

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-515

Judge:

Complainant:

ORDER

February 13, 2026

The Complainant alleged a superior court commissioner did not follow proper procedure in a criminal case.

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 Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information 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).

Commission members Denise K. Aguilar and Cathy Riggs did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 13, 2026.

BEFORE THE ARIZONA COMMISSION ON JUDICIAL CONDUCT FORMAL JUDICIAL CONDUCT COMPLAINT AND NOTICE OF SYSTEMIC VIOLATIONS

(Filed as a matter of public concern and constitutional accountability)

PREFACE / NOTICE

This Complaint is filed under Article 6.1 of the Arizona Constitution and Rule 2(a) of the Commission on Judicial Conduct. Complainant _____ submits this filing as a matter of public concern and accountability, requesting written acknowledgment and tracking under Rule 14(a).

The purpose is not personal grievance but exposure of systemic judicial misconduct and procedural collapse in _____ County _____ Court's handling of Department _____ (_____) criminal overpayment prosecutions overseen by Commissioner _____

Evidence—including ECR dockets, returned-mail summonses, ambiguous bench warrants, and conviction reports—demonstrates repeated violations of due process, improper delegation of judicial authority, and the transformation of criminal courtrooms into coercive debt-collection venues.

I. INTRODUCTION

Commissioner _____ division has allowed state agency employees to initiate criminal cases without prosecutor review, permitted deputy clerks to issue summonses and warrants absent judicial findings, and accepted unverified complaints lacking sworn probable-cause foundations.

These acts violate the Arizona Rules of Criminal Procedure (Rules 2.4 and 3.1), the Arizona Code of Judicial Conduct (Canons 1, 2A, 2B, 3B), and the Commissioner's oath under A.R.S. § 38-231(E).

The resulting harm includes unlawful arrests, detentions without probable-cause hearings, and public erosion of faith in the judiciary. The conduct affects hundreds of defendants, many indigent or disabled, prosecuted for civil overpayments long repaid through administrative offsets.

II. FACTUAL BACKGROUND

Complaint Filed (_____): A direct complaint signed by Assistant Attorney General _____ was filed at _____ . It bears no magistrate seal, jurat, or oath—only signature typed in the space "Subscribed and sworn before me."

Summons Issued (_____): One minute later, a summons was auto-issued by a Deputy Clerk, bearing the court seal but no judicial signature, establishing that no magistrate ever

reviewed the complaint.

Bench Warrant (): A warrant was printed from a template reading "Judge or Deputy Clerk." It contains handwritten entries mimicking Commissioner name, but lacks any verified signature.

Custody Sequence: Defendant was arrested , in County (the issuing jurisdiction) yet the warrant was never executed there. It was later executed in County—after the case had already been dismissed—demonstrating staleness and lack of jurisdiction.

Documentary proof: Exhibits A–D include the complaint, summons, timing docket, and warrant/arrest record confirming a four-day custody gap and delayed execution.

COUNT I – Acceptance of Unverified Complaint (Rule 2.4(c))

Under Rule 2.4(c), a criminal complaint "must be verified by oath or affirmation." The complaint in this case was unsigned by any magistrate and contains no notarial seal. acting as prosecutor, typed "Subscribed and sworn before me," apparently self-certifying the document—an action legally meaningless under *State v. Maldonado*, 223 Ariz. 309 (App. 2009) and *State v. Bryan*, 178 Ariz. 472 (App. 1993).

Commissioner accepted and docketed this defective complaint, permitting a prosecution that never lawfully commenced. This failure represents neglect of duty and a breach of Canon 2A, which requires judges to "respect and comply with the law."

COUNT II – Clerk-Issued Summons Without Judicial Review (Rule 3.1(a))

Rule 3.1(a) requires that a summons issue only after a magistrate finds probable cause. Exhibit B shows the summons timestamped one minute after the complaint filing. No human judge could have reviewed the complaint in that interval.

A Deputy Clerk stamped and released the summons, converting a ministerial act into a judicial one. Under *Gerstein v. Pugh*, 420 U.S. 103 (1975) and *Shadwick v. City of Tampa*, 407 U.S. 345 (1972), only a neutral magistrate may issue criminal process.

COUNT III – Misleading Warrant Template and Delegation of Judicial Authority

Exhibit C reveals a warrant form labeled "Judge or Deputy Clerk." Its signature line contains ambiguous handwriting matching clerical pen strokes, and no embossed seal or judicial signature. Such ambiguity is constitutionally intolerable.

Commissioner division used this template regularly, effectively delegating the issuance of arrest warrants to non-judicial staff. This violates A.R.S. § 13-3911 and contravenes *Franks v. Delaware*, 438 U.S. 154 (1978).

COUNT IV – Failure to Conduct Probable-Cause Determinations at Initial Appearance

Rule 4.1(c) requires that a judicial officer promptly determine probable cause upon arrest. Defendant was held on , and again yet no probable-cause hearing was held either time.

In *County of Riverside v. McLaughlin*, 500 U.S. 44 (1991), the Supreme Court held that detention beyond 48 hours without judicial review is unconstitutional. Commissioner [redacted] court permitted week-long detention without cause, violating Canon 1 and Canon 2A.

COUNT V – Ultra Vires Prosecutions by DES Employees

The complaint in Exhibit A identifies a [redacted] employee as "Complainant." That employee had no firsthand knowledge of any criminal act and was not the victim of any crime. Under A.R.S. § 11-532(A), only the County Attorney may prosecute criminal cases unless the Attorney General is formally requested under A.R.S. § 41-193(A)(2).

COUNT VI – Coercive Debt Collection Through Criminal Process

Exhibit E, a letter from the Arizona Attorney General, confirms that restitution in these cases is directed to state accounts, not victims—proving the prosecutions are mechanisms of civil debt recovery disguised as criminal cases. A.R.S. § 23-787(B)-(C) authorizes [redacted] to pursue administrative overpayment collections and even waive repayment for hardship.

COUNT VII – Systemic Pattern, Oath Breach, and Public Harm

The Quarterly Fraud Convictions Report (Exhibit F) lists dozens of identical prosecutions, many resolved through plea deals within days of filing. Commissioner [redacted] continued approval of such cases represents institutional complacency in violation of Canon 1 and Canon 2A.

These systemic failures extend beyond the initial stages of prosecution and encompass the court's fundamental duties of notice, supervision, and stewardship of public resources.

COUNT VIII – Failure to Enforce Service and Notice Requirements

Under Rules 5.1 and 4.1(c) of the Arizona Rules of Criminal Procedure, and the constitutional standards articulated in *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950), and *Jones v. Flowers*, 547 U.S. 220 (2006), the court bears a non-delegable duty to ensure that service of process is reasonably calculated to provide actual notice before any punitive action is taken.

In this case, the record shows that a bench warrant was issued after a summons was returned "unclaimed," yet the court treated that return as "refused" without any affidavit of alternate service or further attempt at notice. Commissioner [redacted] permitted the case to advance directly to warrant without verifying lawful service or confirming that the defendant had any knowledge of the proceedings.

This omission deprived the defendant of due process and violated Canon 2A, which requires judges to respect and comply with the law, and Canon 3B(8), which demands that judicial officers ensure fairness and procedural regularity. Allowing punitive measures to issue on an unserved complaint constitutes a fundamental breach of judicial duty and a serious erosion of public trust in the integrity of the court.

COUNT IX – Failure to Supervise Clerical Issuance of Judicial Process

The summons and warrant templates used in Exhibits B and C contain signature lines labeled "Judge or Deputy Clerk," a design that creates constitutional ambiguity about who exercised judicial authority. The handwriting on the warrant matches clerical pen strokes, and no judicial signature or embossed seal is present anywhere on the instrument.

By permitting deputy clerks to issue summonses and warrants without her personal review or signature, Commissioner [redacted] delegated an essential judicial function to administrative personnel. Such delegation contravenes *Gerstein v. Pugh*, 420 U.S. 103 (1975), and *Shadwick v. City of Tampa*, 407 U.S. 345 (1972), which affirm that only a neutral magistrate may issue criminal process.

This conduct violates Canons 3B(2) and 3B(3) of the Arizona Code of Judicial Conduct, which require judges to maintain proper control over proceedings and ensure that staff actions uphold the dignity and authority of the judiciary. The result is a systemic breakdown in separation between clerical and judicial duties, permitting non-judicial personnel to perform acts that deprive citizens of liberty under the color of law.

COUNT X – Fiscal Mismanagement and Public Trust Erosion Through Coercive Prosecutions

The practice of criminally prosecuting [redacted] overpayment cases represents a misuse of judicial and prosecutorial resources. These prosecutions are designed to recover administrative debts already subject to offset or waiver under A.R.S. § 23-787(B)-(C), and they consume substantial time and funding from the Attorney General's Office, public defenders, court staff, and detention facilities.

Exhibit E confirms that restitution in such cases is directed to state revenue accounts, not to victims. The absence of an identifiable victim or monetary loss distinguishes these cases from traditional criminal prosecutions, revealing them instead as debt-collection mechanisms conducted through the criminal court system.

By allowing these cases to proceed in bulk and without individualized judicial scrutiny, Commissioner [redacted] court has diverted public funds, strained limited judicial resources, and contributed to widespread public distrust. This conduct violates Canon 1, which requires judges to uphold the integrity and independence of the judiciary, and Canon 2A, which requires judges to act in a manner that promotes public confidence in the courts. When the judicial process becomes an instrument of coercive debt enforcement, both justice and accountability suffer.

CONCLUSION AND FORMAL NOTICE

Complainant respectfully submits that these cumulative acts—acceptance of unverified complaints, clerk-issued warrants, lack of probable-cause determinations, ultra vires prosecutions, and systemic neglect—represent an ongoing breach of the Commissioner's constitutional oath and Canons 1-3 of the Arizona Code of Judicial Conduct.

The Commission is requested to:

1. Acknowledge receipt and provide written confirmation under Rule 14(a).

2. Open a formal review under Rule 17.
3. Examine case _____ and comparable _____ cases as systemic evidence.
4. Issue recommendations or censure consistent with Rule 18(b).

VERIFICATION AND SIGNATURE

I, _____, declare under penalty of perjury that the foregoing complaint and factual assertions are true and correct to the best of my knowledge and belief.

Executed this _____ day of _____ at _____ Arizona.

Phone:

Email:

EXHIBIT INDEX

- Exhibit A: Direct Complaint (_____) - Unsigned, unverified, no magistrate jurat.
- Exhibit B: Summons (_____) - Issued by Deputy Clerk without judicial review.
- Exhibit C: Bench Warrant (_____ signature.) - Template "Judge or Deputy Clerk," ambiguous
- Exhibit D: Arrest Record - _____ custody (_____ and _____ execution (_____).
- Exhibit E: AG Letter - Confirms restitution to state revenue accounts not victims.
- Exhibit F: _____ Quarterly Fraud Convictions Report - Pattern of identical prosecutions.

**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.**