



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE v. WILLIAMS
CR-23-0068-PR**

PARTIES:

Petitioner: The State of Arizona
Respondent: Bennett LaQuan Williams
Amicus Curiae: Maricopa County Office of the Legal Advocate

FACTS:

In 2016, Williams was charged with three counts of sex trafficking, five counts of assault, three counts of transporting persons for purpose of prostitution, and three counts of pandering. The State also alleged that Williams had seven prior felony convictions: (1) a 2006 Kansas possession with intent to distribute conviction, (2) a 2004 Arizona marijuana conviction, (3) a 2003 Texas controlled substance conviction, (4) 1994 California convictions for assault with a weapon and felon in possession of a firearm, (5) a 1991 California vehicle theft conviction, (6) another 1991 California vehicle theft conviction, and (7) a 1990 California receipt of stolen property conviction.

In 2017, Williams pleaded guilty to two counts of sex trafficking with one historical prior, “the offense of Possession or Use of Marijuana, a class 6 designated felony [that] he was convicted of . . . on or about August 30, 2004 in Superior Court of Maricopa County, Arizona in CR2003-021645-001.” He further “avow[ed] that he [had] NO MORE THAN SEVEN prior felony convictions in any jurisdiction,” and the plea agreement stipulated that he would receive concurrent 12-year sentences. The plea agreement also specified that:

The following charges are dismissed, or if not yet filed, shall not be brought against the Defendant by the Maricopa County Attorney's Office: Counts 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, any additional allegation of multiple dates of offense, the allegation that defendant was on probation when he committed these offenses and the allegation of Defendant's six other felony convictions.

Williams was later sentenced in accord with his plea agreement.

Following the passage of Proposition 207 (“Prop. 207”) in 2020, Williams successfully expunged his 2004 marijuana conviction, and the conviction was vacated. He then filed a successive Rule 33 petition for post-conviction relief in this case, arguing there had been a significant change in the law entitling him to relief, specifically the passage of Prop. 207 and expungement of his marijuana conviction, which had been used to enhance his sentences. The trial court, however, summarily denied the petition, concluding Prop. 207 “does not provide relief for prior convictions and the resulting sentencing that occurred before the expungement.”

Williams filed a timely petition for review in the court of appeals, arguing he was entitled

to relief based on the expungement of the conviction enhancing his sentence. The court of appeals agreed, first finding that Williams' claim was not precluded and that Prop. 207, as the State conceded, was a significant change in the law because it newly made felony marijuana convictions expugnable, including those that occurred before the act's passage.

The court of appeals then held that the expungement and vacation of Williams' marijuana conviction afforded him relief from the sex trafficking sentences it enhanced because, under Arizona case law, "if a prior conviction used to make an offense repetitive is later vacated, the resulting sentence is no longer valid." The reason for this, the court noted, was because "the factual basis supporting a plea agreement based on that prior conviction is missing."

Turning to the proper remedy, the court rejected the State's argument that William's case had to be remanded for resentencing where the State could withdraw from the plea if it chose to do so. It also rejected Williams' argument that the remedy was to order a remand so that he could be resentenced without any historical prior felony enhancement. Instead, the court held that the proper remedy was to vacate the plea agreement and reinstate the original charges.

It reasoned that plea agreements are subject to contract interpretation and that courts cannot modify a sentence pursuant to a plea agreement, deviating from the contractual intent of the parties. It also noted that existing case law holds that when a prior conviction admitted in a plea is vacated, the terms of the plea agreement are materially altered, frustrating its purpose, and that the usual remedy in this situation is to vacate the plea and remand the case with the charges reinstated. The court therefore held that it "lacks authority to order Williams to be resentenced pursuant to a modified plea as both Williams and the State request."

The State petitioned this Court for review of the remedy issue, which was granted in addition to a further issue identified by the Court:

ISSUE:

1. Whether the Court of Appeals erred by finding that a plea agreement is void when a marijuana-related conviction that was used to enhance its sentence has been expunged pursuant to A.R.S. § 36-2862.
2. If so, may the State allege a different prior conviction to enhance the sentence?

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.