

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 Assigned to: Hon. David Thorn Civil Rights Violations; Article 2 § 5 of the Arizona Constitution, etc. RE: Motion for Leave to Amend Complaint
---	--

MOTION FOR LEAVE TO AMEND COMPLAINT

1. Plaintiff hereby requests this Court to grant leave to amend the Complaint.

2. The amended Complaint clarifies damages and harms to Plaintiff, clarifies unclear ideas, corrects misspellings, adds Article 2 § 5 violation (assembly), clarifies that “City and its officers” are liable for the actions, adds other constitutional violations that weren’t specifically mentioned, clarifies controversies over statute of limitation issues, asserts right for private cause of action for constitutional claims, asserts Arizona’s sovereignty, Explains Plaintiff’s right to sue, compares state litigation to federal litigation (Bivens v. Six), argues about municipal corporation immunity, argues Article 2 § 3 and Fourth Amendment claims, clarifies requested

1 relief, and asks court to clarify Article 2 § 3 of the Arizona Constitution. (blank page
2
3 on page 18 is simply a computer error)
4

5 **SERVICE OF PROCESS ISSUES**

6

7 3. In addition, the Defendants in this case, through their Counsel, are trying to
8
9 “appear but not appear”, as a way to delay and frustrate the process of this lawsuit.
10

11 4. Plaintiff, as of the time of filing this motion for leave, has a pending
12
13 “motion for alternative means of service”, filed with the Clerk on 27 November 2024
14
15 and also a “Response to Motion to Deny Application for Entry of Default; Motion for
16
17 Alternative Service; Motion for Sanctions” which could be construed as a second
18
19 “motion for alternative means of service”.
20
21

22 5. Plaintiff does not have the home addresses of the peace officers, and it
23
24 would be unreasonable to serve the peace officers at their home address with this
25
26 pleading. Plaintiff anticipates the Defendants, through counsel, will claim they were
27
28 prejudiced by non-service because this pleading was not served at the peace officers’
29
30 home address.
31
32

33 6. Plaintiff hereby requests that this issue of service of process be resolved
34
35 soon. Plaintiff hereby makes a reasonable attempt to comply with Rules, and service
36
37 unto Defendants.
38
39
40
41
42
43
44
45
46
47
48

This will be sent to:

DGraffious@JSHFIRM.COM

CTevis@JSHFIRM.COM

CWong@jshfirm.com

MMolinario@Jshfirm.com

lbegnoche@courts.az.gov

SIGNATURE

Submitted respectfully, this 13th day of December, 2024.

A handwritten signature in blue ink, appearing to read "Eli Dalton-Webb", is written over a horizontal line.

Eli Dalton-Webb

Exhibit

A

1 Eli Dalton-Webb
2 5009 E. Ironwood Circle
3 Sierra Vista, Arizona 85650
4 email: dw4az@proton.me
5 Plaintiff
6

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

8
9 **IN AND FOR THE COUNTY OF COCHISE**

12 Eli Dalton-Webb, 13 14 Plaintiff 15 16 v. 17 18 CITY OF SIERRA VISTA, a municipal 19 corporation in Arizona, OFFICER E. 20 SLUSSER, R. Hertman, OFFICER S. 21 McHunting, M. Partidge, peace officers 22 of the Sierra Vista Police Department, 23 24 Defendants	Case No. CV202400628 Assigned to: Hon. David Thorn Civil Rights Violations; Article 2 § 5 of the Arizona Constitution, etc. RE: Initial First Amended Complaint
--	--

26
27 **~~INITIAL~~FIRST AMENDED COMPLAINT**

28
29 **JUDGE AS A WITNESS**

30
31 1. Plaintiff foresees calling Honorable Cochise County Superior Court Judge
32 Jason Lindstrom as a witness in his personal and non-judicial capacity. Mr. Lindstrom
33 engaged in similar acts at Veteran's Memorial Park during the same Art in the Park
34 event, and is familiar with some of the facts and circumstances of this case, in his
35 personal capacity. Plaintiff respectfully informs the Court of this potential witness
36 conflict in the event Judge Lindstrom may be considered for assignment to this case.
37
38
39
40
41
42
43

44 **ALLEGATION**

45
46 Plaintiff hereby alleges as follows:
47
48

PARTIES, JURISDICTION, AND VENUE

2. Plaintiff, Mr. Eli Dalton-Webb is a resident of Cochise County, Arizona.

3. Sierra Vista is a municipal corporation, incorporated under the laws of Arizona, with physical boundaries solely in the County of Cochise.

4. The acts complained of herein took place in Cochise County, Arizona.

5. Listed peace officers were physically present at all times in the County of Cochise during the relevant events.

6. Jurisdiction and venue are proper in this court.

BACKGROUND

7. On 7 October 2023 and 8 October 2023, at “Veteran’s Memorial Park”, a park owned by the City of Sierra Vista, the City of Sierra Vista permitted a private organization to host an event at Veteran’s Memorial Park. This event was known as “Art in the Park”.

8. On 7 October 2023, Mr. Dalton-Webb was accompanied by Bryce Yokem, collecting signatures for ballot access for the Cochise County Libertarian Party, in accordance with A.R.S. § 16-802.

9. “Petition Circulators”, for the date of 7 October 2024, shall refer to Eli Dalton-Webb and Bryce Yokem, unless otherwise not within the meaning.

10. A woman (“Unknown Woman #1”) approached Petition Circulators, instructing the Petition Circulators, demanding that Petition Circulators stop petitioning in the park.

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. In addition, Defendants caused harm to Plaintiff for not only the time being
27
28 detained, but harm done for the time after they were instructed to not petition at the
29
30 park.
31
32

33 | ~~17~~18. The organizers of Art in the Park elected to use government resources
34
35 and government property to host their event. They could have used any ~~other~~ private
36
37 venue other than a government-owned park.
38
39

40 | ~~18~~19. Petition Circulators were confused as to which area of the park was
41
42 rented and which areas of the park they were and were not allowed to petition at.
43
44 They repeatedly expressed this confusion. At Art in the Park, there were no cones, no
45
46 marked lines on the ground, no entry fees, no fences, or anything else that would
47
48

1 clearly separate separate a space in the park where the government has allowed
2
3 Petition Circulators to have their right to petition violated from areas in the park
4
5 where the government adheres to Article 2 § 5 of the Arizona Constitution.
6

7 | ~~19~~20. Petition Circulators were instructed to use “common sense” to determine
8
9 where to and not to exercise their right to petition.
10

11 | ~~20~~21. On the next day, Sunday, 8 October 2024, Eli Dalton-Webb returned to
12
13 Veteran’s Memorial Park to petition. Bryce Yokem was afraid from the day before
14
15 and refused to participate with petition circulation, due to fear of police.
16
17

18 | ~~21~~22. This fear of the police is warranted, as Eli Dalton-Webb and Bryce
19
20 Yokem were given unclear instructions, giving the police a reason to criminally arrest
21
22 and charge Eli Dalton-Webb and Bryce Yokem for failure to follow vague
23
24 instructions, using litigator’s privilege to justify such charge and arrest.
25

26 | ~~22~~23. Eli Dalton-Webb continued to petition by himself.
27
28

29 | ~~23~~24. Pursuant to the police’s instructions, Eli Dalton-Webb used his own
30
31 judgment (i.e. “common sense”) and kept a distance from the Art in the Park tents
32
33 while petitioning.
34

35 | ~~24~~25. The Plaintiff’s following instructions was not good enough for
36
37 Defendants, so Officer Hertman detained Plaintiff.
38

39 | ~~25~~26. Officer Hertman detained the Plaintiff. Officer Hertman specifically said
40
41 “I’m detaining you”.
42

43 | ~~26~~27. Officer Slusser threatened to arrest Plaintiff if he continued to petition in
44
45 the vaguely defined areas of the park.
46
47
48

1 28. Officer Slusser not only instructed Plaintiff to not petition in vague areas of
2
3 the park, but also instructed Plaintiff to not petition anyone leaving the event. This
4
5 expanded the “WHERE” question to a “WHO” question, which violated Plaintiff’s
6
7 right to assemble under Article 2 § 5 of the Arizona Constitution.
8

9
10 ~~27~~29. Officer Slusser read out loud Article 2 § 5 of the Arizona Constitution
11
12 from Officer Slusser’s phone, with Officer Hertman and Plaintiff present to hear.

13
14 ~~28~~30. Reading Article 2 § 5 did not change the outcome of the threatened
15
16 arrest for exercising the right to petition.

17
18 ~~29~~31. Plaintiff was clearly and visibly possessing a clipboard when interacting
19
20 with Officer Slusser.

21
22 ~~30~~32. The City and its officers ~~is~~are responsible for gross negligence and/or
23
24 willful negligence for continuing to violate Plaintiff’s right to petition, as the City and
25
26 its officers had overnight to do legal research and communicate with police
27
28 command, and additionally, Officer Slusser read Article 2 § 5 of the Arizona
29
30 Constitution and became conscientiously aware of the Plaintiff’s rights.

31
32
33 ~~31~~33. Plaintiff filed a Notice of Claim, describing the issues, and Defendants
34
35 City refused to speak with Plaintiff to address the issue, even for a non-monetary
36
37 resolution.

38
39
40 ~~32~~34. Defendant City Attorney stated “there were no violations of any laws”
41
42 when asked regarding this.

43
44 ~~33~~35. The City of Sierra Vista has zero remorse for violating the rights of
45
46 Plaintiff and has no plans to fix this problem in the future.
47
48

1 ~~34~~36. Plaintiff hereby clarifies that the lack of mentioning any right shall not
2
3 be construed as an exclusion of a right of another. Plaintiff asserts that the City of
4
5 Sierra Vista violated Article 2 Sections 3, 4, 5, 6, 8, and 21 and 33 of the Arizona
6
7 Constitution ~~and the First and Fourteenth amendments of the federal Constitution.~~

8
9 ~~35~~37. The City and its officers violated Plaintiff's rights of free speech, right to
10
11 petition, right to assemble, right to free exercise of elections, right to not be deprived
12
13 of liberty without due process of law, right to privacy and other rights. The City and
14
15 its officers caused damage to the Plaintiff's efforts, as the Plaintiff suffered actual
16
17 harm due to reduced signatures he collected ~~;~~ and is entitled to nominal damages and
18
19 other monetary relief for this, in addition to other harms.

20
21
22 38. The City and its officers seized Plaintiff's person, unlawfully
23
24 imprisoned/detained/arrested Plaintiff, and interrupted Plaintiff's affairs, which is a
25
26 violation of Article 2 Sections 4 and 8 of the Arizona Constitution. Plaintiff is entitled
27
28 to nominal damages and other monetary relief for this, in addition to other harms,
29
30 damages, and relief.

31
32
33 39. There is no adequate remedy, and Defendants are likely continue their
34
35 violations, absent action from this Court.

36 37 TIMELINESS OF ACTION

38
39
40 40. Plaintiff filed the initial Complaint on 4 October 2024 (see the lower left
41
42 corner of the first page of the initial Complaint) with the clerk of this Court.

1 41. Plaintiff did not have the \$268 filing fee at the time of filing on 4 October
2
3 2024, and the initial Complaint accompanied a fee deferral application, which the
4
5 duty judge of the Superior Court approved.
6

7 42. Rule 3 simply states: “A civil action is commenced by filing a complaint
8
9 with the court.”. Plaintiff properly commenced his action by filing his complaint with
10
11 the Court on 4 October 2024.
12

13 43. Article 2 Section 13 of the Arizona Constitution has been used several
14
15 times in favor of indigent litigants. A person having \$268 to give the clerk of the
16
17 court and having a “FILED” stamp immediately given and a person not having \$268
18
19 and having the “FILED” stamp given several days later when a judge agrees to the
20
21 fee application, and using the “FILED” date for statute of limitations purposes would
22
23 set two deadlines: a later deadline for plaintiffs with money, and an earlier deadline
24
25 for plaintiffs without money. That would violate Article 2 Section 13 of the Arizona
26
27 Constitution.
28
29

30
31 44. Plaintiff asserts that within the meaning of Rule 3 combined with the
32
33 requirements of Article 2 Section 13 of the Arizona Constitution, Plaintiff
34
35 commenced his action on 4 October 2024, and is within the statute of limitations of
36
37 A.R.S. § 12-821.
38

39
40 **PRIVATE ACTION FOR CONSTITUTIONAL CLAIMS**

41
42 45. Plaintiff asserts the right of private action.
43

44 46. In Diaz v. Arizona, ruled in 2012, the federal court said:
45
46
47
48

1 State defendants contend that Arizona has not enacted a state
2
3 counterpart to § 1983 and no published case creates a damages remedy
4
5 for violations of state constitutional rights. (Doc. 12 at 12). The
6
7 existence of such claims is unresolved. See Howell v. Hodap, 221 Ariz.
8
9 543, 548, 212 P.3d 881, 886 (Ct. App. 2009) (whether a private right of
10
11 action under Art. 2, § 8 (right to privacy) exists is an unresolved
12
13 question of law). Plaintiffs fail to respond to defendants' contention that
14
15 their Arizona constitutional claims are not viable. They have failed to
16
17 show that their claims are based on cognizable legal theories. Therefore,
18
19 we dismiss these claims.
20

21
22 47. Plaintiff emphasizes that the federal court has acknowledged that “The
23
24 existence of such [state constitutional] claims is unresolved”.
25

26 **ARIZONA SOVEREIGNTY**

27
28
29 48. Plaintiff further asserts that a decision by a federal court is non-binding
30
31 upon Arizona state courts with respect to Arizona state law.
32

33 49. In Diaz v. Arizona, the citizen waived his right to constitutional claims
34
35 because he simply waived it through silence.
36

37
38 50. Plaintiff asserts that we should all hesitate federal solutions. Arizona is a
39
40 sovereign state, and this country was early referred to as “THESE United States of
41
42 America”, and the spirit of the 10th amendment was that almost all government
43
44 issues should be resolved at the state level.
45
46
47
48

1 51. The Arizona Constitution is under attack. In this civil action, we will learn
2
3 that a ranking member of the Sierra Vista Police Department, Officer E. Slusser, did
4
5 not know the Arizona Constitution. Most citizens of Arizona do not know that there is
6
7 another constitution other than the federal one.
8

9 52. Plaintiff reads several of these civil rights lawsuits, where other plaintiffs
10
11 go to federal court and make their federal arguments, and oftentimes their state
12
13 arguments fall apart and they give up their fights over state claims. Federal courts are
14
15 not designed to handle state law claims, and the citizens of Arizona should oppose the
16
17 federal government interfering with their sovereignty by making decisions on state
18
19 law.
20
21

22 **PERMISSION TO SUE THE STATE**

23
24 53. Currently, there is neither a law that absolutely and clearly allows state
25
26 constitutional claims nor a law that prohibits state constitutional claims. There is
27
28 neither a precedential case establishing a constitutional claim remedy, nor a
29
30 precedential case denying a constitutional claim remedy.
31
32

33 54. Pursuant to Article 4 Part 2 Section 18 of the Arizona Constitution, it
34
35 states: “The legislature shall direct by law in what manner and in what courts suits
36
37 may be brought against the state.”. The Legislature regulates the “manner” and “in
38
39 what courts”, but the Legislature does not regulate “for what” or “why” a suit may be
40
41 brought against the state.
42
43
44
45
46
47
48

1 55. Plaintiff has complied with the “manner” in which to sue the state. The
2
3 only statutes governing suing the state is filing a Notice of Claim and commencing an
4
5 action within 1 year.

6
7 56. Defendants have clearly violated Article 2 Section 5 of the Arizona
8
9 Constitution, among other violations. In Article 2 Section 32 it says: “ The provisions
10 of this Constitution are mandatory, unless by express words they are declared to be
11 otherwise.”. The prohibition of the government to interfere with petitioning is not
12 merely a suggestion. If it was a suggestion, it wouldn’t be a right, and the Arizona
13 Constitution would be meaningless.

14
15 57. Article 2 Sections 1, 2 and 33 of the Arizona Constitution heavily implies
16 that the government has less rights than the People, and that the rights of the People
17 are to be respected, and the government’s power is derived from the People.

18
19 58. Article 2 Section 1 of the Arizona Constitution states: “A frequent
20 recurrence to fundamental principles is essential to the security of individual rights
21 and the perpetuity of free government.”. Suing the government reminds the
22 government of our rights, and Plaintiff is entitled to cause the government to recur to
23 its fundamental principles by complaining about the government in a court of law.
24 Without the right to sue the government over constitutional claims, the constitution is
25 void of its power.

26
27 59. Article 3 of the Arizona Constitution states: “The powers of the
28 government of the state of Arizona shall be divided into three separate departments,
29 the legislative, the executive, and the judicial; and, except as provided in this
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

1 constitution, such departments shall be separate and distinct, and no one of such
2
3 departments shall exercise the powers properly belonging to either of the others.”.
4
5 Police are an executive function of the government. The Legislature has enacted a
6
7 Constitution that prohibits the Defendants’ complained about behavior. Absent
8
9 judicial remedy, it would allow the executive department to openly violate the
10
11 Arizona Constitution, because the Legislature cannot regulate and enforce
12
13 consequences on each individual action by the executive department. Resolving
14
15 individual disputes is a judicial department function, not a legislative or executive
16
17 function.
18

19 **ANALOGY TO SUING THE FEDERAL GOVERNMENT**

20
21
22 60. The right to sue a sovereign government over a constitutional claim where
23
24 statutory authority is unclear is not a new idea. In Bivens v. Six Unknown Named
25
26 Agents, the federal Supreme Court said:
27

28
29 In Bell v. Hood, 327 U.S. 678 (1946), we reserved the question whether
30
31 violation of that command [the Fourth Amendment of the federal
32
33 constitution] by a federal agent acting under color of his authority gives
34
35 rise to a cause of action for damages consequent upon his
36
37 unconstitutional conduct. Today we hold that it does.
38

39
40 61. And they also said:
41

42 Third. That damages may be obtained for injuries consequent upon a
43
44 violation of the Fourth Amendment by federal officials should hardly
45
46 seem a surprising proposition. Historically, damages have been
47
48

1 regarded as the ordinary remedy for an invasion of personal interests in
2
3 liberty.

4
5 62. Further:

6
7 Having concluded that petitioner's complaint states a cause of action
8
9 under the Fourth Amendment, supra, at 390-395, we hold that petitioner
10
11 is entitled to recover money damages for any injuries he has suffered as
12
13 a result of the agents' violation of the Amendment.

14
15
16 63. Plaintiff hereby makes the Court aware that the Defendant will likely
17
18 remove this case and put it in federal court if the Plaintiff raises any federal questions,
19
20 including federal constitutional claims.

21
22 64. As stated above, The People of Arizona deserve a state court system and
23
24 state constitution that can solve issues at the state level, and should not have to resort
25
26 to federal solutions. It should be undesirable for a federal court to make decisions on
27
28 state constitution issues, not excluding how to apply Article 2 Section 5.

29
30
31 65. Plaintiff asserts that The People of Arizona should be able to find in the
32
33 Arizona Constitution somewhere that The People have a basic general right to be free
34
35 from arrest, detainment, imprisonment, or otherwise have their liberty restricted.
36
37 Whether that is Article 2 Section 1, 2, 3, 4, 8, 14, 15, 20, 31, 32, 33, or other section.

38
39
40 66. Plaintiff hereby makes a comparison between the state government and the
41
42 federal government. Both governments are sovereign governments. In Bivens, it was
43
44 a citizen suing the federal government (the federal agents) in federal court under
45
46 constitutional claims, and in that case, the Fourth Amendment. The federal
47
48

1 government's highest court created a judicial damages remedy, waiving any argument
2
3 for immunity from liability for constitution claims. In this case against the City of
4
5 Sierra Vista, a citizen is suing a state municipal corporation in state court under
6
7 constitutional claims. For illustrative purposes, Defendants violated Plaintiff's Fourth
8
9 Amendment rights when Defendants seized Plaintiff's person. However, Plaintiff is
10
11 not making a direct Fourth Amendment claim in this complaint. Plaintiff asserts that
12
13 similar rights exist under the Arizona Constitution under Article 2 Sections 4 and 8
14
15 (or could be found elsewhere in the Arizona Constitution). These two cases are
16
17 analogous, where a sovereign government's judiciary pierced any perceived
18
19 immunity from liability for Fourth Amendment claims, and in this case, where the
20
21 Plaintiff is asking the judiciary to pierce any perceived immunity from liability for
22
23 Article 2 Section 4 and 8 (and any other section in the Arizona Constitution that
24
25 restricts the government from arresting people) claims.
26
27

28
29 67. Plaintiff hereby reincorporates everything from the Bivens v. Six Unknown
30
31 Named Agents of Fed. Bureau of Narcotics Supreme Court Decision, replacing
32
33 arguments made for the federal government with arguments made for state and local
34
35 governments, not excluding replacing the words "federal", "Congress", with "state
36
37 and local" and "Arizona legislature", respectively. It would be redundant to put the
38
39 entire Bivens v. Six decision in this Complaint.
40

41 **MUNICIPAL CORPORATION IMMUNITY**

42
43
44 68. Plaintiff hereby questions if, even if there is immunity for the state in this
45
46 case, if Arizona municipal corporations enjoy the same immunity as the state.
47
48

1 69. Plaintiff asserts that Arizona municipal corporations are merely set up for
2
3 convenience. Municipal corporations can be disincorporated and can declare
4
5 bankruptcy. Society would not fall apart if a municipal corporation were to be
6
7 dissolved, as the state makes basic laws (murder, theft, etc.), and the counties are
8
9 fully capable of maintaining basic order (Sheriff, justice and superior courts, board of
10
11 supervisors).

12
13
14 70. Plaintiff asserts that municipal corporations, including City of Sierra Vista,
15
16 do not enjoy the same level of sovereignty and immunity as the State does.

17
18 71. Further, there is no forces of The People to create a better municipal
19
20 government with respect to policing, absent judicial remedy. The Chief of Police is
21
22 not an elected position, and so there are no elective forces of The People to enact
23
24 change within the Sierra Vista police department. Without judicial forces, The People
25
26 are left with no solution. At least with county government, if a county Sheriff (and
27
28 deputies thereof) is rampantly violating the rights of The People, the Sheriff can be
29
30 voted out or recalled.

31
32
33 **WHETHER THE FEDERAL CONSTITUTION IS REINCORPORATED**
34

35 72. Plaintiff does not currently wish to litigate this case in federal court.
36
37 Plaintiff asserts his right to a sovereign state government, capable of regulating its
38
39 own subordinate governments.

40
41
42 73. Plaintiff hereby raises the question as to whether the Arizona Constitution
43
44 permits a government defendant to remove a matter to federal court when a federal
45
46
47
48

1 Constitution argument is made specifically through Article 2 Section 3 of the Arizona
2
3 Constitution.
4

5 74. Plaintiff asserts that the Arizona Constitution reincorporates everything
6
7 from the federal Constitution in Article 2 Section 3 of the Arizona Constitution, and a
8
9 Plaintiff using a constitutional right from the federal constitution is thereby using a
10
11 state constitutional right under Article 2, Section 3 of the Arizona Constitution.
12

13
14 75. Plaintiff asserts that it would be highly convenient to assert a Fourth
15
16 Amendment Claim under Article 2, Section 3, without it being a federal question,
17
18 within the meaning of the government defendant having the right to remove the
19
20 action to federal court.
21

22
23 76. Plaintiff asserts that the Defendants violated his Fourth Amendment right
24
25 through his Article 2 Section 3 right to be free from his person being seized by
26
27 Defendants. This paragraph shall not be construed to be a standalone Fourth
28
29 amendment claim, but shall only be construed to be an Article 2 Section 3 claim.
30
31 Should Plaintiff's Article 2 Section 3 claim fail, then the underlying Fourth
32
33 Amendment claim would fail.
34

35
36 -

37 **REQUESTED RELIEF**

38
39
40 Plaintiff respectfully requests the following relief:

41
42 ~~36~~77. Declaratory judgment against Defendants, declaring it unconstitutional
43
44 to interfere with petition circulators at a government-owned park~~.~~ and any other
45
46
47
48

1 declaratory relief as is just, proper, or equitable under the facts and circumstances of
2
3 this case.

4
5 ~~37~~78. Injunctive relief against Defendants, to stop future violations from
6
7 occurring, and any other injunctive relief as is just, proper, or equitable under the
8
9 facts and circumstances of this case.

10
11 ~~38~~79. Monetary relief, paid by Defendants, for various damages incurred to
12
13 Plaintiff and community, not excluding compensatory damages, nominal damages,
14
15 any applicable statutory damages, and punitive damages to discourage Defendants
16
17 from continuing such constitutional violations, and any other monetary relief as is
18
19 just, proper, or equitable under the facts and circumstances of this case.

20
21
22 80. Attorney's fees and any other legal costs.

23
24
25 ~~39~~81. Awarding the ~~p~~Plaintiff all other relief as is just, proper, or equitable
26
27 under the facts and circumstances of this case.

28
29 82. Declaratory judgment, that the Arizona Constitution, under Article 2
30
31 Section 3, reincorporates all provisions of the federal Constitution into the state
32
33 constitution, and that when a Plaintiff raises a federal Constitutional question or claim
34
35 and Plaintiff specifies that it is through Article 2 Section 3, it is a question of state
36
37 law, when the defendant is the government.

38
39
40 **INTENTION TO AMEND COMPLAINT**

41
42 ~~—— 40. Plaintiff intends to amend this initial complaint in the near future.~~

43
44 ~~—— 41. Plaintiff intends to add more details, claims, facts, other important material~~
45
46 ~~in the intended future amended initial complaint.~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

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 ~~th~~4 day of ~~October~~, 2024.

Eli Dalton-Webb