

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-073

Judge:

Complainant:

ORDER

May 23, 2025

The Complainant alleged a superior court judge improperly issued an order of protection which caused homelessness.

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 allegations of the complaint in this matter solely raised disagreements with legal rulings. The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. "A good faith error of fact or law does not violate this rule. However, a pattern of legal error or an intentional disregard of the law may constitute misconduct." *See* comment 3 to Rule 2.2 of the Code of Judicial conduct. Any violation of the Code of Judicial Conduct must be proven by clear and convincing evidence.

A mistake in a ruling does not automatically mean that the judicial officer has engaged in judicial misconduct. Judicial officers are required to exercise their discretion in making their decisions. Even if a judicial officer's decision is legally or factually incorrect, the ruling is generally considered to be "legal error" and not "ethical misconduct" that the Commission can address. When a complaint to the Commission solely relates to the correctness of a judicial officer's legal decisions, the Complainant is seeking the Commission to function in the capacity of an appellate court. Correcting legal errors is the role of the appellate courts, not the Commission.

The Commission is a regulatory body with limited jurisdiction. The Commission is not a court, and as such, it does not have any authority to overturn a judicial officer's rulings, intervene in a case, assign a new judge to hear a case, or award any monetary or other relief. The Commission process cannot be a substitute for seeking appellate review.

The Commission reviewed all information submitted by the Complainant 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).

A Duty Panel comprised of Commission members Denise K. Aguilar, Colleen E. Concannon, and Joseph C. Kreamer considered this matter.

Copies of this order were distributed to all appropriate persons on May 23, 2025.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2025-073

COMPLAINT AGAINST A JUDGE

Name: [Redacted]

Judge's Name: [Redacted]

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.

Honorable [Redacted] issued an illegal Order of Protection against me on [Redacted] driving me to homelessness when I received it on [Redacted] I was forced under threat of arrest to withdraw my possessions from the home my wife and I shared at [Redacted].

Honorable [Redacted] was fully aware that this order would convert me into a homeless man. I have no family in town nor did I have close friendships that I could have asked for a place to sleep during that difficult and extremely stressful event. I was forced to sleep in my vehicle and On [Redacted] I received the keys to my warehouse/office again, because I was locked out due to non-payment, as I was and currently am experiencing huge financial struggles in my business. My wife was fully aware about me being locked out of my warehouse/office as well as the heavy financial struggles my business was going through. My warehouse/office lacks an HVAC system and proper insulation. Some of its walls are cracked and extreme cold air enters at night. I was forced to sleep there without any blankets and no refrigerator to store food. I immediately filed for a contest hearing on [Redacted] and on [Redacted] the order was denied by Honorable [Redacted].

Due to my financial setbacks, I continue to live in my warehouse/office but I am still one month behind in my rent, tho now I do have a borrowed sleeping bag from a friend, 1 borrowed heater, 2 owned heaters and one hand-me-down freezer. The warehouse/office is not fit for living, as it is a commercial building. The following is a list of my Constitutional Rights violated by the issuance and enforcement of this order:

- 1-5th Amendment Right: I was deprived of liberty and property without due process.
- 2-6th Amendment Right: An Ex-Parte Hearing would have been more appropriate.
- 3-8th Amendment Right: I unjustifiably received cruel and unusual punishment.
- 4-14th Amendment Right Section 1: I was deprived of liberty and property without due process of law, I did not receive equal protection, but instead was driven to endangerment of life, health and loss of property.
- 5-4th Amendment Right: I was siezed from my home under threat of arrest.

On [Redacted] during my contest hearing, Honorable [Redacted] claimed that the court uses a guide for Orders of Protection. Upon reviewing all requirements needed to issue the Order of Protection, I did not find a justification for the issuing of an Emergency Order of Protection. This in particular is a direct conflict with the 14th Amendment Section 1 "nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

I find the [Redacted] County [Redacted] Court operating outside of its Constitutional Boundaries in accordance with the 10th Amendment on 5 counts and violating Article VI Section 2 of the United States Constitution.

Aside from this event happening to me, I have a much greater motive for filing this complaint: I swore an Oath to Protect and Defend the Constitution of the United States of America. Experiencing a complete disregard towards the enforcement of the Rights and Boundaries set by the United States Constitution from the branch of Government which should be ruling under it, is extremely dissappointing. And, if it happened to me, it can happen to anyone else.

I have attached copies of the Application for the Order of Protection, The Order of Protection, my Contest Hearing Request, and the Contest Hearing summary.

FILED

CLERK:

COURT

BY:

COUNTY

COURT

Plaintiff <input type="checkbox"/> Employer-Plaintiff if Workplace Injunction _____	Defendant _____	Case No. _____
<input type="checkbox"/> On behalf of minor/person in need of protection named:	Defendant's address _____	PETITION for: <input checked="" type="checkbox"/> Order of Protection <input type="checkbox"/> Injunction Against Harassment <input type="checkbox"/> Workplace Injunction
Agent's Name (if Workplace Injunction)	Defendant's birth date _____	
	Defendant's phone _____	

This is NOT a court order.

This petition contains Plaintiff's allegations and requests. To see what the court has ordered, see "Order" form.

DIRECTIONS: Please read the Plaintiff's Guide Sheet before filling out this form.

1. **Defendant/Plaintiff Relationship.** Choose the options that best describe your relationship to the defendant. *If you are applying on behalf of another person, choose the relationship between the other person and the defendant.

Married (past or present)

Related as parent, grandparent, child, grandchild, brother, sister (or in-law/step)

Live/lived together as intimate partners

Live/lived together but not as intimate partners

Parent of child in common

Other (describe): _____

One party is pregnant by the other

Romantic/sexual (past or present)

2. If checked, Defendant and I have a pending action involving maternity, paternity, annulment, legal separation, dissolution, custody, parenting time, or support in _____

Case # _____

3. Name of court, if any, in which any other protective order related to this conduct has been filed.

Court name _____

Case # _____

(Continue to next page)

4. Tell the judge what happened and why you need this order. PRINT both the dates and a brief description of what happened. If there is a contested hearing, a judge can only consider what you write here.

NOTE: Defendant will receive a copy of this petition when the order is served.

Approx. Date	(Do not write on back or in the margin. Attach additional paper if necessary.)
	<p>Since [redacted] has been in and out of the house (we got legally married on [redacted]). This relationship has been toxic from the beginning with daily and weekly arguments from contributing factors of lying, withholding information, irrational decisions and constant abandonment. [redacted] will leave for days and weeks at a time and decides to come home, bringing more liability issues with irrational purchases of an apartment, building, vehicle, upset customers and laborers (due to not being paid). Since we have been married he has paid a total of one and a half months of rent (total of [redacted]), with our monthly rent being [redacted]. He has been living in the home with no contribution to household expenses and comes at late hours of the night and provides no communication on his whereabouts. With the ongoing mental, emotional, and physical instability it has caused a hardship to not only myself, but also my children that are ages [redacted] and [redacted] years old that currently live in the home. I have blocked all contact with him in the past and even currently (i.e., social media, phone calls/text messages, and etc.) and he continues to reach out in any capacity he can whether it be via zelle memos, other phone numbers, LinkedIn, or coming to locations where he finds out I am at. I would like an order of protection to salvage mine and my children's peace from this unstable relationship so I can proceed either with a divorce or a place of restoration of our marriage with healthy boundaries and consistent marital counseling (this is undecided).</p>

5. The following persons should also be on this order. They should be protected because Defendant is a danger to them:

Birthdate: _____

6. Defendant should be ordered to stay away from these locations at all times, even when I am not present.

NOTE: Do not list confidential addresses here.

- Residence: (Confidential) _____
- Work/Business: _____
- School: _____
- Other: _____

7a. Defendant owns or carries a firearm or other weapons.

7b. Defendant should be ordered NOT to possess firearms while this order is in effect because of the risk of harm to me or other protected persons.

8. Defendant should be ordered to stay away from any animal that is owned, possessed, leased, kept or held by me, Defendant, or a minor child living in either my household or Defendant's household.

9. Other requests: _____

Under penalty of perjury, I swear or affirm the above statements are true to the best of my knowledge. I request an order or an injunction granting relief as allowed by law.

[Redacted]

Plaintiff

Attest: /s/

[Redacted]
Judicial Officer/Clerk/Notary

[Redacted]

Date

COUNTY COURT

ORDER OF PROTECTION

Amended

Case No. []
Court ORI No. []
County [] State **AZ**

PLAINTIFF

[]

Full Name

And on behalf of any minor family member or Protected Person listed below. (List name and DOB).

PLAINTIFF IDENTIFIERS

[]

Plaintiff's Date of Birth

V

DEFENDANT

[]

Full Name

Defendant/Plaintiff Relationship:

Married Now Or In The Past

Defendant's Address:

[]

DEFENDANT IDENTIFIERS

SEX	RACE	DOB	HT	WT
M	U	[]	[]	[]
EYES	HAIR	<i>Arizona Prohibits Release of Social Security Numbers</i>		
[]	[]			
DRIVER LICENSE #		STATE	EXP DATE	
[]		[]	[]	

CAUTION: Weapon Alleged in Petition

Estimated Date of Birth

WARNINGS TO DEFENDANT: This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, or any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. § 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. §2262). Because of this order, it may be unlawful for you to possess or purchase a firearm or ammunition pursuant to federal law under 18 U.S.C. § 922(g)(8) or state, tribal, territorial, or local law. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney. **Only the court, in writing, can change this order.**

Any order served on or after [] is in effect for two years from date of service.

Any order served before [] is in effect for one year from date of service.

[] County Court, [] M-F 8:00AM-5:00PM

THE COURT HEREBY FINDS THAT: It has jurisdiction over the parties and the subject matter.

Defendant received actual notice of this hearing and had an opportunity to participate

THE COURT, finding reasonable cause to believe that Defendant may commit an act of domestic violence or has committed an act of domestic violence within the past year (or good cause exists to consider a longer period),

HEREBY ORDERS:

NO CRIMES. Defendant shall not commit any crimes, including but not limited to harassment, stalking, or conduct involving the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily injury, against Plaintiff or Protected Persons.

NO CONTACT. Defendant shall have no contact with **Plaintiff** except through attorneys, legal process, court hearings, and as checked: Phone Electronic (email, text, etc.) Mail Other:

NO CONTACT Defendant shall have no contact with **Protected Persons** except through attorneys, legal process, court hearings and as checked: Phone Electronic (email, text, etc.) Mail Other.

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**