

ARIZONA SUPERIOR COURT, MARICOPA COUNTY

HON. JAMES E MARNER

CASE NO. CR2017-142978-001

DATE: October 1, 2020

STATE OF ARIZONA
Plaintiff

vs.

GORDON DANIEL ROSE
Defendant

RULING

IN CHAMBERS RULING RE: DEFENDANT'S SECOND MOTION TO DESIGNATE CHARGE A MISDEMEANOR

Defendant has again requested that the Court designate his offense a misdemeanor, suggesting that the only reason why his request wasn't previously granted is that he owed fines and fees. Defendant suggests now that he has paid is fines and fees in full, designating his offense a misdemeanor is warranted. The Court disagrees.

When considering whether to designate an otherwise Class 6 felony as a misdemeanor, the Court may consider the nature and circumstances of the crime and the history and character of the defendant. ARS §13 – 604. While this standard applies to designation at time of entry of the conviction, this Court can see no reason the same consideration would not apply to defendant's post – sentence request.

The facts giving rise to this case were egregious. Defendant engaged in a focused campaign of harassment which had a significant negative impact on an entire family. Defendant's behavior caused the victims to suffer significant distress. Defendant's actions were motivated by spite and selfishness. Consequently, the Court concludes that at this point, it would be premature to designate this matter a misdemeanor.

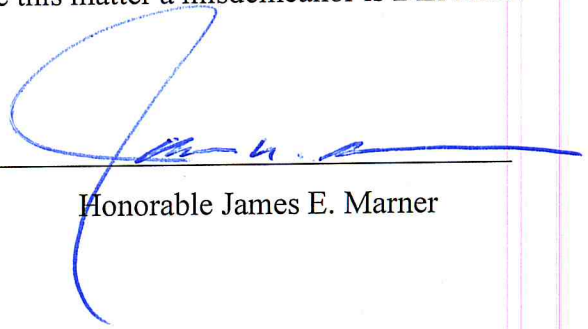
Kelsey Miller

Judicial Administrative Assistant

RULING

Accordingly,

IT IS ORDERED that defendant's motion to designate this matter a misdemeanor is **DENIED**.



Honorable James E. Marner

cc: Hershel Ber, Esq.
Edward Leiter, Esq.
Adult Probation Department

Kelsey Miller
Judicial Administrative Assistant