



**ARIZONA SUPREME COURT  
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. RANDALL LEONARD ET AL  
CR-25-0214-PR**

**PARTIES:**

*Petitioners/Cross-Respondents:* Gregory Mullally, Randall Leonard, and Frank William Meyer.  
*Respondent/Cross-Petitioner:* State of Arizona.

**FACTS:**

At relevant times, defendants Mullally, Leonard, and Meyer (“Defendants”) were executives of Lynxx Gaming, Inc. (“Lynxx”), a company that builds electronic bingo devices (“Devices”). Between September 2019 and July 2020, Lynxx leased the Devices to fraternal service organizations in Arizona. The Devices were marketed as Bingo Technological Aids (“BTA’s”).

The Devices can be played in single-player and multi-player modes. In the former, a player competes against the Device itself, and the Device may win. In the latter, a player competes against other people through linked Devices where each player sees the same draw of bingo balls and a player always wins.

In Arizona, Title 5 (“Bingo”) regulates bingo activities. *See* A.R.S. §§ 5-401 to -415. In 2017, the Arizona legislature amended these statutes to allow licensed bingo operators to lease BTA’s if they “function only as electronic substitutes for bingo cards.” A.R.S. §§ 5-406(E), 5-406(X)(1).

After an investigation, the Arizona Department of Gaming had reason to believe that the BTA’s functioned as illegal slot machines. In 2023, a grand jury indicted Defendants for illegally controlling an enterprise that promoted illegal gambling in violation of certain criminal statutes in Title 13, specifically, A.R.S. §§ 13-2312(A), -2301, -701, -702, and -801.

Defendants moved to dismiss the indictment, arguing that under Title 13, they were exempt from being prosecuted for illegal gambling because their activities constituted regulated gambling. They reasoned that they could only be prosecuted under Title 5, and only for a class 3 misdemeanor.

The State opposed the motion to dismiss, arguing that the Devices are not simply electronic substitutes for bingo cards, but instead also function as slot machines, which are illegal under Arizona law, and therefore the Devices do not fall within the statutory exemption for regulated gambling.

The superior court granted Defendants’ motion to dismiss without prejudice, concluding that due process required that alleged violations be addressed under Title 5 rather than Title 13. Thus, the State could only bring misdemeanor charges against Defendants under Title 5 but could not bring

felony charges under Title 13.

The State appealed. The court of appeals reversed and remanded for reinstatement of the indictment. Defendants filed a petition for review, and the State filed a cross-petition. The Court granted both the petition and cross-petition on the following issues:

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### **Defendants' Petition for Review**

I. “Do technical or regulatory violations of Arizona’s bingo statutes remove “regulated gambling” from the statutory exemption in A.R.S. § 13-3303(C), thereby subjecting charitable bingo operations to felony-level criminal prosecutions?”

II. “Can the theoretical capability of a bingo device to be used for unregulated play support felony-level charges under Title 13 rather than misdemeanor level charges under Title 5?”

III. “Did the COA disregard the statutory text, legislative intent, due process principles, and the rule of lenity to conclude that the bingo-related conduct alleged is prosecutable under A.R.S. § 13-3303?”

### **State's Cross-Petition for Review**

“Whether the court of appeals erred by concluding the superior court did not engage in improper fact finding, given the superior court’s factual conclusion that the Lynxx devices were capable of both regulated and illegal gameplay was not a stipulated fact?”

*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.*

*Under Arizona and U.S. law, defendants are presumed innocent unless and until proven guilty in a court of law.*