

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-292

Complainant: No. 1349210553A

Judge: No. 1349210553B

ORDER

The commission reviewed the complaint filed in this matter and the recording of the hearing and found no evidence of ethical misconduct on the part of the judge.

The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: March 6, 2009.

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on March 6, 2009.

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

11/13/08

To Whom It May Concern:

I , feel that Judge was prejudice against me in the following ways:

1) Allowed attorney for to become involved in case the day of trial

2) Allowed to shave his head to avoid detection of drugs by hair follicle testing. Judge asked me if I would test positive and at this time I did admit to the probability of testing positive.

thanked me for my honesty and ordered me to test regardless. also ordered that 'neither one of us cut our hair to avoid detection and if either one of us cut our hair, he would be very disappointed and consider this to be a serious offense

3) was not able to give Tasc a suitable hair sample because his head was shaved bald on

4) Allowed request for an extension on hair follicle test on . After Fink ordered **NOT** to cut our hair.

5) Allowed 6 months from to file any income taxes that were not filed for the marital community to date, as of yet has not filed and no action has been taken against him.

6) On at our court hearing I was asked by Judge if there was a possibility that I was pregnant. At the time I answered no. Then on at another court hearing I was 7 months pregnant. Judge asked me again if I knew I was pregnant when I had seen him last on My response to this was I did not find out I was pregnant until late

. Judge asked me who the father was and this is when I verbally named as the father. I was also told by Judge that if Commissioner court would not off-set our child support arrearages his division would. This has yet to happen.

7) On a court hearing I was asked by Judge if I would pursue the courts regarding my fifth child . My response at the time was 'I have no intention on filing anything for my daughter'. was also asked at this time by Judge and his response was no, he would not file for . I was advised by if I was should plead for it should be filed under same case number.

8) On a telephone conference call on , Judge would not rule to modify any parenting time for myself because I did not file pleadings for my fifth child, as of date. He explained to me he was under the understanding that I would have done this by now. He absolutely refused to set another court hearing for modification of parenting time until I filed pleadings for my fifth child. At this time he called me a drug addict and a liar and said I couldn't be trusted. All this was said in the presence of my attorney

mother , attorney for , and . I can't begin to explain the humiliation I felt once this had been said! This is not the first time I've been called a drug addict and a liar by the Court System! I then explained to Judge there was no agreement to file any pleadings for my daughter, and I thought it to be unfair of him not to rule on my other 4 children until I was forced to file pleadings for my fifth?? and I agreed to leave our fifth child out of the present court order back in . asked again at this time and it was mutually agreed not to include her.

grudgingly agreed to set my next hearing for I don't appreciate how this judge can see ONLY my faults. I have no problem admitting to the things I have done in the past as far as my drug use is concerned. However, since my children were taken from my home and given to their father . This was the hardest thing that I have ever been through and it pains me to only imagine how hard all of this has been on my children. I immediately entered an inpatient 3 month drug rehabilitation program and completed this on . I then followed up with Intense Outpatient Care 4 days a week 8:30 a.m.-12:00 p.m. for 2

and ½ months. I completed this program . I currently attend Outpatient Night Treatment on Mondays and Wednesdays, from 6:00 p.m.-8:00 p.m. a total of 24 sessions. I realize I have put myself in this situation and no one forced me to make the choices I made. I work very hard on my recovery and getting my life back together, I take this very seriously. I am **NOT A DRUG ADDICT!** I am a human being who has made a very costly mistake, and as far as being a liar goes, I **HAVE NOT LIED** about anything in my case. It's too bad Judge cant see who the real liar is in this case and I have every intention on proving this, come

9) As a result of all the tension in my case and especially with Judge and my attorney , who has told on that "he , was not helping me by the way he was handling my case" since then my attorney on record has withdrew himself from my case. I have no money to attain another lawyer at this time. I am offended by the way Judge spoke to my lawyer. I don't believe it to be very professional, I personally thought it to be intimidating.

10) And finally, I was told by Judge there would be off-sets made to my child support case, even though at this time owes me more than \$4000.00 in back pay child support and I am ordered to pay him \$750.00 a month in child support even though my visitation has been increased since the original order. I made pleas to the court regarding this because I work making \$8.50 an hour and pay exactly 50% of my paycheck every two weeks to child support which leaves me with \$200.00-\$250.00 every payday. I am barely making enough money to support myself and my daughter. has refused to take this into consideration and has put off resolving this problem again, till

I would like to thank you for your time and consideration and hope that you will be helpful to me in this matter. I understand this will not affect any rulings that have been made as of date, and that is fine with me. However, I am offended by Judge remarks

and feel that he has been biased against me this whole time. I have done my best at telling the truth and being honest even at times where I knew it wouldn't help my case. I do not feel he has taken all the evidence of this trial into consideration when he makes his rulings. There are times where I feel he let get away with going against certain court orders and I was bound to uphold each order. This was not fair to me. I do not feel comfortable going to trial in front of him and I am very intimidated by the decisions he may make at that time. I am hoping there will be something the commissioner's office can do about this. Once again I thank you for your time and hope to hear back from someone regarding this matter in a timely fashion.