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Sarah Ruf/Maricopa Monitor

Terry Pochert & Joe Connolly

Maricopa residents Terry Pochert, left, and Joe Connolly tried and failed to get a certificate of marriage recognition from the clerk of the Superior Court in Casa Grande earlier this year. The couple sued the state of Arizona to declare their marriage valid.

Posted: Saturday, October 18, 2014 10:27 am

By Sarah Ruf Maricopa Monitor

MARICOPA — With Arizona's same-sex marriage ban ruled unconstitutional, thousands of gay and lesbian couples are preparing to tie the knot or apply for marriage recognition in the Grand Canyon State.

Two landmark lawsuits in Arizona challenged the ban — one of those was Connolly vs. Roche, which asked the Arizona courts to allow gay couples to marry and officially recognize couples married outside of the state.

Connolly is Joe Connolly, and he resides in Pinal County.

He married Terry Pochert on July 4, 2008, in a Lutheran ceremony during California's short-lived flurry of same-sex marriage licenses that year.

The couple, who met in Michigan in 1995, then returned to their Maricopa home, only to be rejected as a married pair under Arizona law.

This past July, the Maricopa couple was featured in The Arizona Republic as one of seven couples suing the state for the right to legally marry under the lawsuit.

Each has their own motivation; for Joe and Terry, it's all about their faith.

"It started through our church," Connolly said.

He works at an engineering firm, and Pochert, an Air Force veteran, owns a media consulting business.

The pair helped out in a mentoring program at Tempe-based University Lutheran, and they soon met a lesbian couple with kids in a unique situation.

"They both had parental rights as foster parents, but as soon as they adopted the children, only one of them could adopt the children," said Connolly, 55. "That's state law."

"It's terrible," Pochert, 66, added.

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After the U.S. Supreme Court struck down the federal Defense of Marriage Act last summer, lawyers told Connolly and Pochert that no lawsuit would be happening in Arizona.

So they let it go — until the encounter with the adopted children.

"If we weren't motivated by the other family with the kids, I don't know if we would have filed this based on ourselves," Connolly said. "I feel God has driven this entire process."

In early December 2013, they asked a fellow church member if he knew someone who would be willing to take on a lawsuit against the state of Arizona. Their lawyer friend considered the question for about a week, then came back with a surprise.

"I would like to take the case," he told them.

As the legal wheels started turning, more and more couples joined the lawsuit.

"When we started this whole thing, we were scared," Connolly said. "I feel like we became poster boys for marriage equality in Arizona, and it's not something we wanted."

And as opposition rose up, the pair struggled to understand the reasoning.

"I feel like this is a social justice issue out of our church," Connolly said.

Of course, there are other reasons Connolly and Pochert want Arizona to recognize their California union.

The burden of filing five tax returns, the possibility of denied hospital visits, trouble obtaining long-term insurance and taxes on partner health benefits — if they receive them at all — weigh on their minds, too.

But the couple insists those benefits take a backseat to the hardship their church friends face every day.

In the end, it all came down to Judge John Sedwick, a visiting judge from the U.S. District Court in Alaska. Sedwick ruled Friday morning that the recent Ninth Circuit Court decision to strike down gay marriage bans in Nevada and Idaho also applied to Arizona.

In a somewhat surprising decision mere hours later, Arizona Attorney General Tom Horne announced he would not appeal Sedwick's verdict.

After the announcement on Friday morning, the couple released a joint statement: "We have longed for this day for years; for ourselves, for others who have gone before us and for those who will come after us. Opponents who blocked marriage equality through local, state and federal laws and through our court system learned today that legislators and the voting population cannot discriminate. The 'will of the people' can never trounce on the rights of a minority."

Other Pinal County couples wanting to get hitched immediately can now do so.

Just after the Clerk of the Superior Court Office opened for business on Friday morning, it received the first call from someone asking to come on down for a license, said Odette Apodaca, case management director for the clerk's office.

While the clerk's office still needs to order the elegant, wedding-esque pieces of license paper stating "applicant" instead of "bride" or "groom" from an outside company, couples can get a license and then return to the office at a later date to switch it.

Capitol Media Services reported Friday morning that gay rights advocates had stationed ministers at all 15 county courthouses for gay couples wishing to wed immediately after receiving their license on Friday.

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