



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. HON. CHAMBERS (HENDERSON)
CR-21-0388-PR**

PARTIES:

Petitioner: State of Arizona (Gila County Attorney’s Office)

Respondent: Honorable Bryan B. Chambers, Gila County Superior Court

Real Party in Interest: Heather Elaine Henderson (*Defendant*)

FACTS:

Prior to 2008, while in custody on charges of possession of a dangerous drug for sale, and believing that she was divorced from her first husband, Defendant married a man named Roberts. In 2008, while still in prison, Defendant retained attorney Bradley D. Beauchamp to have her marriage to Roberts annulled.

On May 21, 2018, Defendant was arrested by a state gang task force and charged with possession for sale and transport of methamphetamine in Gila County Superior Court. Defendant filed a motion to disqualify the Gila County Attorney’s Office (“GCAO”) arguing that in the course of representing her in obtaining the annulment, Beauchamp—now the elected Gila County Attorney—learned information that could be used against her in this prosecution.

On April 19, 2019, Defendant testified at a hearing on her motion that she does not remember many details of the representation but does recall that she “must have” received documents, signed them, and mailed them back to Beauchamp. Defendant and Beauchamp never meet in person. Defendant never discussed with Beauchamp the nature of her charges or the reason she was in prison; the annulment representation ended in 2009. At the end of the hearing the superior court denied the motion to disqualify.

On June 24, 2021, Defendant re-urged her motion to disqualify the entire GCAO based on this Court’s recent opinion in *State v. Hon. Marner (Goldin)*, 251 Ariz. 198 (2021) and because of an appearance of impropriety based on confidential information Defendant conveyed to Beauchamp about Roberts during the annulment representation.

On July 9, 2021, after a hearing, the superior court disqualified the entire GCAO. The GCAO filed a petition for special action in the Court of Appeals, and the court declined special action jurisdiction on a 2-1 vote with one judge voting to accept jurisdiction and grant relief. The GCAO filed its petition for review here.

ISSUES:

1. Does the “substantial relationship” test apply in Arizona as the first step in determining whether disqualification of an entire prosecutor’s office is warranted when the motion to disqualify is based, at least in part, on the current elected county attorney having previously represented a defendant in an unrelated, non-criminal matter?
2. Does this Court’s holding in *State v. Hon. Marner (Goldin)*, 251 Ariz. 198 (2021) apply?

This Summary was prepared by the Arizona Supreme Court Staff Attorneys’ Office solely for educational purposes. It should not be considered official commentary by the Court or any member thereof or part of any brief, memorandum, or other pleading filed in this case.