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# Work rig, sedan collide on railroad tracks

By SARAH RUF  
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A Union Pacific Railroad work rig train collided with a passenger car on the railroad crossing at Porter Road shortly after 4 p.m. on Thursday, local police and fire officials said.

No serious injuries were reported, but the driver of the sedan, which was dragged down the railroad tracks and then pushed into a ditch by the work rig, was taken to Chandler Regional Hospital as a precaution.

Maricopa Police Sgt. Stephen Judd said the accident occurred when a driver of the sedan crossed the tracks and was struck by the oncoming work rig. The arms for the crossing did not

drop, nor did the lights activate, the driver told authorities.

The work rig was not de-railed during the accident.

Union Pacific Police are in charge of the crash investigation, but initial reports from first responders indicate a malfunction in the pressure sensors on the railroad tracks may have been to blame.

The intersection was restricted to limited access to cars both north and southbound well into the evening hours, with police advising drivers that needed access to Porter Road south of the crossing to utilize White and Parker Road as an alternate route.

Due to the accident, a Union Pacific train was also stopped across the state route 347 railroad crossing, backing up traffic during rush hour.



A Buick sedan collided with a work rig on the Union Pacific Railroad tracks at Porter Road on Thursday afternoon when the arm bars at the crossing failed to activate.

Howard Wagner/  
Maricopa Monitor

# SUN SETTING ON GAY MARRIAGE BAN

Local couple at heart of legal fight in Arizona

By SARAH RUF  
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With the expected announcement of Arizona's same-sex marriage ban ruled unconstitutional just days away, thousands of gay and lesbian couples may soon have the door opened for them to either tie the knot or apply for marriage recognition in the Grand Canyon State.

Two landmark lawsuits in Arizona are currently challenging the ban – one of those is Connolly vs. Roche, which asks the Arizona court to allow gay couples to marry and officially recognize couples married outside of the state.

Connolly is Joe Connolly, and he just so happens to reside in the city of Maricopa.

He married Terry Pochert on July 4, 2008, in a Lutheran ceremony during California's short-lived flurry of same-sex marriage licenses that year.

The couple – who met in Michigan in 1995 – then returned to their Maricopa home, only to be rejected as a married pair under Arizona law.

This past July, the Maricopa couple was featured in *The Arizona Republic* as one of seven couples suing the state for the right to legally marry under the lawsuit.

Each has their own motivation; for Joe and Terry, it's all about their faith.

"It started through our church," Connolly said.

He works at an engineering firm, and Pochert, an Air Force veteran, owns a media consulting business.

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Horne hopes to see Supreme Court step in

Maricopa residents Terry Pochert and Joe Connolly tried and failed to get a certificate of marriage recognition from the Clerk of the Superior Court in Casa Grande earlier this year. The couple is suing the state of Arizona to declare their marriage valid.

Sarah Ruf/  
Maricopa Monitor

By HOWARD FISCHER  
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PHOENIX — Conceding a court ruling striking down gay-marriage bans in Idaho and Nevada is binding here, attorneys for Arizona state are relying on a largely technical argument in a last-ditch effort to salvage this state's own prohibition – at least for awhile.

In legal papers filed Thursday, Attorney General Tom Horne, his staff and outside attorneys said they disagree with last week's ruling by the 9th U.S. Circuit Court of Appeals overturning bans in Nevada and Idaho that are virtually identical to those in Arizona. In that case, the appellate judges said laws restricting marriage to one man and one woman illegal violate the constitutional rights of gays based solely on their sexual orientation.

In fact, they conceded that appellate ruling is binding on U.S. District Court Judge John Sedwick – and probably governs what the judge has to rule in Arizona.

But Horne instead is seeking to buy time in hopes that somehow the full appellate court – or perhaps the U.S. Supreme Court – will decide otherwise.

Heather Macre, attorney for one group of plaintiffs seeking to overturn the Arizona ban, said the state's decision to try a procedural move and not to try to challenge the underpinning of last week's appellate ruling is not surprising.

"The 9th Circuit dismantled all of their arguments," she said.

But Jennifer Pizer of Lambda Legal Defense

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## ELECTION 2014

# Calls continue for Acton to exit District 7 constable's race

By BRIAN WRIGHT  
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John Acton, embattled Republican candidate for constable in Pinal County's District 7, has been singled out by the Arizona Constables Association, which took the unusual step to ask a candidate to withdraw from a race.

This follows sheriff Paul Babeu's call for Acton to withdraw last week. Also last week, the *Maricopa Monitor* reported on what are either lies or extreme exaggerations about Acton's law enforcement career in Chicago.

The story was first reported by SanTanValley.com.

In a statement, Babeu said Acton's claims about his 26 years as a cop in Chicago, which Acton said included undercover work investigating prostitution rings and drug cartels, appeared to be a "complete fabrication."

The ACA followed Babeu's statement with one of its own.

"We are extremely disappointed in the recent revelations about John Acton ... and his refusal to withdraw from his campaign for constable," ACA president Vince Roberts said in a statement.

Roberts said all elected officials should be held to a high-

er ethical standing and added Acton's refusal to withdraw was "disheartening." He said the ACA is asking Acton to reconsider and to withdraw from the race against independent candidate Victor "Elvis" Rodas.

Shortly after the media firestorm enveloped Acton last week, he made some changes to his bio information on his campaign website. Instead of 26 years of police experience, the website now claims he has 25. Another section of the website that used to say he had 26 years police experience now only says "experienced police officer."

The website previously stat-

ed Acton's membership in the Fraternal Order of Police; that information was deleted from the site.

Acton has also sent out mailers in District 7, which includes San Tan Valley, Apache Junction and Gold Canyon, that read, "Interacted and received instruction from the Chicago Police Department, Cook County Sheriff's Department, DEA and FBI."

When meeting with the *Monitor* on Oct. 6 to discuss the accusations against him, Acton could only provide evidence that he worked as a security officer for the Chicago Transit Authority from 1970-81.



John Acton, seen at a 2008 debate when he was running for Pinal County Recorder, is under fire for claims he made about his work history.

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### LAW LICENSE NEXT TO GO

Following a ruling from the Supreme Court banning him from being a judge again, Scott Sulley now faces disbarment

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### MORE THAN JUST A SIMPLE SPLASH OF COLOR

Local artist Pam Sutton loves watercolors but is a multi-medium talent

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