



FACT SHEET
State of Arizona v. Painter
St. Mark Roman Catholic Church v. City of Phoenix

ABOUT State of Arizona v. Painter AND St. Mark Roman Catholic Church v. City of Phoenix

Every hour from 8 a.m. to 8 p.m., the bells at Christ the King Liturgical Charismatic Church regularly chimed as a way of praising God and have been registered to emit only 67 decibels from the nearest property line. A whisper registers at 30 decibels, and a normal conversation is about 60 to 70 decibels. Ice cream trucks are allowed to emit up to 70 decibels at a distance of 50 feet under an exemption to a city noise ordinance, but no religious exemption exists for church bells. Bishop Rick Painter, pastor of Christ the King Church, was convicted of violating the Phoenix noise ordinance and sentenced to 10 days in jail (suspended) and three years' probation in June 2009 by a Phoenix Municipal Court judge. Painter was also issued an order restricting chimes at his church to no more than 60 decibels for two minutes on Sundays and specific religious holidays. Alliance Defense Fund attorneys are appealing the rulings on Painter's behalf to the Arizona Superior Court in *State of Arizona v. Painter*.

Just months after Painter was convicted for ringing church bells, city of Phoenix officials—using the same noise ordinance Bishop Painter was convicted of violating— notified St. Mark Roman Catholic Parish that the ringing of its bells could be in violation as well. Two representatives from the Phoenix City Prosecutor's office and two Phoenix police officers visited St. Mark after one neighbor complained about the bells. St. Mark has rung its bells for the last 20 years. ADF attorneys filed the lawsuit *St. Mark Roman Catholic Church v. City of Phoenix* in September 2009 on behalf of St. Mark, First Christian Church of Phoenix, and Christ the King Church, so that all churches can ring their bells without fear of prosecution and criminal penalties.

CURRENT STATUS OF THE CASES AS OF 1/29/10

ADF attorneys have appealed the rulings of the Phoenix Municipal Court in the criminal case. ADF Senior Legal Counsel Erik Stanley is scheduled to argue Painter's appeal before the Arizona Superior Court on Feb. 1. On the same day, prior to the criminal appeal argument, Stanley is scheduled to present oral arguments challenging the city of Phoenix's motion to dismiss the civil case at a federal hearing before the U.S. District Court of Arizona.

FOCUS OF HEARING – WHAT IS AT STAKE?

The outcomes of the criminal and civil hearings will determine whether city officials will be allowed to enforce the unconstitutionally vague noise ordinance that punishes churches for engaging in religious expression that has been traditionally practiced by the church for centuries. The federal hearing will determine whether the case filed by ADF attorneys against the city of Phoenix challenging the constitutionality of the noise ordinance will progress. The state appeal hearing will determine whether Bishop Painter's conviction and jail sentence will be upheld.

CONTACT

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ABOUT ADF

ADF is a legal alliance of Christian attorneys and like-minded organizations defending the right of people to freely live out their faith. Launched in 1994, ADF employs a unique combination of [strategy, training, funding, and litigation](#) to protect and preserve religious liberty, the sanctity of life, marriage, and the family.

ABOUT Erik Stanley

Erik W. Stanley serves as senior legal counsel with the Alliance Defense Fund at its Kansas City Regional Service Center in Kansas, where he is focused on church free speech and religious autonomy matters as a key member of the ADF Church Project. Stanley heads the ADF Pulpit Initiative, a legal effort to defend the right of pastors across the nation to speak freely from their pulpits without fear of censorship or punishment. He graduated from Temple University School of Law in the top five percent of his class and is a member of the Florida and the District of Columbia bars, as well as the U.S. Supreme Court and numerous federal district and appellate courts. Stanley joined ADF in 2007 and has been practicing law since 1999.

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