



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**J.D. and M.M. v. HON. HEGYI; T.D./STATE OF ARIZONA
CV-14-0085-PR**

PARTIES:

Petitioners: J.D. and M.M.
Real Party in Interest the State of Arizona

Respondent: Real Party in Interest T.D.

FACTS:

Defendant T.D. awaits trial on charges of sexually abusing M.M, his stepdaughter. At the time T.D. was arrested, M.M. was sixteen and M.M.'s mother, J.D., asserted her daughter's victims' rights pursuant to A.R.S. §13-4403(C) ("If the victim is a minor ... the victim's parent ... may exercise all of the victim's rights on behalf of the victim."). Thereafter, the Superior Court continued the trial seven times and M.M. turned 18, the age of majority. Defendant T.D. then moved to compel M.M.'s mother to submit to a defense interview, arguing that she could no longer refuse such an interview under A.R.S. § 13-4433(A) and (G) (victim's right to refuse an interview "that is conducted by the defendant, the defendant's attorney or an agent of the defendant" applies to "the parent or legal guardian of a minor child who exercises victims' rights on behalf of the minor child").

The Superior Court granted Defendant T.D.'s motion. J.D. and M.M. petitioned for special action relief, as did the State of Arizona. The Court of Appeals accepted jurisdiction to decide whether a parent of a minor victim loses the right to refuse a defense interview once the victim turns 18 years of age. The Court of Appeals panel concluded that A.R.S. § 13-4403(C) does not vest the parent with the indefinite status of victim and that the legal authority to exercise victims' rights exists only when the victim is a minor. The mother and daughter jointly filed a Petition for Review, and the State filed a separate Petition for Review. The Arizona Supreme Court granted review of both petitions, setting oral argument and directing the parties to address the two issues listed below.

[**Note:** An opinion reaching the opposite result was issued by a different panel of the Court of Appeals in *State of Arizona v. Lucas*, 234 Ariz. 263, 321 P.3d 428 (App. 2014), Arizona Supreme Court No. CR-14-0120-PR. On August 26, 2014, the Arizona Supreme Court considered the defendant's Petition for Review in *Lucas* and determined that it should be continued.]

ISSUES:

1. May a parent or legal guardian of a minor victim continue to refuse a defense interview under A.R.S. § 13-4433(G) once the victim turns 18 years old?
2. If the parent or legal guardian cannot refuse a defense interview once the victim turns 18, may the parent or legal guardian refuse to reveal information received while the victim was still a minor?

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