

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 25-078

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Judge:

Complainant:

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**ORDER**

May 23, 2025

The Complainant alleged a superior court judge allowed a criminal to avoid paying restitution by making multiple improper rulings regarding enforcement of the judgment.

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 - 078

**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.

See Enclosed attachments.

## COMPLAINT AGAINST JUDGE

There is a Case in                      County                      Court #

Currently, it is with Judge                      It was transferred from  
whom this complaint is directed.

This matter started with a complaint with the                      in                      . The  
Hearings found the Defendant, Criminally guilty. Case #

After the Hearings, the Prosecutor asked if I wanted to pursue Restitution. We ended up in  
Arbitration, which I,                      , Plaintiff, appealed. This is where I believe this Matter  
went from Justice Court to Civil Court.

Upon appeal, I wrote a Motion for Summary Judgment. Plaintiff received an Order Granting  
Summary Judgment dated                      . Stamped by Clerk of the Court                      in the  
amount of

After the 30-day deadline of the Final Judgment, I sent the Defendant, Demand Letters. Prior to  
the Court Order, I sent four separate Demand Letters. No reply.

The Court acknowledges that “

The Order concludes: “                      ”

The Defendant was sent and received notification of this case. That is undeniable.

At 60 days, after the Final Judgment, the Defendant sent a handwritten note to the Court. A  
Motion for Reconsideration on

The Defendant missed the deadline to file or appear, used improper document format, (Rule 56c,  
3A) and lied by stating “                      ” A false claim.

Civil practice is full of deadlines and rules. This should be considered inexcusable neglect, or  
good cause.

On                      Judge                      granted an abeyance for 60 days.

The Plaintiff sent two Requests to Deny Motion to Reconsider (abeyance). One on                      ,  
the second on                      . Both denied. See enclosed attachment. Second Request to Deny  
Motion for Reconsideration.

In each Motion requested, I stated my concerns, about having time to hide, move, transfer, or  
avoid a levy or garnishment. These Motions included further violations of: Rule ARCP 54(c).  
ARCP Rule 56. Rule 56 (c) (2). Rule 56c, 3(A). ARCP Rule 56 (e). Rule 60 (b). See enclosed  
attachment. Second Request to Deny Motion for Reconsideration.

The Defendant did not reply to the Court.

The Plaintiff requested the Court consider the violation of Rule 56, as perjury on a Court. If a Rule 56 affidavit is submitted in bad faith or solely for delay, the court--after notice and a reasonable time to respond--may order the submitting party to pay the other party...incurred as a result or may impose other appropriate sanctions.

No response or enforcement from the Judge.

On an Order was written. The criminal Defendant did not file and the abeyance deadline has passed.

The Plaintiff filed a Writ of Execution in both and Counties. It ended up in , in . In , I received the following message:

Your case has been closed and you should be getting a return of service with the following notations:

I drove to the above address to serve and make demands on Def regarding a Writ of General Execution, with my focus on a . Upon arrival I spoke with who had just drove up in the . I introduced myself and stated the reason for my visit. I stated, I needed to ask three questions concerning the judgment.

- 1) Do you have the personal finance to pay the judgment amount? A: NO
- 2) Do you have any personal property that can be seized and then auctioned off to offset the judgment amount? A: NO The has two owners and there is an auto loan on the vehicle.
- 3) Do you have mortgages on personal Real Estate that is registered in your name, A: He Rents his home.

Returning as served on aka with the Writ of General Execution Unsatisfied. Detective

In the Plaintiff sent the first request for a Criminal Restitution Order. Denied.

The Judge replied with an Order dated , citing numerous statements that were not accurate. I filed a Second Request for Criminal Restitution, addressing all the inaccuracies with facts and documentation. Denied. See enclosed attachment. Request to Reconsider Motion for Criminal Restitution Order.

In an Order dated , the Judge stated: “ ” referred

The Plaintiff sent two Motions to the Justice Court. Both denied.

“

The Plaintiff sent a Sixth Request for Criminal Restitution Order to the Court, Judge . Denied.

According to the Law:

Article Six, Subsection 14 of the Arizona Constitution, the Superior Court has jurisdiction over: **Criminal cases** including felonies and misdemeanors.

ARS 13-804. Restitution. Defendants that still owe money at the end of their sentence will have a “criminal restitution order” filed on any unpaid balance. **Such orders may be recorded and enforced like any civil judgment.**

A. On a defendant's conviction for an offense causing economic loss to any person, the court, in its sole discretion, may order that all or any portion of the fine imposed be allocated as restitution to be paid by the defendant to any person who suffered an economic loss caused by the defendant's conduct.

E. After the court determines the amount of restitution... shall make reasonable efforts to contact any victim who has requested notice pursuant to sections 13-4415 and 13-4417...**The court shall make all reasonable efforts to ensure that all persons who are entitled to restitution pursuant to a Court Order promptly receive full restitution.** The court may enter any reasonable order necessary to accomplish this.

**A.R.S. RULINGS** C. If a person is convicted of an offense, the court shall require the convicted person to make restitution to the person who is the victim of the crime...in the full amount of the economic loss as determined by the court and in the manner as determined by the court or the court's designee pursuant to chapter 8 of this title. Restitution ordered pursuant to this subsection shall be paid to the clerk of the court for disbursement to the victim and is a criminal penalty for the purposes of a federal bankruptcy involving the 13-820. Contempt proceedings; failure to comply with order.

It appears that the Court, Judge \_\_\_\_\_ has allowed the Criminal Defendant an *excessive* amount of leniency, without any enforcement.

That includes missed deadlines, no-responses, filings that were improper in format, and content, and an Abeyance that extended this matter another 60 days, without any filing or response, by the Defendant. That includes an Order for Summary Judgment that is unsatisfied. A Writ of Execution that is unsatisfied.

The Defendant continues to display defiance and a blatant disregard, for the law. The Defendant is a criminal. The Defendant lied to the Sheriff. The Defendant lied to the Court.

I have a Court Order and a Writ of Execution. So far, it has produced nothing in terms of enforcement or collection of the Award. I have a stack of paper that cost a lot, and is totally worthless, while the criminal continues, and has no regard for the law, or a Court Order.

In my opinion, Judge \_\_\_\_\_ has allowed this criminal to evade the procedural due process of the law, without any enforcement.

In my opinion, Judge \_\_\_\_\_ did not review the details of the case. The law requires an examination of the facts.

In my opinion, Judge \_\_\_\_\_ did not explain any aspect of the Orders. I did not ask for advice, I asked for an explanation.

I do not believe Judge \_\_\_\_\_ has acted or represented the Court, Justice, and Legal system in a manner that represents the standards required to uphold and enforce the law.

If there is no enforcement, there is no justice...

*Justice: Protecting rights and punishing wrongs using fairness.*

I request an investigation and any disciplinary action related to this misconduct.

I have enclosed a small portion of the documents from this matter. If you require more info, please let me know.

Sincerely,

**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.**