

COURT OF APPEALS OF ARIZONA, DIVISION ONE

Wake v. State

No. 1 CA-SA 26-0050 (Ariz. Ct. App. May 26, 2026) · No. 1 CA-SA 26-0050 · Decided May 26, 2026

SUMMARY

The Arizona Court of Appeals, Division One, accepted special action jurisdiction over John Adam Wake’s challenge to the dismissal of his petition to seal criminal records under A.R.S. § 13-911. The court held that the statute requires completion of all nonmonetary probation conditions, including community service, before a person may petition to seal criminal records. Because Wake had not completed the required community service, the court denied relief.

CASE DETAILS

COURT	Court of Appeals of Arizona, Division One
WRITING FOR THE COURT	Andrew J. Becke; Presiding Judge Andrew J. Becke; Judge David B. Gass; Judge Anni Hill Foster
JURISDICTION	Arizona Court of Appeals, Division One
DECIDED	May 26, 2026
DOCKET	1 CA-SA 26-0050
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Petition for special action seeking relief from the superior court's dismissal of a petition to seal criminal records under A.R.S. § 13-911.
STANDARD OF REVIEW	Statutory interpretation is reviewed de novo. The superior court's factual findings are deferred to and affirmed if supported by reasonable evidence. The court also considered whether an equally plain, speedy, and adequate remedy by appeal existed in deciding whether to accept special action jurisdiction.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	John Adam Wake v. State of Arizona

TOPICS

- statutory interpretation
- plain meaning rule
- absurdity doctrine
- appellate procedure
- appellate jurisdiction

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Court of Appeals should accept special action jurisdiction when the superior court dismissed, rather than denied, a petition to seal criminal records and an appeal therefore was not available under A.R.S. § 13-4033(A)(5).
2. Whether A.R.S. § 13-911 requires a person placed on probation to complete all nonmonetary probation conditions, including ordered community-service hours, before petitioning to seal criminal records.
3. Whether discharge from probation constitutes completion of incomplete community-service conditions for purposes of eligibility to petition under A.R.S. § 13-911.

HOLDINGS

1. The Court of Appeals may accept special action jurisdiction because Wake had no equally plain, speedy, and adequate remedy by appeal; the statutory appeal provision applies when the court denies the petition or eligibility to petition, whereas the superior court dismissed Wake's petition for insufficient information.
2. A person placed on probation must complete all nonmonetary terms and conditions of probation, including ordered community-service hours, before petitioning to seal criminal records under A.R.S. § 13-911(E).
3. Discharge from probation does not establish that all incomplete nonmonetary probation conditions were completed for purposes of A.R.S. § 13-911 eligibility.

KEY QUOTATIONS

“Section 13-911(E)’s plain language requires nonmonetary conditions of probation—including community service hours—be complete before the petitioner may petition to seal records.” (¶ 15)

“Reading the statute as just requiring discharge from probation renders subsection 13-911(E)’s requirement that a person “complete[] all nonmonetary terms and conditions” of probation superfluous.” (¶ 16)

FACTUAL BACKGROUND

Wake pleaded guilty to solicitation to commit possession of dangerous drugs for sale, a Class 4 felony, and received a suspended sentence with 18 months of probation. His probation conditions included payment of restitution, fines, and fees and completion of 360 hours of community service. The superior court discharged him from probation in 2013 after he had completed only 10 community-service hours, although the probation department did not seek revocation because he had not engaged in continued criminal activity. Wake paid the approved criminal restitution order in 2014 and petitioned to seal his criminal records in 2025.

PROCEDURAL HISTORY

Wake pleaded guilty in 2011, received a suspended sentence and probation, and was ordered to complete 360 hours of community service. The superior court discharged him from probation in 2013 even though he had

completed only 10 hours, and Wake later paid his monetary restitution. In 2025, he petitioned to seal his criminal records; the superior court dismissed the petition for failure to provide sufficient information showing completion of the community-service requirement. The Court of Appeals accepted special action jurisdiction, reviewed the statutory issue, and denied relief.

DISPOSITION

writ_denied

CASES CITED

- Yauck v. W. Town Bank & Tr., 259 Ariz. 481, 485, ¶ 12 (App. 2025)
- Sierra Tucson, Inc. v. Lee ex rel. County of Pima, 230 Ariz. 255, 257, ¶ 7 (App. 2012)
- State v. Dies, 1 CA-CR 25-0317, 2026 WL 534630, at *1, ¶ 8 (Ariz. App. Feb. 26, 2026) (mem. decision)
- State v. Luviano, 255 Ariz. 225, 227-28, ¶¶ 7, 10 (2023)
- Twin City Fire Ins. Co. v. Burke, 204 Ariz. 251, 254, ¶ 10 (2003)
- State v. Muldoon, 159 Ariz. 295, 298 (1988)
- State v. Serrato, 259 Ariz. 493, 496, ¶ 9 (2025)
- Nicaise v. Sandaram, 245 Ariz. 566, 568, ¶ 11 (2019)
- France v. Indus. Comm'n, 250 Ariz. 487, 490, ¶ 13 (2021)
- State v. Smith, 112 Ariz. 416, 419 (1975)
- State v. Dean, 226 Ariz. 47, 51, ¶ 11 (App. 2010)