



**ARIZONA SUPREME COURT  
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. CHRISTOPHER AREVALO,  
CR-19-0156-PR**

**PARTIES:**

*Petitioner:* Christopher Arevalo

*Respondent:* State of Arizona

**FACTS:**

In two separate cases, Arevalo was charged with four counts of threatening or intimidating. Threatening or intimidating is ordinarily a class 1 misdemeanor, however, it is a class 6 felony if the defendant is a member of a criminal street gang. A.R.S. § 13-1202.

The State alleged that Arevalo is criminal street gang member and charged the four counts as felonies, but it did not allege that Arevalo committed any of these crimes in connection with a criminal street gang.

Arevalo moved to dismiss all counts or reduce them to misdemeanors. He argued that the added punishment for members of a criminal street gang is unconstitutional. The superior court agreed and dismissed the charges, holding that the guilt-by-association character of the statute violates the due process clause and is therefore unconstitutional.

The State appealed in both cases. On appeal, Arevalo argued that A.R.S. § 13-1202(B)(2) impermissibly imposes guilt by association by punishing mere membership in a group. The Arizona Court of Appeals reversed the superior court's dismissal of the charges after determining the statute was constitutional.

Arevalo filed a petition for review in this Court.

**ISSUE:**

Did the court of appeals correctly hold that A.R.S. § 13-1202(B)(2), a statute enhancing the penalty for threatening or intimidating committed by a member of a criminal street gang, is constitutional?

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