

FILED

OCT 09 2024

AMY J. HUNLEY
CLERK OF SUPERIOR COURT
BY: 

Eli Dalton-Webb
5009 E. Ironwood Circle
Sierra Vista, Arizona 85650
email: dw4az@proton.me
Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCHISE

Eli Dalton-Webb,

Plaintiff

v.

CITY OF SIERRA VISTA, a municipal
corporation in Arizona, OFFICER E.
SLUSSER, R. Hertman, OFFICER S.
McHunting, M. Partidge, peace officers
of the Sierra Vista Police Department,

Defendants

Case No. **CV202400628**

Civil Rights Violations; Article 2 § 5 of
the Arizona Constitution, etc.

RE: Initial Complaint

INITIAL COMPLAINT

JUDGE AS A WITNESS

1. Plaintiff foresees calling Honorable Cochise County Superior Court Judge Jason Lindstrom as a witness in his personal and non-judicial capacity. Mr. Lindstrom engaged in similar acts at Veteran's Memorial Park during the same Art in the Park event, and is familiar with some of the facts and circumstances of this case, in his personal capacity. Plaintiff respectfully informs the Court of this potential witness conflict in the event Judge Lindstrom may be considered for assignment to this case.

ALLEGATION

Plaintiff hereby alleges as follows:

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Cochise County
Clerk of the Superior Court

1 11. At some point, police were called and/or alerted to meet Petition
2
3 Circulators in an area other than the area where the Art in the Park tents and vendors
4
5 were at.
6

7 12. Two peace officers of the City, one female and one male, assertively spoke
8
9 with Petition Circulators, returned public records from the City of Sierra Vista
10
11 showed "WPartidge SVPD" as a responding officer, and it is unclear who the other
12
13 officer is. Plaintiff intends to discover who the other officer is during discovery of
14
15 this civil action.
16
17

18 13. Using the standard of a reasonable person believing they are not free to
19
20 leave, Petition Circulators were detained while instructed not to petition in a vaguely
21
22 defined area of the park.
23
24

25 14. Using the above mentioned standard of being detained, Petition Circulators
26
27 had their rights violated under Article 2 § 5 of the Arizona Constitution. The peace
28
29 officers knew, before talking to Petition Circulators, that it was political speech that
30
31 the Unknown Woman #1 was complaining about. The peace officers continued to
32
33 detain Petition Circulators, learning and reinforcing their learning that it was not only
34
35 political speech, but petition activity at the park.
36
37

38 15. It should be noted that there are a limited number of events in Cochise
39
40 County in which massive amounts of qualified signers gather in such a way that a
41
42 petition circulator can collect signatures. Out of that number of events, consider that
43
44 many events are on private property in which property owners routinely kick out
45
46 petition circulators, making the total events for petition circulators to collect
47
48

1 signatures even less. Any event with qualified signers outside and available for
2
3 petition circulators to collect signatures is unique and valuable time.
4

5 16. Petition Circulators were damaged by the time wasted by being detained
6
7 by police, and given unconstitutional instructions. Instead of collecting signatures
8
9 during unique and valuable time, Petition Circulators were being instructed by the
10
11 police. This could have been resolved if the police were trained on the Arizona
12
13 Constitution. The police already identified that petition circulation was the activity, in
14
15 which they were then constitutionally obligated to communicate with Petition
16
17 Circulators that they were free to leave and free to continue to petition at the park.
18
19 The police are therefore liable for all time wasted detaining Petition Circulators,
20
21 causing the damage to their petition circulation efforts during this unique and
22
23 valuable time during an event.
24
25

26 17. The organizers of Art in the Park elected to use government resources and
27
28 government property to host their event. They could have used any other private
29
30 venue.
31
32

33 18. Petition Circulators were confused as to which area of the park was rented
34
35 and which areas of the park they were and were not allowed to petition at. They
36
37 repeatedly expressed this confusion. At Art in the Park, there were no cones, no
38
39 marked lines on the ground, no entry fees, no fences, or anything else that would
40
41 clearly separate separate a space in the park where the government has allowed
42
43 Petition Circulators to have their right to petition violated from areas in the park
44
45 where the government adheres to Article 2 § 5 of the Arizona Constitution.
46
47
48

1 19. Petition Circulators were instructed to use "common sense" to determine
2
3 where to and not to exercise their right to petition.
4

5 20. On the next day, Sunday, 8 October 2024, Eli Dalton-Webb returned to
6
7 Veteran's Memorial Park to petition. Bryce Yokem was afraid from the day before
8
9 and refused to participate with petition circulation, due to fear of police.
10

11 21. This fear of the police is warranted, as Eli Dalton-Webb and Bryce Yokem
12
13 were given unclear instructions, giving the police a reason to criminally arrest and
14
15 charge Eli Dalton-Webb and Bryce Yokem for failure to follow vague instructions,
16
17 using litigator's privilege to justify such charge and arrest.
18

19 22. Eli Dalton-Webb continued to petition by himself.
20

21 23. Pursuant to the police's instructions, Eli Dalton-Webb used his own
22
23 judgment (i.e. "common sense") and kept a distance from the Art in the Park tents
24
25 while petitioning.
26

27 24. The Plaintiff's following instructions was not good enough for Defendants,
28
29 so Officer Hertman detained Plaintiff.
30

31 25. Officer Herman detained the Plaintiff. Officer Herman specifically said
32
33 "I'm detaining you".
34
35

36 26. Officer Slusser threatened to arrest Plaintiff if he continued to petition in
37
38 the vaguely defined areas of the park.
39

40 27. Officer Slusser read out loud Article 2 § 5 of the Arizona Constitution from
41
42 Officer Slusser's phone, with Officer Herman and Plaintiff present to hear.
43
44
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1 28. Reading Article 2 § 5 did not change the outcome of the threatened arrest
2
3 for exercising the right to petition.
4

5 29. Plaintiff was clearly and visibly possessing a clipboard when interacting
6
7 with Officer Slusser.
8

9 30. The City is responsible for gross negligence and/or willful negligence for
10
11 continuing to violate Plaintiff's right to petition, as the City had overnight to do legal
12
13 research and communicate with police command, and additionally, Officer Slusser
14
15 read Article 2 § 5 of the Arizona Constitution and became conscientiously aware of
16
17 the Plaintiff's rights.
18

19 31. Plaintiff filed a Notice of Claim, describing the issues, and Defendants
20
21 refused to speak with Plaintiff to address the issue, even for a non-monetary
22
23 resolution.
24

25 32. Defendant City Attorney stated "there were no violations of any laws"
26
27 when asked regarding this.
28

29 33. The City of Sierra Vista has zero remorse for violating the rights of
30
31 Plaintiff and has no plans to fix this problem in the future.
32
33

34 34. Plaintiff hereby clarifies that the lack of mentioning any right shall not be
35
36 construed as an exclusion of a right of another. Plaintiff asserts that the City of Sierra
37
38 Vista violated Article 2 Sections 5, 6, and 21 of the Arizona Constitution and the First
39
40 and Fourteenth amendments of the federal Constitution.
41
42

43 35. The City violated Plaintiff's rights of free speech, right to petition, right to
44
45 assemble, right to free exercise of elections, and other rights. The City caused damage
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48

1 to the Plaintiff's efforts, as the Plaintiff suffered actual harm due to reduced
2
3 signatures he collected.
4

5 **REQUESTED RELIEF**
6

7 Plaintiff respectfully requests the following relief:
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9 36. Declaratory judgment against Defendants, declaring it unconstitutional to
10 interfere with petition circulators at a government-owned park.
11

12 37. Injunctive relief against Defendants, to stop future violations from
13 occurring.
14

15 38. Monetary relief, paid by Defendants, for various damages incurred to
16 Plaintiff and community, and punitive damages to discourage Defendants from
17 continuing such constitutional violations.
18

19 39. Awarding the plaintiff all other relief as is just, proper, or equitable
20 under the facts and circumstances of this case.
21

22 **INTENTION TO AMEND COMPLAINT**
23

24 40. Plaintiff intends to amend this initial complaint in the near future.
25

26 41. Plaintiff intends to add more details, claims, facts, other important material
27 in the intended future amended initial complaint.
28

VERIFICATION

I, Eli Dalton-Webb, have read the foregoing Complaint and am familiar with the facts and circumstances as alleged therein, and hereby state, under penalty of perjury, that the allegations contained therein are true and correct to the best of my knowledge, information, and belief.

Dated this 4th day of October, 2024.

A handwritten signature in cursive script, appearing to read 'Eli Dalton-Webb', is written over a horizontal line.

Eli Dalton-Webb