

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

JOHN PETSINGER)	
)	
Appellant,)	
)	
v.)	C.A. NO.: 01A-12-005-FSS
)	
CREIG DOYLE, JONATHAN MARK)	
LITTLE, and CITY OF REHOBOTH)	
BEACH, DE.,)	
)	
Appellees.)	

Submitted: May 17, 2002
Decided: May 30, 2002

ORDER

Mr. John Petsinger, 2216 A Naudain Street, Philadelphia, Pennsylvania, 19146-1110.
Pro Se Appellant.

Bruce C. Herron, Esquire, Sawyer Akin & Herron, P.A., 1220 N. Market Street, P.O.
Box 25047, Wilmington, Delaware, 19899. Attorney for Appellants.

SILVERMAN. J.

After Appellant, John Petsinger, was convicted for Driving Under the Influence in Sussex County, Mr. Petsinger sued the arresting officer in Justice of the Peace Court No. 13 for trespass in New Castle County. Specifically, Mr. Petsinger claimed the arresting officer:

testified under oath to physically impossible acceleration in Common Pleas Court Georgetown DE regarding a dismissed speeding charge, thereby providing a falsified material reason for a traffic stop and the resultant DUI charges.¹

The Justice of the Peace Court dismissed Mr. Petsinger's civil complaint and the Court of Common Pleas affirmed the dismissal.

Now, Mr. Petsinger has appealed to this court. Mr. Petsinger's written submissions are diatribes. Mr. Petsinger rails about the criminal justice system and his view of its many shortcomings. His submissions include personal invective and name calling not only toward the arresting officer, but toward the judge who decided the case in the Court of Common Pleas. Mr. Petsinger rudely challenges their ability and basic integrity. For example, Mr. Petsinger sneers that the trial judge was "either

¹ Mr. Petsinger's action has been referred to as one for perjury. Mr. Petsinger, as a citizen, has no cause of action for perjury. Perjury is a criminal offense. It is an offense against the administration of justice, not Mr. Petsinger. Mr. Petsinger's trespass case actually involves alleged wrongful or malicious prosecution. Taking Mr. Petsinger's complaint into account, the distinction between perjury and malicious prosecution is significant.

incompetent or crooked.” All of this is because the trial judge did not see Mr. Petsinger’s case the way Mr. Petsinger sees it.

Mr. Petsinger would not stand for being called names and the court does not have to stand for it, either. Mr. Petsinger’s briefs are impertinent and scandalous. For that reason, under Superior Court Civil Rule 12(f) they are **STRICKEN** without prejudice to Mr. Petsinger’s filing an appropriate brief within 21 days from this order’s date.

Mr. Petsinger is welcome to allege all the errors that are part of the decision that is the basis for this appeal. In order to have any likelihood of success, Mr. Petsinger should focus on how the lower court applied the law incorrectly or on the ways in which the decision was not supported by the evidence presented to the lower court. But as this order demonstrates, the court will not tolerate wild accusations and argument by innuendo. Vituperation and histrionics are no substitute for logical, sober argument.

In the event that Mr. Petsinger files a new brief, Defendant will have 15 days to file a new answer brief, if one is necessary. The court is willing to consider the brief already filed by Defendant and the court does not need another brief simply recapitulating Defendant’s original arguments. If an answer brief is filed, Mr. Petsinger shall have 10 days in which to file a short reply, if he chooses. Otherwise,

if Mr. Petsinger does not file a new brief, the court will consider that he has abandoned this appeal and it will be dismissed without further notice once the deadline has passed.

IT IS SO ORDERED.

Judge

cc: Prothonotary (Civil Division)