

DV04-01626
DC-590000594-05-1
SEALED IN RE: ANDREW EARL FURER
District Court 12/10/2008 10:10 AM
Washoe County
CLERK

1 CODE: ~~2000~~ 3370

FILED

DEC 10 2008

HOWARD W. COFFERS, CLERK
By: [Signature]

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5 IN THE FAMILY DIVISION OF
6 THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 ANDREW EARL FURER,

10 Plaintiff,

Case No. DV04-01626

11 vs.

Dept. No. 11

12 ELOISE BESADA FURER,

13 Defendant.
14

15 ORDER FINDING ELOISA FURER IN CONTEMPT:
16 REQUIRING HER ARREST

17 IT IS HEREBY ORDERED:

18 1. Eloisa Besada Furer is remanded to the custody of the Washoe County Jail
19 for a period of 10 (ten) days. Ms. Furer is to turn herself in on or before January 6, 2009.
20 Ms. Furer shall be released no sooner than 10 (ten) days from the date of her original
21 arrest.

22 2. Should Ms. Furer fail to turn herself in as ordered, the Washoe County
23 Sherriff's Office or any other law enforcement agency is hereby directed to arrest Eloisa
24 Besada Furer, last known address 9812 Winter Palace Drive, Las Vegas, Nevada 89145.
25 Ms. Furer shall be remanded immediately to the custody of the Washoe County Sheriff,
26 for Contempt of Court. The Court shall be notified immediately of her arrest.

27 3. No alternative sentence is permitted unless authorized by this Court or
28 another Court of competent jurisdiction.

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Background

Ms. Furer is involved in post-divorce decree litigation in this case. Ms Furer has made contemptuous statements in documents recently filed with the Court. The specific contemptuous statements made by Ms. Furer are identified in Exhibit A, attached to this order.

Discussion

The Court enters this Order under the authority of NRS 199.350, 22.010, and 22.030.

NRS 199.350, in pertinent part, provides:

Every person who shall commit a contempt of court of any one of the following kinds shall be guilty of a misdemeanor: 1. Disorderly, contemptuous or insolent behavior committed during the sitting of the court, in its immediate view and presence, and directly tending to interrupt its proceedings or to impair the respect due to its authority; 2. Behavior of like character in the presence of a referee, while actually engaged in a trial or hearing pursuant to an order of court, or in the presence of a jury while actually sitting in the trial of a cause or upon an inquest or other proceeding authorized by law; 3. Breach of the peace, noise or other disturbance directly tending to interrupt the proceedings of a court, jury or referee; 4. Willful disobedience to the lawful process or mandate of a court; 5. Resistance, willfully offered, to its lawful process or mandate; 6. Contumacious and unlawful refusal to be sworn as a witness or, after being sworn, to answer any legal and proper interrogatory; 7. Publication of a false or grossly inaccurate report of its proceedings; or 8. Assuming to be an attorney or officer of a court or acting as such without authority.

NRS 22.010, in pertinent part, provides:

The following acts or omissions shall be deemed contempts: 1. Disorderly, contemptuous or insolent behavior toward the judge while he is holding court, or engaged in his judicial duties at chambers, or toward masters or arbitrators while sitting on a reference or arbitration, or other judicial proceeding. 2. A breach of the peace, boisterous conduct or violent disturbance in the presence of the court, or in its immediate vicinity, tending to interrupt the due course of the trial or other judicial proceeding.

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NRS 22.030, in pertinent part, provides:

If a contempt is committed in the immediate view and presence of the court or judge at chambers, the contempt may be punished summarily. If the court or judge summarily punishes a person for a contempt pursuant to this subsection, the court or judge shall enter an order that: (a) Recites the facts constituting the contempt in the immediate view and presence of the court or judge; (b) Finds the person guilty of the contempt; and (c) Prescribes the punishment for the contempt.

The recent pleadings filed by Ms. Furer are contemptuous and insolent, impairing the respect due the Court's authority. *In re Breen*, 30 Nev.164, 93 P.997, 17 L.R.A.N.S. 572 (Nev. 1908) (holding one may criticize the Court when it is done in good faith and in ordinarily respectful language, not when the criticism is intended to bring disrepute, or lessen the respect due the authority to which a court is entitled). Ms. Furer in her pleading filed on both October 20, 2008 and November 12, 2008 repeatedly refers to this Court as criminal, racist, biased, malicious and unworthy of respect.

Ms. Furer's insolent statements are not reserved for this Court. Ms. Furer states that Judge Steinheimer is "incompetent" and has a "god complex." Ms. Furer accuses Judge Schumacher of "criminal acts" and calls her "biased." She accuses the entire judicial system of being in a conspiracy, together with her attorneys and Mr. Furer's attorneys, to harm her.

Ms. Furer's statements are made in pleadings filed with the Court putting them in the immediate view and presence of the Court. The Nevada Supreme Court has held that, "contempt may be committed by inserting in pleadings, briefs, motions, arguments, petitions for rehearing, or other papers filed in court insulting or contemptuous language, reflecting on the integrity of the court." *In re Chartz* 29 Nev. 110, 85 P.352, 357, 5 L.R.A.N.S. 916, 124 Am.St.Rep. 915 (Nev. 1906). Other courts have also held that contempt can take place in the pleadings. "A direct contempt may be committed by contemptuous statements in pleading or official reports filed in court, even though not read in open court." *Kunik v. Racine County, Wis.*, 946 F.2d 1574 (7th

1 Cir. 1991); *La Grange v. State*, 238 Ind. 689, 153 N.E.2d 593, 69 A.L.R. 2d 668 (Ind. 1958);
 2 *Spencer v. Dixon*, 248 La. 604, 181 So. 2d 41 (La. 1965). Ms. Furer's written submissions
 3 garner the same consequences as if she had made the insults in the courtroom.

4 It is appropriate for this Court to make a decision on Ms. Furer's contempt.
 5 Although recusal may be required in some contempt proceedings, this requirement
 6 generally does not apply in cases of direct contempt. *Barlow v. State*, 237 Ga. App. 152,
 7 513 S.E.2d 273 (1999). Additionally, summary contempt proceedings are appropriate in
 8 instances of direct contempt, contempts that occur in the immediate presence of the
 9 court, where the judge has personal knowledge of all facts necessary to constitute the
 10 contempt, based upon the judge's own observation of the contemptuous conduct. *Camp*
 11 *v. East Fork Ditch Co., Ltd.*, 55 P.3d 304 (Idaho 2002).

12 The Court cannot continue to allow Ms. Furer to blatantly disrespect its
 13 authority, and must impose sanction to control Ms. Furer's actions. Criminal contempt
 14 is designed to preserve the dignity and authority of the court. *Warner v. Second Judicial*
 15 *Dist. Court In and For County of Washoe*, 111 Nev. 1379, 906 P.2d 707 (Nev. 1995). This
 16 Court has determined that no action short of these sanctions will have an impact on Ms.
 17 Furer.

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 19 DATED this 8th day of December, 2008


 DISTRICT JUDGE

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EXHIBIT A

In a document filed with the Court by Ms. Furer on October 20, 2008, she made the following references:

1. She described an order entered by the Court as "Judge Weller Faulty,(sic) erroneous, malicious vindictive and racially motivated February 22, 2008 Finding of fact and decree of divorce." page 14, lines 6-8.
2. "the racially motivated, malicious decree of Judge Weller" page 14, line 27.
3. "vindictive, illegal, malicious, and racially motivated decree" page 16, lines 9-10.
4. "this criminal judge" page 21, line 13.
5. "this criminal judge" page 21, lines 14-15.
6. "WELLER'S RACIALLY MOTIVATED DECISION AND THE CONSPIRACY BY THIS JUDGE WITH PLAINTIFF" PAGE 26, LINES 12-13.
7. "IT IS OBVIOUS THAT JUDGE WELLER DOES NOT FOLLOW THE LAW IN HIS DECISIONS. IT (sic) LOOKS LIKES HIS DECISION IS BASED ON WHO THE ATTORNEY IS OF THE PARTY. IN THE MACK CASE, SHAWN MEADOR WAS THE COUNSEL OF CHARLA MACK. DEFENDANT ASSUMES THAT THE DECISION OF WELLER WAS FAVORABLE TO MRS. MACK HAVING SHAWN MEADOR AS HER COUNSEL, WHICH PROBABLY HAD CAUSED MR. MACK TO 'SNAP' DUE PROBABLY TO AN UNFAIR DECISION OF THIS CRIMINAL JUDGE." PAGE 30, LINES 14-24.
8. "DOES JUDGE WELLER...KNOW THE WORDS, DECENCY AND INTEGRITY? I GUESS NOT." page 33, lines 11-13.
9. "ANOTHER CONSPIRACY AND ABUSE OF POWER BY JUDGE WELLER." page 34, lines 13-14.
10. "JUDGE WELLER HAD ABUSED HIS POWER" PAGE 35, LINE 16.
11. "CLEAR ABUSE OF POWER BY WELLER" page 36, line 26.

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12. "ONE OF THE MANY CONSPIRACY BETWEEN THE COURT, THE PLAINTIFF AND HIS COUNSELS AGAINST MRS FURER" page 37, line 25-27.

Ms. Furer filed another document with the Court on November 12, 2008 that makes the following references:

1. "This criminal judge" page 4, line 7.
2. "This racist judge has a black heart" page 4, line 15.
3. "THIS CRIMINAL JUDGE" page 5, line 20.
4. "this criminal judge" page 5, line 24.
5. "this criminal, biased, malicious and a racist Chuck Weller" page 6, lines 2-3.
6. "What do you all want from me? Judge Weller? I DO NOT HESITATE TO CALL YOU A CRIMINAL" page 6, lines 5-6.
7. "I can't even force myself to call you a judge, as you do not have the temperament of a judge and I cannot bring myself to give respect to people who do no deserve my respect" page 6, lines 15-16.
8. "THIS CRIMINAL JUDGE" page 7, lines 6-7.
9. "THIS CRIMINAL WELLER" page 7, line 23.
10. "CRIMINAL ABUSIVE, MALICIOUS, VINDICTIVE AND A RACIST JUDGE" page 8, line 22.
11. "this criminal judge" page 9, line 27.
12. "criminal judge" page 10, line 1.
13. "racist judge" page 10, line 2.
14. "criminal judge" page 10, line 3.
15. "criminal judge" page 10, line 4.
16. "criminal judge" page 10, line 5.
17. "criminal judge" page 10, line 6.
18. "criminal judge" page 10, line 8.

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- 19. "criminal judge" page 10, line 11.
- 20. "criminal judge" page 10, line 12.
- 21. "the criminal acts of the Court of Weller, Schumacher the District attorney, Alswede, who I think was too old and sinile (sic)... as well as the incompetent Steinheimer" page 11, lines 1-6.
- 22. "Steinheimer...her whim and God complex thinking and her insecuritics" page 11, lines 7-10.
- 23. "criminal Judge" page 11, line 10.
- 24. "the conspiracy of the Judicial system" page 11, line 18.
- 25. "CONSPIRACY OF THE Washoe Judicial system and my American husband and even my own lawyers" page 24, lines 5-6.
- 26. "THE BIASED RECUSED SCHUMAKER" PAGE 26, LINE 28.
- 27. "VINDICTIVE, BIASED, MALICIOUS AND RACIALLY MOTIVATED DECISIONS" page 27, lines 5-6.