

1 WO

2  
3  
4  
5  
6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
8

9 Homer Ray Roseberry,  
10 Petitioner,  
11 v.  
12 Charles L. Ryan, et al.,  
13 Respondents.  
14

No. CV-15-1507-PHX-NVW

**ORDER**

DEATH PENALTY CASE

15 Before the Court is Respondents' motion seeking an order prohibiting members of  
16 Petitioner's legal team from contacting the victims in this case and directing that any such  
17 contact be initiated through counsel for Respondents. (Doc. 8.)

18 In support of their request, Respondents cite provisions of state and federal law,  
19 including A.R.S. § 13-4433(B), which provides that "[t]he defendant, the defendant's  
20 attorney or an agent of the defendant shall only initiate contact with the victim through  
21 the prosecutor's office," and the Crime Victims' Rights Act (CVRA), which gives state  
22 crime victims in federal habeas cases "the right to be treated with fairness and with  
23 respect for the victim's dignity and privacy." 18 U.S.C. § 3771(a)(8). Petitioner opposes  
24 the motion, arguing that the Court is not bound by A.R.S. § 13-4433(B) and that an order  
25 precluding contact is not necessary to implement the principles of the CVRA. (Doc. 12.)

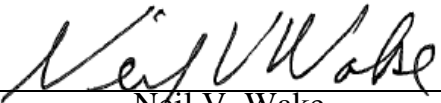
26 As discussed at the case management conference on September 15, 2015, it does  
27 not appear that A.R.S. § 13-4433(B) directly applies to these proceedings. However, the  
28 Court independently finds that the statute provides a reasonable mechanism for furthering

1 the CVRA's goal of respecting a crime victim's dignity and privacy without unduly  
2 burdening Petitioner.

3 Accordingly,

4 **IT IS ORDERED** that Respondents' motion for an order precluding Petitioner's  
5 legal team from contacting victims (Doc. 8) is granted as follows. No person who is  
6 defined as a victim in this matter under Arizona law shall be contacted by anyone  
7 working on behalf of Petitioner unless the victim has consented to such contact.  
8 Petitioner shall advise Respondents if he wishes to contact a victim. Respondents shall  
9 then advise the victim, or victim's counsel, of Petitioner's request. If a victim does not  
10 consent, and Petitioner nonetheless believes contact is necessary, Petitioner may file a  
11 motion with the Court explaining the necessity for such contact.

12 Dated this 16th day of September, 2015.

13  
14  
15   
16 Neil V. Wake  
17 United States District Judge  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28