

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

LC2009-000761-001 DT

05/03/2010

THE HON. CRANE MCCLENNEN

CLERK OF THE COURT  
J. Rutledge  
Deputy

STATE OF ARIZONA

ELIZABETH A SUGGES

v.

RICK PAINTER (001)

BRETT B HARVEY

PHX MUNICIPAL CT  
REMAND DESK-LCA-CCC

RECORD APPEAL RULE / REMAND

**Lower Court Case Number 2008-9045235**

Defendant-Appellant Rick Painter (Defendant) was convicted in Phoenix Municipal Court of violating the City of Phoenix Noise Ordinance. On April 19, 2010, Judge Susan R. Bolton of the United States District Court for the District of Arizona signed a Final Order and Judgment in Case No. 2:09-CV-01830-SRB declaring that the City of Phoenix Noise Ordinance, Municipal Code §§ 23-12 to 23-15 was unconstitutional when enforced against any sound generated in the course of religious expression. On April 22, 2010, Appellee State of Arizona filed a Response stating that it did not oppose Appellant's request that this Court reverse the judgment of the Phoenix Municipal Court and direct that the trial court direct a verdict of acquittal.

**IT IS THEREFORE ORDERED** reversing the judgment and vacating the sentence of the Phoenix Municipal Court.

**IT IS FURTHER ORDERED** remanding this matter to the Phoenix Municipal Court for all further appropriate proceedings.

**IT IS FURTHER ORDERED** signing this minute entry as a formal Order of the Court this date.

/s/ Crane McClennen  
THE HON. CRANE MCCLENNEN

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JUDGE OF THE SUPERIOR COURT

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