



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**MARIO RODRIGUEZ-RAMIREZ v. STATE OF ARIZONA
CR-25-0157-PR**

PARTIES:

Petitioner: The State of Arizona
Respondent: Mario Rodriguez-Ramirez

FACTS:

Respondent was a pastor at a church. A co-pastor, who was married to Respondent's sister, helped him lead the church. At some point, Respondent was accused of engaging in sexual activity with the co-pastor's niece, who was a minor at the time. After the accusations came to light, Respondent and the co-pastor met at a park to discuss them. The co-pastor recorded the conversation without Respondent's knowledge or consent. He later distributed the recording to families in the church and to a pastor from another church of the same denomination.

The State eventually indicted Respondent for sexual offenses against the co-pastor's niece. Before trial, Respondent moved to suppress the recording and the transcript of the recording, invoking the clergy-penitent privilege set forth in A.R.S. § 13-4062(3). The trial court held an evidentiary hearing on the motion, at which both Respondent and the co-pastor testified. The State provided the court with a transcript and audio copy of the recording, and both sides used the content of the recorded conversation to support their positions. The trial court ultimately denied the motion to suppress. The court made extensive findings and concluded that the statements in the recorded conversation were not made while the co-pastor was acting in his professional capacity as a member of the clergy.

Respondent filed a petition for special action in the court of appeals, challenging the trial court's denial of his motion to suppress. The court of appeals accepted jurisdiction and vacated the trial court's ruling. It concluded that the co-pastor received Respondent's confession in his professional capacity as clergy.

ISSUES:

1. In this case of first impression for this Court, what are the standards for determining the clergy-penitent privilege under A.R.S. § 13-4062(3)?
2. Does the privilege apply here?

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