



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



Abelardo Chaparro v. Charles L. Ryan,
No. CV-10-0205-CQ

PARTIES

Plaintiff: Abelardo Chaparro

Defendant: Charles L. Ryan

FACTS:

The following facts are derived from Chaparro's complaint and request for judicial notice in the U.S. District Court, District of Arizona.

In 1993, the Arizona Legislature amended A.R.S. § 41-1604.09 to eliminate parole for all offenses committed on or after January 1, 1994.

On May 31, 1995, Chaparro was charged with first-degree murder in connection with events that occurred on May 21, 1995.

On July 25, 1996, Chaparro was convicted at trial of one count of first-degree murder.

On September 20, 1996, at the conclusion of Chaparro's sentencing hearing, the Maricopa County Superior Court trial judge said, "[I]t is the judgment and sentence of the Court you be imprisoned for the rest of your natural life without the possibility of parole for 25 years, followed by a consecutive term of community supervision equal to one day for every seven days of sentence imposed."

On September 23, 1996, the trial court issued a minute entry reflecting that Chaparro's sentence was "Natural Life without possibility of parole for 25 years."

On December 6, 1996, the trial court issued a minute entry stating that, "[d]ue to clerical error, IT IS ORDERED nunc pro tunc to September 20, 1996, to reflect the following sentence: Life without possibility of parole for 25 years."

The State chose not to appeal Chaparro's sentence.

On July 31, 1997, the Arizona Court of Appeals issued a memorandum decision rejecting Chaparro's appeal and affirming his conviction and sentence. *State v. Chaparro*, 1 CA-CR 96-0726 at 13 (Ariz. App. 1997). On May 19, 1998, the Arizona Supreme Court denied further review of Chaparro's conviction and sentence.

In or around April 2017, Chaparro was told by an Arizona Department of Corrections (“ADC”) officer that he will never become parole eligible and that his only avenue for seeking release would be to apply for commutation after serving 25 years.

Between April 2017 and December 2017, Chaparro filed several written requests and demands for parole eligibility with ADC officials, which were denied.

In February 2018, Chaparro received a letter from the ADC’s Offender Services Bureau Administrator informing him that he “would not be parole certified.”

As of June 17, 2019, Chaparro had served 24 years of his sentence.

In 2018, the Arizona Legislature enacted, and the Governor signed, Senate Bill 1211, which is now codified at A.R.S. § 13-718. The statute provides that “a person who was convicted of first-degree murder and who was sentenced [between January 1, 1994 and August 3, 2018] to life with the possibility of parole after serving a minimum number of calendar years *pursuant to a plea agreement that contained a stipulation to parole eligibility* is parole eligible after serving the minimum number of calendar years that is specified in the sentence.” (emphasis in complaint).

On January 17, 2020, the ADC’s Time Computation Unit would be required under A.R.S. § 41-1604.09(D) to initiate Chaparro’s parole proceedings if he were deemed parole eligible.

QUESTION FOR CERTIFICATION:

Whether, in light of A.R.S. § 41-1604.09, a person convicted of first-degree murder following a jury trial for actions that took place on or after January 1, 1994, is parole eligible after 25 years when his sentence states that he is sentenced to “life without possibility of parole for 25 years.”

Definition:

Certified question: An inquiry from a federal court to the Arizona Supreme Court (or any other state supreme court) seeking a state court ruling on a point of state law that is essential to the federal court deciding a case pending before it.

This Summary was prepared by the Arizona Supreme Court Staff Attorneys’ Office solely for educational purposes. It should not be considered official commentary by the Court or any member thereof or part of any brief, memorandum, or other pleading filed in this case.