due process of law in violation of the Fourteenth Amendment to the United States Constitution.
4. The actions of Judge and ADES in not allowing myself to prove to be his father and provide him a home with his natural father were willful, wanton and malicious and constituted and arbitrary and unconscionable abuse of government authority.

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5. The termination of my parental rights with respect to _____ based on their own willful failure to investigate and assess the factual basis underlying the allegations of dependency in regards to finding out who his father is was an arbitrary and unconscionable abuse of government authority.
6. As a result of the above described acts, Myself _____ and _____ were deprived of rights and liberties secured to us by the United States Constitution Specifically, We were/are being deprived of the right to familial integrity and association protected by the substantive component of the due process clause of the Fourteenth Amendment to the United States Constitution.