

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2009-006227-001 DT

11/19/2009

HON. GARY E. DONAHOE

CLERK OF THE COURT  
S. Yoder  
Deputy

STATE OF ARIZONA

JENNIFER K LINN  
THOMAS PURCELL LIDDY

v.

ANTONIO LOZANO (001)

MARIA L SCHAFFER  
BRENT E GRAHAM  
CRAIG MEHRENS  
JOANNE CUCCIA  
DAVID JEREMY BODNEY

VICTIM SERVICES DIV-CA-CCC

**AMENDMENT OF RULING**

Arizona law requires that the “keys to the jail house door” be in the contemnor’s hand in order to allow the contemnor to purge the jail sentence imposed upon a finding of civil contempt. *See Korman v. Strick*, 133 Ariz. 471, 474, 652 P.2d 544, 547 (1982) (The contemnor must be able to remove the jail term by “compliance with the court’s order.”); *Martin v. Reinstein*, 195 Ariz. 293, ¶ 24, ftnt. 11, 987 P.2d 779 (App. 1999) (Imprisonment for an indefinite term is lawful provided the contemnor can be released upon compliance with the order.); *State v. Cohen*, 15 Ariz.App. 436, 439, 489 P.2d 283, 286 (App. 1971) (“Thus, when the contempt orders are remedial the contempt is civil rather than criminal. \* \* \* And when the petitioners carry ‘the keys of their prison in their own pockets,’ *In re Nevitt*, 117 F. 448, 461 (8th Cir. 1902), the action is essentially a civil remedy designed for the benefit of other parties.”) Accordingly, the purge clause contained in this Court’s November 17, 2009, order is modified to read as follows:

**IT IS FURTHER ORDERED** that Detention Officer Stoddard may purge the finding of contempt and the jail sanction by arranging, on or before November 30, 2009, at a time convenient for Ms. Cuccia, a news conference to take place in the plaza on the north side of the

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2009-006227-001 DT

11/19/2009

Central Court Building where he is to give Ms. Cuccia a sincere verbal and written apology for invading her defense file and for the damage that his conduct may have caused to her professional reputation. DO Stoddard shall assure that the press release announcing the news conference is sent by email and fax to all news media outlets (print and broadcast) serving Maricopa County at least 24 hours in advance of the news conference.

All other provisions of the November 17, 2009 order remain unchanged.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>