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12 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

13 **IN AND FOR THE COUNTY OF PIMA**

14 DEBBI DESISTO, a widowed female, in
15 her individual capacity, and on behalf of
16 all wrongful death statutory beneficiaries
17 authorized by ARS §12-612, as the
18 surviving family members of JOSEPH
19 DESISTO, deceased, who is survived by
20 his wife Debbi DeSisto, and children
21 Kevin DeSisto, Michael DeSisto, Gina
22 DeSisto, Kristina DeSisto and Joseph
23 DeSisto, Jr.,

24 **Plaintiffs,**

25 vs.

26 STATE of ARIZONA, a governmental
27 entity; and ABC PRIVATE PRISON
28 ENTITIES 1-10,

Defendants.

Case No.

COMPLAINT

(Tort – Gross Negligence; Wrongful
Death)

Tier 3

Plaintiffs, for their Complaint against the Defendants, allege as follows:

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2. Venue is proper in Pima County. The minimum jurisdictional amounts established for filing the action in Arizona Superior Court are satisfied. This Court has jurisdiction over this matter.

4. Plaintiffs respectfully request and demand a trial by jury on all issues.

5. At all times alleged herein, Plaintiff **Debbi DeSisto** is a resident of Pima County in the State of Arizona. The lawsuit alleges the wrongful death of her husband, **Joseph DeSisto**, deceased.

7. **Joseph DeSisto**, the deceased, is survived by his spouse Plaintiff **Debbie DeSisto**, his five children Gina Marie DeSisto, Kristina Ann DeSisto, Michael DeSisto, Kevin DeSisto and Joseph Edward DeSisto, Jr. Pursuant to ARS §12-612, Plaintiff **Debbie DeSisto** brings this lawsuit for wrongful death on behalf of herself, and as the statutory

1 representative for the wrongful death beneficiaries entitled to make claim for the wrongful
2 death of **Jospeh DeSisto**, including herself, Gina Marie DeSisto, Kristina Ann DeSisto,
3 Michael DeSisto, Kevin DeSisto, and Joseph Edward DeSisto, Jr.
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5 8. Defendant **State of Arizona** is a governmental entity and is a proper
6 defendant. Timely notice was given of the claims pursued herein to the State of Ariona,
7 pursuant to ARS §12-821.01.
8

9 9. Defendants ABC Private Prison Entities, 1-10 are believed to be private
10 prison entities housing State of Arizona inmates and operating under state law and
11 regulations. Said Defendants acted tortiously as set forth herein and are liable to Plaintiffs
12 for the wrongful death of Joseph DeSisto. They are listed fictitiously until their true identify
13 becomes known to Plaintiffs.
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15 **GENERAL ALLEGATIONS**

16 10. Plaintiffs re-allege all prior paragraphs of this pleading and incorporate each
17 and every allegation by reference, as if fully set forth herein.
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19 11. In November of 2024, Joseph DeSisto was a prison inmate within the
20 Arizona Department of Corrections.
21

22 12. At all times alleged herein, Defendants were operating and were in control
23 of all operations regarding the Arizona State Prison Complex – Tucson, also referred to as
24 the Tucson Prison Complex. Defendants run, operate and are responsible for the safety and
25 operations inside said prison.
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1 13. At all times alleged herein, Defendants were acting by and through their duly
2 authorized employees and agents, including prison employee and prison officials who
3 acted and committed the breaches alleged herein.
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5 14. Plaintiff Debbi DeSisto, spoke to her husband, Joseph DeSisto, on November
6 3, 2024, via telephone.

7 15. At the time of the telephone call, it was known Mr. DeSisto was at the
8 Florence Ariona Prison facility.
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10 16. Based upon information and belief, on or about November 3 or 4, 2024, Mr.
11 DeSisto was transferred to the Tucson Prison Complex and housed in a cell with Ricky
12 Wassenaar (hereafter "Wassenaar").
13

14 17. The law is clear on this following issue. The law in Arizona is that State
15 correction officials and employees, including Defendants, have a duty to provide inmates
16 with reasonable protection against foreseeable risks of attack by other prisoners. A breach
17 of said duty is actionable in gross negligence as alleged herein.
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19 18. Defendants, including the State of Arizona acting through its prison officials
20 and prison employees, owe a duty to protect prisoners in their custody, including Joseph
21 DeSisto, from violent attacks by other inmates when prison personnel know or have reason
22 to anticipate that another inmate has dangerous propensities and it is foreseeable the other
23 inmate will be violent.
24

25 19. One who is required by law to take or who voluntarily takes the custody of
26 another under circumstances such as to deprive the other of his normal power of self-
27 protection or to subject him to association with persons likely to harm him, is under a duty
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1 to exercise reasonable care so to control the conduct of third persons as to prevent them
2 from intentionally harming the other or so conducting themselves as to create an
3 unreasonable risk of harm to him, if the actor knows or has reason to know that he has the
4 ability to control the conduct of the third persons, and knows or should know of the
5 necessity and opportunity for exercising such control.
6

7 20. The State of Arizona knew or should have known that any person housed
8 with Inmate Wassenaar would be in great and serious danger from Wassenaar.
9

10 21. Based information and belief, when Wassenaar was presented with Joseph
11 DeSisto as a cell mate, he became belligerent, physically violent and attempted to block
12 access to the cell.
13

14 22. Wassenaar clearly warned prison officials that the cellmate, specifically
15 Joseph DeSisto, would be in serious danger if he remained in the cell with Wassenaar.
16

17 23. When presenting Joseph DeSisto to be in the cell, Wassenaar protested that
18 there was either a policy or agreement that he was not to have a cell mate. Based on
19 information and belief, there was such a policy and agreement as there was a longstanding
20 housing arrangement where Wassenaar had no cell mate.
21

22 24. Wassenaar became so upset over having Joseph DeSisto as a cellmate that
23 prison officials had to threaten Wassenaar with punishment.
24

25 25. Defendants knew or should have known they had the ability to control the
26 conduct of Wassenaar by preventing him from harming cell mates.
27

28 26. Defendants knew or should have known that there was a necessity Joseph
DeSisto reasonably needed protection from Wassenaar.

1 27. Prison officials knew or should have known Wassenaar had a history of
2 violent acts within the Arizona prison system, and other prison systems in the United
3 States. Defendants knew that Wassenaar had orchestrated a violent 2004 hostage standoff
4 at the Arizona State Prison Complex-Lewis, where he held two correctional officers
5 hostage for 15 days. During that incident, officials were also aware of credible allegations
6 that one of the hostages was repeatedly sexually assaulted, and Wassenaar was later
7 convicted of kidnapping and aggravated assault in connection with the takeover.
8

9 28. Defendants had an opportunity to protect Joseph DeSisto from Wassenaar
10 but they failed to do so.
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12 29. Defendants took the custody of Joseph DeSisto under circumstances such as
13 to deprive Joseph DeSisto of his normal power of self-protection.
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15 30. Defendants subjected Joseph DeSisto to an association with persons likely
16 to harm DeSisto. Defendants breached their duty owed to Joseph DeSisto by failing to
17 exercise reasonable care so to control the conduct of third persons, namely Wassenaar, as
18 to prevent Wassenaar from intentionally harming Joseph DeSisto. Defendants created an
19 unreasonable risk of harm to DeSisto because Defendants knew or had reason to know that
20 they had the ability to control the conduct of Wassenaar or otherwise prevent him from
21 harming DeSisto, and Defendant knew or should have known of the necessity and
22 opportunity for exercising such control to prevent Wassenaar from doing harm.
23

24 31. Defendants failed to provide Joseph DeSisto with reasonable protection
25 against foreseeable risks of attack by other prisoners, including Wassenaar. Their breach
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1 of said duty was the proximate cause of Joseph DeSisto's tragic death that occurred when
2 Wassenaar strangled or otherwise killed Joseph DeSisto, as was foreseeable to Defendants.

3 32. Shortly after Mr. DeSisto was forced to be cellmate with Wassenaar, and
4 within 24 hours of being cellmates, Wassenaar murdered, attacked, choked, strangled,
5 suffocated and/or violent killed Joseph DeSisto, who was found dead in the cell having
6 been placed there one day prior.

7
8 33. Ricky Wassenaar repeatedly confessed and admitted to killing Joseph
9 DeSisto to prison officials.

10
11 34. Based upon information and belief, Defendants, by and through their agents
12 and employees, received information of Ricky Wassenaar's confession.

13 35. Defendants knew or should have known Wassenaar posed a real, serious and
14 grave threat to other inmates who may be housed with Wassenaar as a cellmate.

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16 36. Prison officials ignored the warnings of danger of housing Joseph DeSisto
17 with Ricky Wassenaar as cellmates. Doing so constituted foreseeable and likely harm to
18 Joseph DeSisto

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20 **COUNT I**
21 **Gross Negligence Causing Wrongful Death**

22 37. Plaintiffs re-allege all prior paragraphs of this pleading and incorporate each
23 and every allegation by reference, as if fully set forth within it.

24 38. This claim for relief is brought under the terms of the Arizona Wrongful
25 Death Statute, ARS §12-612.
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1 39. Defendants, including State of Arizona, by and through its agents and
2 employees, were grossly or wantonly negligent by failing to protect Joseph DeSisto from
3 foreseeable violence at the hands of other inmates, namely Wassenaar. Defendants were
4 grossly or wantonly negligent by acting or failing to act when they knew or had reason to
5 know of facts which would lead a reasonable person to realize that their conduct created
6 an unreasonable risk of bodily harm to Joseph DeSisto and their actions or failure to act
7 involved a high probability that substantial harm to DeSisto would result.
8

9 40. Defendants knew or had reason to know of facts which would lead a
10 reasonable person to realize that their conduct created an unreasonable risk of bodily harm
11 to Joseph DeSisto. Defendants acts or failure to act involved a high probability
12 that substantial harm to DeSisto would occur.
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14 41. Arizona Department of Corrections, Tucson Prison Complex, knew or
15 should have known Ricky Wassenaar was a true, serious, and actual threat to Joseph
16 DeSisto.
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18 42. State of Arizona and its agents owed a duty to protect Joseph DeSisto from
19 foreseeable harm. Breach of said duty is in violation of Arizona Department of Corrections
20 Housing Policies.
21

22 43. Defendants breached each of the duties alleged and outlined herein. Said
23 breaches include but are not limited to Defendants unreasonable failure to provide Joseph
24 DeSisto with reasonable protection against foreseeable risks of attack by other prisoners,
25 including Wassenaar. Their breach of said duty was the proximate cause of Joseph
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1 DeSisto's tragic death that occurred when Wassenaar strangled or otherwise killed Joseph
2 DeSisto, as was foreseeable to Defendants.

3 44. Joseph DeSisto's family members and statutory beneficiaries have been
4 damaged due to his untimely and wrongful death. Surviving family members who can
5 bring a claim for wrongful death for Joseph DeSisto include his spouse and children who
6 are identified herein.
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8 45. The spouse and each child of Joseph DeSisto have suffered their respective
9 loss over the death of Joseph DeSisto, and each of their respective damages include, but
10 are not limited to the following: the loss of love, affection, companionship, care, protection,
11 and guidance since the death and in the future; the pain, grief, sorrow, anguish, stress,
12 shock, and mental suffering already experienced, and reasonably probable to be
13 experienced in the future; the income and services that have already been lost as a result
14 of the death, and that are reasonably probable to be lost in the future; the reasonable
15 expenses of funeral and burial; and the reasonable expenses of necessary medical care and
16 services for the injury that resulted in the death.
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19 46. The above-mentioned allegations state a viable and appropriate claim for the
20 wrongful death of Joseph DeSisto against Defendants.
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22 **PRAYER FOR RELIEF**

23 Wherefore, Plaintiffs, the statutory representative, spouse, and children of Joseph
24 DeSisto each pray for judgment and damages against Defendants as follows:
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26 A. For general compensatory damages in an amount to be proven at trial in
27 excess of the minimum jurisdictional limits of this Court;
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- 1 B. For special damages according to proof;
2 C. For attorneys' fees;
3 D. For costs of suit; and
4
5 E. For such other and further relief as the Court deems just and proper.

6 RESPECTFULLY SUBMITTED this 31st day of October 2025.

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8 **BURG SIMPSON ELDREDGE**
9 **HERSH & JARDINE P.C.**

10 

11 /s/ Scott A. Ambrose

12 Scott A. Ambrose

13 Eduardo R. Parra

14 *Attorneys for Plaintiffs*
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