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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Alvie Copeland Kiles,

10 Petitioner,

11 v.

12 Charles L. Ryan, et al.,

13 Respondents.
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No. CV-17-04092-PHX-GMS

DEATH-PENALTY CASE

ORDER

15 Pending before the Court is Respondents' Motion for an Order to Preclude
16 Defense Team from Contacting Victims (Doc. 12), which is fully briefed. (Docs. 27–28.)
17 The Court addresses the motion as follows.

18 Respondents ask the Court to enter an order “precluding Petitioner Alvie Copeland
19 Kiles’ defense team from directly contacting any victim in this proceeding.” (Doc. 12 at
20 1.) In support of their request, Respondents cite provisions of state and federal law,
21 including A.R.S. § 13–4433(B), which provides that “[t]he defendant, the defendant’s
22 attorney or an agent of the defendant shall only initiate contact with the victim through
23 the prosecutor’s office,” and the Crime Victims’ Rights Act (CVRA), which gives state
24 crime victims in federal habeas cases “the right to be treated with fairness and with
25 respect for the victim’s dignity and privacy.” 18 U.S.C. § 3771(a)(8). Kiles opposes the
26 motion, arguing that (1) Respondents’ proposed procedure will interfere with his
27 attorneys’ statutory and ethical obligations to conduct a thorough investigation; (2)
28 Respondents do not represent the victims and cannot assert their rights; (3) compliance


1 with A.R.S. § 13-4433(B) is not expressly authorized by federal law; and (4) granting
2 Respondents' requested relief would be premature. (Doc. 27.)

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4 Regardless of whether A.R.S. § 13-4433(B) directly applies to these proceedings,
5 the Court finds that the statute provides a reasonable mechanism to facilitate contact
6 between Kiles' defense team and victims that is consistent with the purposes of the
7 CVRA. Using counsel for Respondents to channel requests to contact victims does not
8 unduly burden Kiles' access to the victims. *See, e.g., Chappell v. Ryan*, No. CV-15-
9 00478-PHX-SPL (D. Ariz. Jul. 21, 2015).

10 For the reasons set forth above,

11 **IT IS ORDERED** that Respondents' Motion for Order to Preclude Defense Team
12 from Contacting Victims (Doc. 12) is **GRANTED**. No person who is defined as a victim
13 in this matter pursuant to Arizona law shall be contacted by anyone working with or on
14 behalf of Petitioner or Petitioner's counsel unless the victim, through counsel for
15 Respondents, has consented to such contact. If consent is not provided and Petitioner
16 nonetheless believes contact is necessary, Petitioner may file a motion with the Court
17 explaining the necessity for such contact and further addressing the applicability of
18 Arizona's provisions governing the rights of victims.

19 Dated this 20th day of April, 2018.

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21 Honorable G. Murray Snow
22 United States District Judge
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