



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



ANTHONY JONES et al v. STERLING/STATE OF AZ
1 CA-SA 04-0099 (Order); **CV-04-0216-PR**

***Petitioners:* Anthony James Jones, Luis Rodriguez-Burgos, and Jose Altagracia Rodriguez, represented by Lee Brooke Phillips.**

***Respondent:* The State of Arizona, represented by Assistant Attorney General Cari McConeghy-Harris.**

FACTS:

In February of 2002, October of 2001, and October of 2002, respectively, petitioners Jones, an African American, and Rodriguez-Burgos and Rodriguez, both Latinos, were stopped, searched and arrested by DPS officers on I-17 in Yavapai County as part of a statewide drug interdiction effort. Petitioners' drug prosecutions have been consolidated with the cases of other Yavapai County defendants, all of whom were indigent and represented by the Public Defender's office. The consolidated defendants all alleged that officers of DPS engaged in a pattern of racial profiling and selective enforcement of traffic laws against Black and/or Latino motorists on Yavapai County highways.

In April 2003, petitioners filed a Motion for Funds to Complete Data Analysis, requesting compensation of an expert, Dr. Fred Solop, for coding and analysis of statistical data allegedly necessary to support the claims of racial profiling and selective enforcement. In October 2003 petitioners filed a Renewed Motion to Appoint Dr. Solop as their Expert Witness. The State filed objections to the appointment of Dr. Solop, both on constitutional grounds and on grounds of interpretation of Rule 15.9, Rules of Criminal Procedure. On February 13, 2004, the trial court denied the motions. Petitioners sought relief by a special action in the Court of Appeals, Division 1, which declined jurisdiction. This Court granted a stay of trial on October 26, 2004, and granted review on November 30, 2004, requesting oral argument solely on the issue below.

ISSUE:

Did the trial court err in concluding that petitioners' claim of selective enforcement or racial profiling does not provide petitioners a legal defense to the criminal conduct with which petitioners are charged nor a basis to suppress evidence obtained following a reasonable "stop" based upon probable cause?

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