

SUPREME COURT OF ARIZONA

State ex rel. Romley v. Martin, 205 Ariz. 279

69 P.3d 1000 (2003) · No. CV-02-0267-PR · Decided June 5, 2003

SUMMARY

The Arizona Supreme Court held that convictions subject to Proposition 200's mandatory probation provisions cannot be used to impeach a witness under Arizona Rule of Evidence 609(a)(1). The court reasoned that the relevant offenses were not punishable by imprisonment in excess of one year under the law applicable to those convictions, affirming the denial of the State's request for special action relief.

CASE DETAILS

COURT	Supreme Court of Arizona
WRITING FOR THE COURT	Michael D. Hurwitz, Justice; Charles E. Jones, Chief Justice; Ruth V. McGregor, Vice Chief Justice; Rebecca White Berch, Justice; Michael D. Ryan, Justice
JURISDICTION	Arizona
DECIDED	June 5, 2003
DOCKET	CV-02-0267-PR
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State sought special-action relief after the superior courts in two consolidated criminal cases precluded the State from using the defendants' Proposition 200 convictions for impeachment. The Arizona Court of Appeals accepted jurisdiction but denied relief. The Arizona Supreme Court granted review.
STANDARD OF REVIEW	De novo review applies to interpretation of a court rule.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Arizona, decided en banc.
PARTIES	State of Arizona, ex rel. Richard M. Romley, Maricopa County Attorney v. The Honorable Gregory Martin, The Honorable Jonathan H. Schwartz, Cruz Olivas Landeros, Steven P. Steadman

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether a first- or second-time Proposition 200 conviction, for which imprisonment is unavailable under A.R.S. § 13-901.01(A), may be used to impeach a witness under Arizona Rule of Evidence 609(a)(1).
2. Whether the treatment of Proposition 200 convictions as felonies for sentencing-enhancement purposes under *State v. Christian* and *State v. Thues* permits their use for impeachment under Rule 609(a)(1).

HOLDINGS

1. A first- or second-time Proposition 200 conviction may not be used to impeach a witness under Rule 609(a)(1) because the conviction is not for a crime punishable by death or imprisonment in excess of one year under the law applicable to that conviction.

KEY QUOTATIONS

“In short, the most sensible and logical reading of Rule 609(a)(1) is that the prior conviction must involve a crime for which imprisonment in excess of one year is at least possible under the applicable law.” (205 Ariz. at 281, 69 P.3d at 1002; ¶ 12)

“Because A.R.S. § 13-901.01 makes clear that a term of imprisonment cannot be imposed on the basis of a Proposition 200 conviction, the fact that these convictions involve felonies is simply irrelevant under the Rule.” (205 Ariz. at 283, 69 P.3d at 1004; ¶ 17)

FACTUAL BACKGROUND

Steven P. Steadman was charged with theft of a means of transportation, and Cruz Olivas Landeros was charged with knowingly possessing narcotic drugs for sale. Each had prior convictions for personal possession or use of a controlled substance or drug paraphernalia. Because the convictions were first- or second-time offenses covered by Proposition 200, each defendant received probation and could not receive a term of imprisonment for those convictions.

PROCEDURAL HISTORY

Steadman and Landeros were separately charged with felony offenses and had prior first- or second-time drug-possession convictions for which Proposition 200 required probation rather than imprisonment. Each moved to preclude impeachment use of the prior conviction, and the superior court granted each motion. The court of appeals consolidated the State's special actions and denied relief, concluding that the convictions were not punishable by death or imprisonment in excess of one year under Arizona Rule of Evidence 609(a)(1). The supreme court affirmed.

DISPOSITION

affirmed

CASES CITED

- State ex rel. Romley v. Stewart, 168 Ariz. 167, 812 P.2d 985 (1991)
- State v. Baca, 187 Ariz. 61, 926 P.2d 528 (App. 1996)
- State v. Williams, 175 Ariz. 98, 854 P.2d 131 (1993)
- Robinson v. Lintz, 101 Ariz. 448, 420 P.2d 923 (1966)
- State v. Malloy, 131 Ariz. 125, 639 P.2d 315 (1981)
- State v. Christian, 205 Ariz. 64, 66 P.3d 1241 (2003)
- State v. Thues, 203 Ariz. 339, 54 P.3d 368 (App. 2002)
- State v. Estrada, 201 Ariz. 247, 34 P.3d 356 (2001)
- State v. Renteria, 126 Ariz. 591, 617 P.2d 543 (App. 1979)
- Calik v. Kongable, 195 Ariz. 496, 990 P.2d 1055 (1999)
- State ex rel. Napolitano v. Brown & Williamson Tobacco Corp., 196 Ariz. 382, 998 P.2d 1055 (2000)
- State v. Skramstad, 433 N.W.2d 449 (Minn. Ct. App. 1988)

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