

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

ELDON SETTLEMEYER,
Petitioner,

v.

THE STATE OF ARIZONA,
Respondent.

No. 2 CA-SA 2025-0081
Filed January 15, 2026

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
NOT FOR PUBLICATION

See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Civ. App. P. 28(a)(1), (f);
Ariz. R. P. Spec. Act. 11(a)(1), (d), 18(a), (b).

Special Action Proceeding
Pima County Cause No. CR20253475
The Honorable J. Alan Goodwin, Judge

JURISDICTION ACCEPTED; RELIEF GRANTED

COUNSEL

Apfel Law Group, Phoenix
By Seth Apfel
Counsel for Petitioner

Jane Fairall, Town of Marana Attorney
By Luke Fischer, Senior Assistant Town Attorney, Marana
Counsel for Respondent

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MEMORANDUM DECISION

Judge Gard authored the decision of the Court, in which Presiding Judge Vásquez and Judge Kelly concurred.

G A R D, Judge:

¶1 Eldon Settlemeyer seeks review of the superior court’s order affirming her conviction in municipal court for disorderly conduct under A.R.S. § 13-2904(A)(1) against her husband, Jarrett Settlemeyer. Because Eldon has no remedy by appeal, *see* A.R.S. § 22-375(A); *Prosise v. Kottke*, 249 Ariz. 75, ¶ 11 (App. 2020), we accept special-action jurisdiction, *see* RPSA 12(a). The question before us is whether, under the facts of this case, Eldon’s conduct constituted “seriously disruptive behavior” under § 13-2904(A)(1). Because it did not, we grant relief.

¶2 Eldon’s conviction stems from an incident in April 2024. At that time, Eldon and Jarrett were divorcing but still lived together. Jarrett, a law enforcement officer, was on call and away from their home when he was called into work. He returned home to retrieve his equipment. Eldon, however, had barred their home’s front door and deactivated the garage door, preventing him from entering. Eldon had left Jarrett’s vest and uniform in his patrol vehicle but had not left a necessary radio battery and long-sleeved shirt, and he was delayed for ten to fifteen minutes while Eldon retrieved those items. Once Jarrett obtained his equipment, he called 9-1-1 and waited for police to arrive before reporting for duty.

¶3 Eldon’s conviction followed a bench trial in Marana Municipal Court. The trial court found Eldon had intentionally prevented Jarrett from entering the home and “thereby disrupted his ability to get to work on that day.”¹ The court suspended the imposition of sentence and placed her on an eighteen-month term of probation. She appealed to the superior court, which affirmed her conviction and disposition. This petition for special action followed.

¹There was evidence that Eldon yelled at Jarrett through an open window. Because the trial court did not find that conduct violated § 13-2904, it is not material to our analysis.

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¶4 Relevant here, a person commits disorderly conduct by intentionally or knowingly disturbing “the peace or quiet of a . . . person” by engaging “in fighting, violent or seriously disruptive behavior.” § 13-2904(A)(1). In *Julio L.*, our supreme court evaluated the definition of “seriously disruptive behavior.” 197 Ariz. 1, ¶ 11 (2000). The court observed that, “[t]o ‘disrupt’ means ‘to throw into disorder or turmoil, . . . to interrupt to the extent of stopping.’” *Id.* (first alteration added, second alteration in *Julio L.*) (quoting *Disrupt*, Webster’s Dictionary (3d ed. 1971)). The court further noted that “[t]he statute requires the disruption to be ‘serious’—something to ‘cause considerable distress, anxiety or inconvenience.’” *Id.* (quoting *Serious*, Webster’s Dictionary (3d ed. 1971)). Thus, the court concluded, “seriously disruptive behavior” is conduct “of the same general nature as fighting or violence or conduct liable to provoke that response in others and thus to threaten the continuation of some event, function, or activity.” *Id.*

¶5 Eldon argues the trial court and superior court erred by concluding that her conduct—delaying Jarrett by barring him from their joint property—constituted “seriously disruptive behavior” sufficient to support her conviction. We agree.

¶6 Like the trial court, the state focuses on the fact that Eldon disrupted Jarrett’s activity by delaying him from reporting for work. But that is not enough to support a conviction under § 13-2904(A)(1). As our supreme court explained in *Julio L.*, the activity must not only “threaten the continuation of some event, function, or activity,” it must be conduct akin to “fighting or violence . . . liable to provoke that response in others.” 197 Ariz. 1, ¶ 11. Although Jarrett was unable to readily enter his garage or home, Eldon’s conduct is not analogous to a violent act and would not have reasonably warranted a violent response on his part. Nor was the disruption sufficient to stop his activity—Jarrett was delayed only briefly and was quickly provided with the equipment he needed. And Jarrett’s decision to wait for police to arrive after calling 9-1-1 rather than report for duty suggests that he was not seriously disrupted by Eldon’s conduct. Any inconvenience Eldon caused was simply not substantial enough to constitute criminal conduct.

¶7 We accept special-action jurisdiction. We reverse Eldon Settlemeier’s conviction for disorderly conduct.