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Copy court filing concerning:
Kimberley Ann Gulsvig of Surprise, Arizona formerly named
Kimberley Ann Walters, DOB 10/01/1962; SS# 526-75-5978

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

Kimberley A Walters) No. FC2013-072284
Plaintiff,)
) MOTION TO ENFORCE
) MISLEADING
Vs.) POLICE OFFICER 13-2907
) AND QUASH ORDER OF
XXXXXXXXXXXXXXXXXXXXX) PROTECTION
Defendant)
)

MOTION FOR COURT TO ENFORCE SECTION 13-2907 AGAINST PLAINTIFF

On or about 11/20/2013 (exact date is in Detective Jalbert #2110 report) Plaintiff made an intentional false police report that Defendant violated Order of Protection (OP) concerning a dog (canine). Detective Jalbert #2110 investigated and called Defendant that he was referring Plaintiff's claim/report to City Prosecutor. Detective Jalbert later emailed Defendant that his investigation was concluded and no violation occurred.

13-2907.01. False reporting to law enforcement agencies; classification

A. It is unlawful for a person to knowingly make to a law enforcement agency of either this state or a political subdivision of this state a false, fraudulent or unfounded report or statement or to knowingly misrepresent a fact for the purpose of interfering with the orderly operation of a law enforcement agency or misleading a peace officer.

B. Violation of this section is a class 1 misdemeanor.

Therefore, filing a false report would be committing a crime, punishable by up to six months in county jail and up to a \$2,500 fine.

Plaintiff misleads police by giving them original Order of Protection (OP) bundle (5 pages) with pages 1 & 2 folded back so page 3/5 is visible as top page and not the amended version. Why? Original had the Petition page 3 showing as top page; amended version did not have any Petition pages. On page 3 of Petition line 9 reads:

1
2 “Other: Red and Layla are my desert salukis that I wish to protect from Phil.”
3

4 It is clear that Plaintiff intentionally misled police’s attention to this line claiming
5 dogs were protected under OP, to harass and/or cause police powers to prosecute Defendant.
6 Why would police proceed with investigation unless they were intentionally misled by
7 Plaintiff pointing to Petition page 3 showing dogs referenced on line 9 and not showing
8 amended OP? On both the original and amended OP the Court did NOT grant protection for
9 any dog (canine).
10

11 Detective Jalbert #2110 called Defendant on 11/21/2013 and told him he is turning
12 over Plaintiff’s claim/report that Defendant violated OP concerning dog to City Prosecutor.
13 Defendant is harassed by Plaintiff via police power.
14

15 Next day Detective Jalbert emailed Defendant that his investigation of Plaintiff’s
16 claim is concluded and there is NO violation of Order of Protection.
17

18 **Summary Events:** Defendant was served by police with Order of Protection (OP)
19 which consisted of Petition (3 pages) stapled on top to the OP (2 pages). The stapled bundled
20 of papers served on Defendant had 5 pages all stapled together.
21

22 On 11/20/2013 Defendant went to Plaintiff’s home to move his belongings from home
23 as ordered by amended OP and was assaulted by Plaintiff’s mother Judy (police complaint no.
24 131105085 attached). Defendant is under Dr. Szpaizman care who issued a Medical Excuse
25 of Absence from work and prescribed Percocet medication. The only party endangered in this
26 case is Defendant. Copies of Complaint, Excuse and prescription attached hereto and
27 incorporated herein by this reference. The only party in danger in this case is Defendant.
28

29 Plaintiff intentionally misled police by folding top two pages back on original OP
30 showing page 3/5 to police which is the only place dogs (canines) are mentioned on line 9
31 page 3/5 in entire 5 page packet. Police now misled, investigate Defendant for dog violation
32 under OP. Defendant harassed by Plaintiff via police power.
33

34 Young patrolman stops Defendant in moving truck at gas station. Defendant
35 witnessed patrolman reading amended OP (dated 11/19/2013) on hood of police car and
36 talking to lead Detective Jalbert at Plaintiff’s home over a radio. Patrolman was answering
37 back to Jalbert that he closely read the amended OP and no dog was on it, yet Jalbert
38 responded to read again. Detective Jalbert was being misled at Plaintiff’s house. Jalbert is
39 reading original OP with pages 1-2/5 folded back so page 3 is on top referencing dogs.
40 Detective Jalbert is cleverly misled. Jalbert thinks Patrolman has misread the copy he has on
41 patrol car? Patrolman took picture of Defendant’s amended OP.
42

43 Plaintiff intentionally misled police by directing their attention to page 3 of Petition
44 stapled on top of original OP claiming dogs were protected under same. Why did Plaintiff not
45 give police latest amended OP? Plaintiff intentionally did this because Plaintiff could mislead

1 police to engage in a false investigation against Defendant causing him harassment. Court did
2 not grant protection for dogs on any version of OP.

3
4 If Plaintiff had given police Amended Order of Protection dated 11/19/2013 police
5 would have seen no dog was on that OP and not wasted police time & manpower. Plaintiff
6 intentionally misleads police is a clear violation of 13-2907.01.

7
8 This is Plaintiff's continued effort to harass Defendant under non-dismissed OP.
9 Plaintiff continues to hold Defendant's **home based business** hostage due to non-
10 dismissed OP. Defendant knows Plaintiff is not dismissing OP to **punitively** punish
11 Defendant and his business. Defendant's 12+ years old business is now seriously damaged
12 (not operating) by Plaintiff's actions utilizing non-dismissed OP.

13
14 As husband and wife we did have unfortunate arguments and Plaintiff was never in
15 danger from Defendant and never will be in danger. Why Plaintiff would apply **punitive**
16 measures to punish Defendant and his business:

- 17 1. On or about 10/12/2013 Saturday at bedtime Plaintiff asked Defendant
18 /Husband to engage in a **foursome**; sex with another couple. Defendant told
19 Plaintiff he was not comfortable with that; and next morning, Sunday, Plaintiff
20 verbally asked for a divorce.
- 21 2. Defendant tried to intervene with Plaintiff's serious **gambling** problem.
22 Defendant/Husband was last serious active person trying to help. Plaintiff
23 frequently receives free rooms and concert ticket from Gila casinos.
- 24 3. Plaintiff finally admitted to Defendant/Husband she did not know who she got
25 the Sexually Transmitted Disease (STD) from. Not from husband, who was
26 reasonably upset.
- 27 4. Plaintiff harassed Defendant concerning his **amputee brother** and continued
28 after Defendant asked her to stop. Defendant did not walk away from Plaintiff
29 so to capture a video. Defendant has a 1 minute cell phone video of this
30 harassment that he will bring to court and video is incorporated herein by this
31 reference.

32 Plaintiff is financially responsible for collapsing hostage business.

33
34 Therefore, Defendant requests that this Court enforces Arizona section 13-2907 and
35 all subsections that apply against Plaintiff. Defendant requests Court order Plaintiff to serve a
36 minimum of 60 days in county jail and a \$2,500.00 fine;

37
38 Further, Defendant requests Court to quash/dismiss Order of Protection to stop
39 Plaintiff's clever harassment and stop Plaintiff from holding 12+ years old business hostage
40 which is about to collapse. Dismissing Order of Protection would enable Defendant to
41 properly remove all sensitive business/personal items to new location and try to save business.
42 Plaintiff can always go back to court and Petition for another Order of Protection. Time is of
43 the essence. Does Court want to reward an intentional violator of 13-2907.01 and harassing
44 Defendant through police powers via Order of Protection?
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Furthermore, Defendant requests Court order Plaintiff to allow Defendant to go to home herein to verify and supervise removal of business/personal item from home with aid of son Andrew and any of his workmates willing to help. Plaintiff does not have to be present and can arrange to have a family member present instead. Defendant requests Plaintiff's father (Richard) and mother (Judy) not be present.

Defendant Date