



**ARIZONA SUPREME COURT  
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. SUDDEN RIO STROUD,  
No. CR-04-0234-PR**

**PARTIES/COUNSEL:**

**Petitioner:** Plaintiff/appellant State of Arizona, represented by Diane Leigh Hunt, Assistant Attorney General.

**Respondent:** Defendant/appellee Sudden Rio Stroud, represented by Stacy Taeuber.

**FACTS:**

Officer Silva knew Stroud and was aware that Stroud had a felony arrest warrant outstanding against him. When Officer Silva saw Stroud getting out of his parked car, he approached Stroud and told him to place his hands on the car. According to Officer Silva, Stroud “made a halfway attempt” to comply and asked why he was being arrested. When Officer Silva told him about the felony arrest warrant, Stroud tried to jump in front of Silva. Silva grabbed Stroud’s shirt collar, leaned him against the car, and held him down. He repeatedly told Stroud he was under arrest. Stroud continued to struggle and kick, attempting to get away. Stroud ignored Silva’s warnings to submit, forcing Silva to use pepper spray. Thereafter, Stroud broke free and fled, and was later apprehended by another officer.

Stroud was tried and convicted by a jury on charges of resisting arrest and escape in the second degree. The jury also found that at the time Stroud committed the offenses he was on probation. The trial court imposed presumptive, consecutive prison terms totaling four years.

On appeal, the court of appeals affirmed Stroud’s conviction and sentence for resisting arrest but vacated his conviction and sentence for escape. It reasoned that the evidence presented at trial did not satisfy the statutory requirements for second degree escape.

**ISSUE:**

Did the court of appeals err by deciding that the meaning of the statutorily defined term “custody” in the escape statutes differs depending on how a defendant is charged?

Relevant Statutes:

A.R.S. § 13-2501(3) defines “custody,” in relevant part, as the imposition of actual or constructive restraint pursuant to an on-site arrest . . . .”

A.R.S. § 13-2501(4) defines “escape” as “departure from custody . . . .”

A.R.S. § 13-2503(A)(2) provides that a person commits “escape in the second degree by knowingly .

. . [e]scaping or attempting to escape from custody imposed as a result of having been arrested for, charged with or found guilty of a felony . . . .”

A.R.S. § 13-3881(A) provides that “[a]n arrest is made by an actual restraint of the person to be arrested, or by his submission to the custody of the person making the arrest.”

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