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NEWS

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ACLU of Arizona Legal Director Found “Not Guilty” on Trespass Charge

PHOENIX – Maricopa County Justice of the Peace *pro tempore* David H. Fletcher today ruled that ACLU Foundation of Arizona Legal Director Dan Pochoda did not engage in any unlawful behavior prior to his November 3rd arrest by Maricopa County Sheriff’s deputies outside the Pruitt furniture store in Phoenix.

The “not guilty” ruling came after nearly five hours of testimony about the events leading up to Pochoda’s arrest last year during a large demonstration held outside the furniture store. Pochoda, who attended the protest for a few minutes to speak with one of the organizers, was stopped by officers as he was attempting to leave the premises and then arrested for criminal trespass, a third degree misdemeanor that rarely leads to anything more than a summons to appear in court. Pochoda, a constitutional law expert with more than 35 years experience, was later hauled off to jail and detained for nearly 12 hours.

Maricopa County Attorney’s Office Bureau Chief Lisa Aubuchon argued that Pochoda trespassed on the Pruitt’s property by remaining on the property and questioning deputies after he had been ordered by law enforcement to stop.

Attorneys Tim Eckstein and Jean-Jacques Cabou, of the law firm of Osborn Maledon, represented Pochoda and argued that he did, in fact, comply with police orders and was arrested only after he introduced himself as the ACLU Foundation of Arizona’s chief lawyer.

“This was yet another instance of Sheriff Arpaio and his deputies using their positions of authority to violate the rights of individuals with the courage to question their actions,” said Cabou. “We’re glad the court saw through this and acquitted Mr. Pochoda of the charge against him. This is a case that never should have been started.”

“Dan was trying to leave the property when he was ordered to stop, after which he was arrested for trespassing,” Eckstein added. “The court was quick to recognize how absurd it was to prosecute someone under these circumstances.”

Eckstein also noted that the assignment of a senior prosecutor to handle a misdemeanor case typically assigned to a lawyer just out of law school “was a waste of taxpayer resources indicative of the differential, biased, and politically-motivated treatment that this case has received since its inception.”

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