

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2017-142978-001 DT

09/01/2021

VISITING JUDGE JAMES MARNER

CLERK OF THE COURT
B. Navarro
Deputy

STATE OF ARIZONA

EDWARD DOUGLAS LEITER

v.

GORDON DANIEL ROSE (001)

RYAN CUMMINGS
HERSHEL BER

HON. JAMES E MARNER DIVISION 10
PIMA COUNTY SUPERIOR COURT
110 W CONGRESS
TUCSON AZ 85701

MINUTE ENTRY

The Defendant filed a Second Motion to Designate Charge a Misdemeanor, arguing that the requested relief is warranted because he has completed his probationary term and is a deserving candidate. Defendant also argues that designating this matter a misdemeanor would not violate public policy and that the hardship imposed upon him by his conviction outweighs any public policy concerns. Among other things, defendant points to philanthropic pursuits he has made in the past and suggests that his ability to continue to do so in the future will be impaired if this conviction remains a felony. Defendant indicates he has not had any additional criminal charges filed against him in approximately 4 years. Defendant also suggests that the plea agreement language implied the matter would be designated a misdemeanor upon his completion of probation.

The State does not take a position on the Motion, but provides information from the named Victim which indicates that she does not believe Defendant has remorse for his actions and that Defendant's behavior which led to his convictions had a permanent and irreversible negative impact on her, her family and her staff.

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Also, and most alarmingly to this Court, the State indicates "defendant continues to post conspiratorial and false content on social media related to his arrest, conviction and the basis for the State's plea offer." Given this ongoing behavior, the Court concludes that Defendant's request to have the matter designated a misdemeanor is not warranted.

Accordingly,

IT IS ORDERED that Defendant's Motion for redesignation of this offense to a misdemeanor is **DENIED** without prejudice.