



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA V. HON. ERIC GORDON/
GREGORY JAMES OWEN
CR-24-0064-PR**

PARTIES:

*Petitioner below/
Respondent here:*

State of Arizona

*Real Party in Interest/
Petitioner here:*

Gregory James Owen

Amici Curiae:

Arizona Attorneys for Criminal Justice

Cathy Feck, Dolores Adams, and the Estate of Charles Feck

FACTS:

Gregory Owen was driving his motor home on State Route 95 in Lake Havasu City. As he approached an intersection, the light turned yellow. The jeep in front of him slowed for the yellow light and stopped as the light turned red. Although Owen slowed down, his motor home hit the back of the jeep. The force of the collision propelled the jeep through the red light and killed one of the jeep's passengers. Owen's vehicle also travelled through the intersection on the red light after the collision.

Owen was charged under A.R.S. § 28-672(A)(1), a statute that enhances the penalty a driver may receive when he causes physical injury or death by a moving violation. The State alleged that he caused death by failing to stop at a red light under A.R.S. § 28-645(A)(3)(a). Following a two-day bench trial, the municipal court found Owen guilty, concluding, in part, that Owen was traveling too fast to avoid the collision and that he was unable to stop before entering the intersection against the red light. The municipal court reasoned that the series of events that constituted the accident could be attributed to Owen's violation of A.R.S. § 28-645(A)(3)(a).

Owen appealed to the superior court, which reversed the municipal court verdict. The superior court agreed with the municipal court that Owen violated A.R.S. § 28-645(A)(3)(a) because, even if the signal had not turned red when the jeep stopped, Owen's vehicle entered the intersection after the signal had switched to red. It found, however, that Owen did not violate A.R.S. § 28-672(A) because the statute requires the violation to "result[] in an accident causing serious physical injury or death." The court reasoned that, because the accident occurred before Owen's vehicle entered the intersection in violation of A.R.S. § 28-645(A)(3)(a), his statutory violation did not result in the accident.

The State filed a special action with the court of appeals, which accepted review and vacated the

superior court decision. The court of appeals held that “accident,” as used in § 28-672(A)(1), refers to a “continuous event” and is broader than just an initial “collision.” The court also held that “the plain language of the enhanced penalty statute does not require a vehicle to have entered the intersection before the initial collision occurs when the accident comprises one continuous event resulting from a driver’s failure to stop at a red light.”

ISSUE (as rephrased by the Arizona Supreme Court):

Did the court of appeals err in holding that the enhanced penalty statute—A.R.S. § 28-672(A)(1)—does not require a vehicle to have entered the intersection before the initial collision occurs when the accident comprises one continuous event resulting from a driver’s failure to stop at a red light?

STATUTES:

A.R.S. § 28-672 provides, in relevant part:

§ 28-672. Causing serious physical injury or death by a moving violation; time limitation; penalties; violation; classification; definition

A. A person is guilty of causing serious physical injury or death by a moving violation if the person violates any one of the following and the violation results in an accident causing serious physical injury or death to another person:

1. Section 28-645, subsection A, paragraph 3, subdivision (a).

* * *

A.R.S. § 28-645 provides, in relevant part:

§ 28-645. Traffic control signal legend

A. If traffic is controlled by traffic control signals exhibiting different colored lights or colored lighted arrows successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend. The lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

* * *

3. Red indication:

(a) Except as provided in subdivisions (b) and (c) of this paragraph, vehicular traffic facing a steady red signal alone shall stop before entering the intersection and shall remain standing until an indication to proceed is shown. . . .

* * *

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