

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

7/27/09 800am

FC 2009-001948

07/24/2009

HON. SUSANNA C. PINEDA

CLERK OF THE COURT  
E. Rosel  
Deputy

IN RE THE MARRIAGE OF  
CONNIE JONES

ELIZABETH FELDMAN

AND

DWIGHT LAMON JONES

JEFFREY A LEYTON

FAMILY COURT SERVICES-CCC.

MINUTE ENTRY

This matter came before the Court on Mother's petition for temporary orders and Father's cross-petition.

FACTUAL FINDINGS

The parties have had a marriage of long duration, having married twenty years ago. During the early part of their marriage Mother attended school while Father trained to become a tennis professional. They are the parents of a son, twelve year old Yannick. Mother is a radiologist employed at a Scottsdale hospital. Father was a stay at home Father, taking the child to school, assisting him with his sporting activities, and generally caring for the child. Once the child was of school age, Mother asked that Father seek employment. Father refused. As a result, Mother has been the sole bread winner for the family. Although Father was physically available for the child's care, Mother has also been an active parent, taking care of many of the child's needs, including making his doctor's appointments, meeting with his educators, and caring for him when not at work.

In late April 2009, Father had a verbal altercation with officials at Yannick's school after Father disagreed with punishment issued by the school against his son. As a result of this

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-001948

07/24/2009

altercation, injunctions were placed on Father precluding him from going to the child's school. Father told Mother that during the altercation, he was called a racial slur by one of the officials.

On May 10, 2009, after returning home from his son's basketball game, Father began yelling at his son.<sup>[1]</sup> Mother confronted Father, telling him to leave the child alone. Father became irate at Mother's "interference" with his reprimand of their son for being disrespectful. He physically and verbally assaulted Mother. In doing so, he scolded her for coddling their son's every wants and not considering the families' needs before her professional needs. As Father held Mother against the wall near a phone, he dared her to call 9-1-1. Father is heard threatening to drown Mother in the family pool as he berated her for wanting a pool when they do not use it and the child cannot swim.

Although Father alleges that Mother was the verbal aggressor, the unedited<sup>[2]</sup> transcript of the recorded event shows Father was the verbal aggressor. Mother repeatedly asked that Father stop his assault. Mother testified that, in previous incidents, Father had warned Mother that he would kill her before the police could arrive if she called 9-1-1. Mother testified that during this incident, as he held her up against the wall phone, Father repeatedly dared her to call 9-1-1 to see whether he would carry out his threat. As Mother asked him to stop, Father called her derogatory names. As she asked him to leave the child alone, Father stated that he was not hitting the child and accused Mother of hitting the child in the past.

Father subsequently took the child into the home's courtyard. Mother took the opportunity to call 9-1-1 on her cell phone and leave the house. She reported Father's assaultive behavior to the police and warned them that he had access to a gun. When the police arrived Father refused to leave the residence and a standoff ensued resulting in a Swat team being summoned to the home. Eventually, Father led the child out of the home and he was taken into custody. Father subsequently pleaded guilty to misdemeanor disorderly conduct. He was sentenced to time served and placed on probation for one year.

On May 12, 2009, Mother filed her petition for dissolution of marriage. Mother seeks temporary orders giving her exclusive use of the marital home, sole legal custody, child support and supervised parenting time for Father. Mother also asks that this Court order that Father undergo a psychological evaluation.

---

<sup>[1]</sup> Mother, who had been concerned with Father's aggressive behavior, had placed various recording devices around the home.

<sup>[2]</sup> Mother provided the Court with a certified transcript prepared by certified transcriber Katherine McNally, and another transcript in which she attempts to reconstruct the "indiscernible" portions of the transcripts. Because no tapes were provided in which to compare these portions with Mother's edits, this second transcript will not be considered.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-001948

07/24/2009

On May 27, 2009, the parties appeared in court and reached temporary agreements with regards to parenting time. They agreed that Father would have two hours per week of supervised parenting time, said parenting time to be supervised by either Dr. David Weinstock or through Parenting Skills. The parties were equally responsible for the costs of these visits. This Court set a hearing on the remaining temporary orders for August 24, 2009.

On June 2, 2009, Father filed his motion for temporary orders regarding the division of community property, spousal maintenance, and attorney's fees and costs. This motion was consolidated for hearing and the hearing expedited to July 21. Father also asks, by separate motion, that the child be interviewed.

Mother admits that although she took the minor child to one of Father's scheduled supervised visits, she became alarmed when she found various articles in Father's room including an apparent map depicting her places of work depicting bodies lying about, and various books on killing and mind control. Additionally, she discovered that Father has charged \$4,000.00 to a CJAS, a gun club after his release from jail. When she discovered the gun club charge, Mother became concerned that Father had purchased a gun and did not take the child to Father's supervised visit.

Father alleged that the \$4000.00 was not for a gun club, but that his first attorney ran his credit card through a friend allegedly using the gun club card machine. He also alleged that the "map" was not a plan to harm Mother, but an "economic joke" he had described to his son. Given the notations on the map, this Court finds that Father's explanation of this item is highly suspect.

Both parties testified that during the course of their marriage, the parties have acquired community liquid assets. Father claims the parties have liquid assets totaling \$306,000.00. Wife claims that the parties have liquid assets totaling \$236,000.00, alleging that a Wells Fargo account with approximately \$50,000.00 is held on behalf of the minor child. Mother acknowledges that following the May incident, she limited Father's access to the community funds by transferring funds out of the joint account and into accounts held in her own name. Both parties agree that Father was left \$11,000.00 in cash. Father also made charges on Mother's credit card which Mother paid with community funds. Mother asks that this Court limit Father's access to monies on the basis that it is her belief he will use the money to hire someone to cause her harm.

Father is also asking for temporary spousal maintenance orders and contribution to attorney's fees. He points to Mother's significant income as the basis for his requests and his absence from the work force for a period of 20 plus years.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-001948

07/24/2009

Mother counters that each party will have one-half the liquid assets and that she is currently maintaining the marital residence, an asset whose division will await trial. A review of Husband's affidavit of financial information indicates that Husband's reasonable monthly expenses are approximately \$4500.00 to \$5000.00 per month.<sup>[3]</sup> Father, although unemployed, has not provided any reason why he cannot seek employment. As a result, this Court will attribute to him minimum wage.

**ORDERS**

Based on the evidence presented,

IT IS ORDERED, *pendente lite*, that Father shall only have supervised parenting time as previously ordered in this Court's May 27, 2009 minute entry. Said parenting time shall be conducted by Dr. Weinstock or Parenting Skills.

IT IS ORDERED, *pendente lite*, that the parties are to equally divide the cost of Father's supervised visits.

IT IS ORDERED, *pendente lite*, granting Mother exclusive use of the marital residence located at 9835 East Voltaire Drive, Scottsdale, Arizona.

IT IS ORDERED that Mother immediately provide Father the sum of \$97,213.00 as his half of the undisputed liquid community assets.

IT IS ORDERED freezing all moneys (approximately \$50,000.00) held in the Wells Fargo account for determination of the nature of these moneys at the time of trial.

IT IS ORDERED, *pendente lite*, that Mother shall pay to Father the sum of \$3,800.00 per month in spousal maintenance.

IT IS ORDERED, *pendente lite* and applying the Arizona Child Support guidelines, that Father shall pay Mother the sum of \$347.94 per month in child support.

LET THE RECORD REFLECT an Order of Assignment is initiated electronically by the above-named deputy clerk.

<sup>[3]</sup> Although Father repeatedly testified that Wife earned significant income during the last four years of their marriage, there was absolutely no testimony regarding the standard of living experienced by the parties. Father's AFI contains expenses for the minor child who will not be in his care at this time.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-001948

07/24/2009

IT IS ORDERED that the child shall be interviewed as part of the custody evaluation agreed upon by the parties.

IT IS FURTHER ORDERED denying Father's request for an order that Mother contribute to his attorney's fees given Father's unlimited access to nearly \$100,000.00 in community liquid funds.

This Court will address the issue of psychiatric evaluation of Father upon completion of legal briefing.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

  
\_\_\_\_\_  
JUDICIAL OFFICER OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

1 D. That the Court order child support pursuant to the Arizona Child Support  
2 Guidelines;

3 E. That the Court enter an order affirming to each party his/her sole and  
4 separate property and debt;

5 F. That the Court enter an order equitably dividing all community property and  
6 community debt;


7 G. That the Court order each party to pay his/her own attorney's fees, and any  
8 other costs incurred in this matter, unless Father becomes unreasonable and then Mother  
9 would be entitled to an award of attorney's fees, pursuant to A.R.S. §25-324;

10 H. That the Court decide the issue of spousal maintenance, pursuant to A.R.S.  
11 §25-319; and

12 I. In accordance with Rule 2.B., *ARFLP*, require the parties to comply with the  
13 *Arizona Rules of Evidence* in all hearings and the trial of this matter.

14 J. For such other and further relief as the Court deems just and proper.

15  
16 RESPECTFULLY SUBMITTED this 12<sup>th</sup> day of May, 2009.

17  
18  
19  
20   
21 ELIZABETH L. FELDMAN  
22 Attorney for Petitioner  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28


VERIFICATION

STATE OF ARIZONA     )  
                                  ) ss.  
County of Maricopa     )

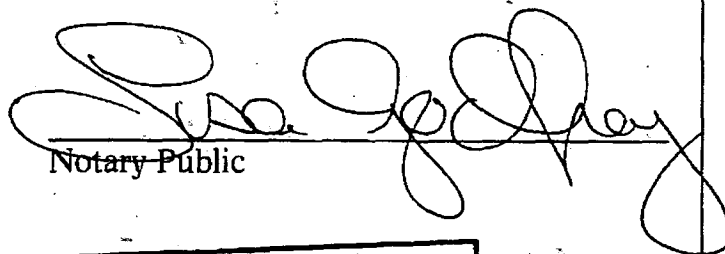
CONNIE JONES, being duly sworn, states as follows:

That she is the Petitioner in this matter and that she has read the foregoing Petition for Dissolution of Non-Covenant Marriage With Children, and that she knows the contents thereof, and that the information provided therein is true except as to those matters alleged upon information and belief, and as to those she believes them to be true.

Further affiant sayeth not.

  
\_\_\_\_\_  
Connie Jones, Petitioner

SUBSCRIBED AND SWORN TO before me this 12<sup>th</sup> day of May,  
2009, by CONNIE JONES, the Petitioner.

  
\_\_\_\_\_  
Notary Public

