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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,

Plaintiff,

vs.

ARLENA M WILLES,

Defendant.

CR2019-005397-001

STATE'S RESPONSE TO DEFENDANT'S
SECOND MOTION TO RECONSIDER
DENIAL OF PETITION FOR EARLY
TERMINATION OF PROBATION

(Assigned to the Honorable Geoffrey H
Fish, Div. CRJ26)

The State of Arizona maintains its objection to early termination of the defendant's probation due to the nature of the offense and the short time the defendant has been on probation. This is now the defendant's third attempt at early termination in six months.

The defendant was convicted by a jury of two counts of Child Abuse, both class 2 felonies. The Presentence Report details the underlying offenses, including the defendant's shocking disregard for the health of her disabled son, which caused him agonizing pain and led caretakers and doctors to intervene to save the victim, performing lifesaving measures and multiple surgeries. The facts of this case warrant the defendant being supervised for an

extended time to ensure community safety. The probation department indicates the defendant wants to be off probation so she can have more contact with the victim. Although this Court allowed some contact with the victim after receiving input from his guardian, this Court specifically limited the defendant's contact with the victim out of concern for his well-being.¹

The defendant filed a petition for early termination in June of this year. It was denied. The defendant filed a motion to reconsider that denial in September of this year. It was denied. The defendant has now filed this second motion to reconsider early termination.

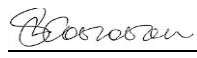
If the Court is giving serious consideration to the defendant's most recent motion, the State notes the motion may not be granted until a specific report is filed by the Adult Probation Department. Criminal Rule 27.4(a)(3) requires that "upon any request for termination, the probation department must prepare and file an investigative report describing the probationer's compliance with conditions and regulations and recommending either for or against a request to modify." After such a report is filed, the Court *may* terminate probation *only* after both considering the report and giving notice to the State, the probationer, the probation department, and any victims who have applied for post-conviction rights notification (see ARS Rule 27.4(a)(1)(A) and (B)).

¹ The State reached out for input from Robert Swinford, the attorney who filed a response on behalf of the victim last year, but has not received a response. The docket indicates Mr. Swinford withdrew from representation last year. On information and belief, neither the victim nor any representative or guardian has opted in for post-conviction notification in this case.

The defendant has served only 2.5 years of a ten-year probation term. She needs to demonstrate consistent long-term compliance with probation to ensure community safety. Due to the shocking nature of the underlying offense and the short time she has been on probation, her motion to reconsider the denials of her petitions for early termination should be denied.

Submitted December 20, 2023.


RACHEL H. MITCHELL
MARICOPA COUNTY ATTORNEY

BY: 
/s/ Sarah L Corcoran
Deputy County Attorney

Copy mailed/delivered December 20, 2023, to:

The Honorable Geoffrey H Fish
Judge of the Superior Court

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BY: 
/s/ Sarah L Corcoran
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