

NEWS RELEASE

Arizona Court of Appeals, Division Two

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Arizona Court of Appeals to Hear Arguments in Civil and Criminal Appeals at University of Arizona

PHOENIX – Division Two of the Arizona Court of Appeals will be holding arguments at the University of Arizona’s James E. Rogers College of Law on Wednesday, March 29 at 1:30 p.m. This is a rare opportunity to witness the judicial branch of government at work and watch attorneys present real cases to two three-judge panels from the Arizona Court of Appeals.

The first case is Country Mutual Insurance Company v. Melissa Lawson, 2 CA-CV 2016-0154 and attorneys representing each side will have 25 minutes to present their case. The case involves an insurance claim filed after a woman suffered a stroke during a Cross-Fit class. The Court of Appeals designated these issues for exploration during arguments:

- Whether the definition of “business” in the homeowner’s insurance policy provides an exception for activity that constitutes “trade, profession, or occupation” but for which the insured received less than \$2,000 in total compensation in the previous twelve months.
- Whether appellant’s injury arose in connection with business activity and was thus excluded from coverage under the homeowner’s insurance policy.

The second case is State of Arizona v. Dijon Trevar Young, 2 CA-CR 2015-0091. Young was convicted of manslaughter and sentenced to 17 years in prison. Young’s appeal pertains to the revolver used in the death of his “on-again, off-again” girlfriend as well as Young’s post-arrest interviews. The Court of Appeals identified these three issues for oral argument:

- Whether the trial court erred in denying Young’s request for an instruction pursuant to State v. Willits, 96 Ariz. 184, 393 P.2d 274 (1964), when the state’s criminalist mistakenly damaged Young’s revolver while testing it.
- Whether the trial court erred in allowing a demonstration of how a gun works, using both Young’s revolver and a new but identical revolver, given that Young’s had been damaged.
- Whether the trial court erred in admitting the lead detective’s testimony on kinesic interview and interrogation and, using that technique, whether Young had told the truth during his post-arrest interviews.

The Court of Appeals is not an evidence-taking court, so there will not be witnesses or cross-examinations such as commonly depicted on television courtroom dramas. The focus of the arguments will be on Arizona law and the matters on appeal.

After the cases, the Court of Appeals judges will take questions from the audience, as long as those questions do not pertain to the cases they just heard. Details are as follows:

Wednesday, March 29, 2017
James E. Rogers College of Law
University of Arizona
1201 East Speedway Boulevard, Room 164
1:30 p.m. to 4:00 p.m.

Guests who plan to attend the arguments should plan to arrive no later than 1:15.

For more information about the justices or court system in Arizona, please go to www.azcourts.gov.

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News reporters who have questions about this event should contact Heather Murphy, Communications Director for the Arizona Courts at 602-452-3656 or hmurphy@courts.az.gov.