

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 26-002

Judge:

Complainant:

ORDER

March 31, 2026

The Complainant alleged a city court judge failed to follow the law in a protective order proceeding.

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).

Copies of this order were distributed to all appropriate persons on March 31, 2026.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2026-001

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.

This complaint is based on an abuse of discretion expressly identified by the _____ court and its implications under Canons 1 and 2 of the Arizona Code of Judicial Conduct, which require judges to uphold the integrity and impartiality of the judiciary and to promote public confidence in its fairness.

After judgment was entered, I filed a Motion to Stay Execution supported by a doctor's note explaining the medical apparel I was required to wear due to a documented medical condition. This filing was properly submitted and made part of the court record, placing the court on actual notice of relevant medical circumstances at the time discretion was exercised.

Despite this, Judge _____ acted in a manner the appellate court later determined to be an abuse of discretion. When a judge disregards material information contained in the record and exercises discretion in a way corrected on appeal, it raises concerns beyond legal error and implicates the ethical duty to act with integrity, attentiveness, and fairness.

Because the abuse of discretion has already been identified on appeal, this complaint is submitted for review of whether the conduct also constitutes a failure to comply with Canons 1 and 2 and undermines public confidence in the judiciary.

See Attached:
case File

1. Appeal Decision	County	Court
--------------------	--------	-------

2. Doctor's Note

FILED

CLERK,

COURT

ARIZONA COURT, COUNTY

HON

CASE NO.

DATE:

Appellant

VS.

Appellee

ORDER

IN CHAMBERS RE CITY COURT APPEAL

Defendant-Appellant appeals the judgment of the City Court upholding an Order of Protection entered against him. For the following reasons, the Court grants the appeal and vacates the Order of Protection.

On Plaintiff-Appellee filed a Petition for an Order of Protection. was staying at the home was renting. The petition alleges that on there was an incident where argued with some of friends in front of the house and called the police. was not involved in the argument and did not witness it. The petition further alleges that "threats and demeanor" make her feel unsafe. The petition does not allege how or in what manner threatened her. The trial court entered the Order of Protection the same day. sought a hearing, which was held on with both parties appearing. stated that he had no desire to see out was contesting the Order's requirement that he not return to the residence.

Orders of protection are governed by A.R.S. § 13-3602 and the Arizona Rules of Protective Order Procedure. A court shall issue an order of protection if the court determines that there is reasonable cause to believe the defendant may commit an act of domestic violence or the defendant has committed an act of domestic violence within the past year. A.R.S. § 13-3602(E). For a protective order to remain in effect, the plaintiff must prove the case by a preponderance of the evidence. Ariz. R. Prot. Order P. 38(g)(3).

A protective order is reviewed on appeal for an abuse of discretion. *Cardoso v. Soldo*, 230 Ariz. 614, 619 ¶ 16 (Ct. App. 2012). A court abuses its discretion when it commits an error of law in the process of reaching a discretionary conclusion or when the record, viewed in the light most favorable to upholding the trial court's decision, is devoid of competent evidence to support the decision. *Mahar v. Acuna*, 230 Ariz. 530, 534 ¶ 14 (Ct. App. 2012). This Court has jurisdiction pursuant to Rule 42(b)(1) of the Arizona Rules of Protective

Law Clerk

ORDER

Page 2

Date:

Case No.:

Order Procedure.

now argues that the Order should be dismissed because did not show that there was an act of domestic violence. At the hearing, stated that never made any physical threats against her but did make “ ’ that put her in a state of distress. Tr. 17:29–17:54. witness, corroborated that allegation, testifying that would record conversations with and he would bring up some of statements during disagreements. Tr. 19:00–19:45. As to the incident on was asking friends for money for parking on the property. The discussion was “

The trial court upheld the Order of Protection, finding that behavior towards rose to the level of disorderly conduct. Tr. 37:17–38:38. The trial court did not find that may commit an act of domestic violence in the future, in part because had moved out of the property and did not intend to see her or come to her current residence.

Under A.R.S. § 13-2904:

A person commits disorderly conduct if, with intent to disturb the peace or quiet of a neighborhood, family or person, or with knowledge of doing so, such person:

1. Engages in fighting, violent or seriously disruptive behavior; or
2. Makes unreasonable noise; or
3. Uses abusive or offensive language or gestures to any person present in a manner likely to provoke immediate physical retaliation by such person; or
4. Makes any protracted commotion, utterance or display with the intent to prevent the transaction of the business of a lawful meeting, gathering or procession; or
5. Refuses to obey a lawful order to disperse issued to maintain public safety in dangerous proximity to a fire, a hazard or any other emergency; or
6. Recklessly handles, displays or discharges a deadly weapon or dangerous instrument.

There is no evidence in the record that intended to disturb the peace or quiet of the neighborhood or intent was to seek payment from friends. The discussion may have been “ ” but did not engage in seriously disruptive behavior and there is no allegation that used abusive or offensive language. There is no evidence that made unreasonable noise, considering was inside the house and did not hear the incident.

The Court finds that the trial court abused its discretion when it found that behavior constituted

Law Clerk

ORDER

Page 3

Date:

Case No.:

disorderly conduct when there was insufficient evidence in the record to support such a conclusion. This Order makes no finding as to whether had or has a right to the property as a tenant.

For the foregoing reasons,

IT IS ORDERED granting Defendant-Appellant's appeal and vacating the judgment of the City Court. The Order of Protection in this matter is dismissed and no longer in effect.

HON.

(ID:

cc:

(Pro Per)
(Pro Per)

Law Clerk

BEST COPY

FILED

CLERK,

COURT

By:

Office of the Court
County
Exhibits Unit

FILED

Clerk

Deputy

RETURN TO: City Court,

TO THE CLERK:

We are remanding this case to the lower court for all further proceedings.

Enclosed are the following:

- Exhibits
-

Very truly yours,

CLERK OF THE COURT

By:

This Court is in receipt of all of the above.

Received by _____

On this date _____

**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.**