

NOTICE: NOT FOR OFFICIAL PUBLICATION.  
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION ONE

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In re the Matter of:

MARIA GANT, *Petitioner/Appellee*

*v.*

ARIEL MARTINEZ-ZAMORA, *Respondent/Appellant.*

No. 1 CA-CV 20-0550 FC  
FILED 6-8-2021

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Appeal from the Superior Court in Maricopa County  
No. FC2020-004844  
The Honorable Utiki Spurling Laing, Judge *Pro Tempore*

**AFFIRMED**

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COUNSEL

Maria Gant, Protected Address  
*Petitioner/Appellee*

Law Office of Daniel A. Rodriguez, Phoenix  
By Daniel A. Rodriguez  
*Counsel for Respondent/Appellant*

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**MEMORANDUM DECISION**

Presiding Judge Jennifer M. Perkins delivered the decision of the Court, in which Judge Randall M. Howe and Judge Maria Elena Cruz joined.

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**P E R K I N S**, Judge:

¶1 Ariel Martinez-Zamora (“Father”) appeals an order of protection entered against him on behalf of Maria Gant (“Mother”). For the following reasons, we affirm.

**FACTUAL AND PROCEDURAL BACKGROUND**

¶2 Mother and Father share parenting time with their child, L.F. In November 2019, Mother and Father met at a police station to exchange L.F. As Mother left, Father followed her and repeatedly stated, “I hope you die.”

¶3 Over the following months, Father filed several reports with police and the Department of Child Safety (“DCS”), alleging Mother mistreated L.F. Mother then petitioned the superior court for an order of protection. The court granted Mother’s petition *ex parte* and Father requested a hearing.

¶4 At the hearing, Mother testified about the exchange at the police station and claimed Father filed false reports against her. Father testified that he never threatened Mother and neither law enforcement nor DCS ever concluded he filed false reports. Father’s mother (“Grandmother”) also testified through an interpreter that she was present at the exchange and that Father never threatened Mother.

¶5 The superior court found Mother credible and continued the order of protection. The court found that Father’s threat “in conjunction with” the multiple reports he filed against Mother amounted to harassment. The court also explained it did not find Grandmother’s testimony credible; not because she used an interpreter, “but because . . . [Grandmother] appear[ed] to be biased towards her son.” Father timely appealed. We have jurisdiction pursuant to A.R.S. § 12-2101(A)(5)(b).

DISCUSSION

¶6 Father argues the court erred by (1) continuing the order of protection despite insufficient evidence, (2) considering his threat “in conjunction with” the multiple reports he filed, and (3) not finding Grandmother’s testimony credible. We review the continuation of an order of protection for an abuse of discretion. *Michaelson v. Garr*, 234 Ariz. 542, 544, ¶ 5 (App. 2014).

¶7 To continue the order of protection, the superior court needed to find reasonable cause to believe that Father “may commit an act of domestic violence” or find that he “committed an act of domestic violence within the past year.” *See Shah v. Vakharwala*, 244 Ariz. 201, 202, ¶ 5 (App. 2018) (quoting A.R.S. § 13-3602(E)). “Domestic violence” includes harassment as defined in § 13-2921. A.R.S. § 13-3601(A). “A person commits harassment if, with intent to harass or with knowledge that the person is harassing another person, the person . . . [r]epeatedly commits an act or acts that harass another person.” A.R.S. § 13-2921(A)(3). Section 13-2921(E) defines “harassment” as “conduct that is directed at a specific person and that would cause a reasonable person to be seriously alarmed, annoyed or harassed and the conduct in fact seriously alarms, annoys or harasses the person.”

¶8 Father argues insufficient evidence supports the superior court’s findings. We disagree. The court concluded Mother demonstrated by a preponderance of the evidence that Father committed an act of domestic violence within the last year. The court found Father’s threat towards Mother and the multiple reports he lodged against her amounted to harassment. Mother testified that Father’s threat left her fearful to spend time at home. She also testified that Father filed a report against her a few days before the hearing, demonstrating “that he’s not going to stop.” Competent evidence supports a finding that a reasonable person would be seriously annoyed, alarmed, or harassed by Father’s conduct and that Mother was in fact, seriously annoyed, alarmed, or harassed. *See* A.R.S. § 13-2921(E).

¶9 Father next argues the superior court erred by “combining” his acts to reach its finding. Harassment occurs when a person “commits an act *or acts* that harass another person.” A.R.S. § 13-2921(A)(3) (emphasis added). No language requires the court to determine that each isolated act amounted to harassment. We thus decline to interpret the statute as Father requests. *See State v. Connolly*, 216 Ariz. 132, 133, ¶ 4 (App. 2007).

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¶10 Finally, Father argues the superior court erred by not finding Grandmother's testimony credible. Although the parties presented conflicting evidence at the hearing, we defer to the court's determination of witness credibility. See *Clark v. Kremer*, 243 Ariz. 272, 276, ¶ 14 (App. 2017). And we will not reweigh credibility determinations on appeal. *Id.*

CONCLUSION

¶11 We affirm.



AMY M. WOOD • Clerk of the Court  
FILED: AA