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TO: Arizona Superior Court in Pima County
110 West Congress Street
Tucson, Arizona 85701-1348

FROM: Yahya Yuksel
7913 N. Roundstone Dr.
Tucson, AZ 85741
SSN: XXX-XX-7630
DOB: 07-01-1990
Email: yahyayuksel@gmail.com

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TINELIHEM ON
COURT REPORT
18
13 MAR -7 PM 1:45
J. GIACCHINO, DEPUTY

A20180006-001

CLEARANCE OF CRIMINAL RECORD PETITION

In accordance with Arizona Revised Statute 13-4051, I, Yahya Yuksel, kindly petition the Arizona Superior Court in Pima County to order the Pima County Sheriff's Department – Law Enforcement Records Office, at 1650 E Benson Hwy c, Tucson, AZ 85714 to clear from my record: **Police Report Record No. 080303165**. The police report is attached for your review.

DESPITE THE POLICE RECORD BEING SEALED, ITS CLASSIFICATION OF "SEXUAL MISCONDUCT" REMAINS PUBLIC.

Your Honor, almost 10 years ago in March, without my knowledge I was a suspect in a heinous allegation of sexual misconduct documented in a police report with the publicly disclosed classification of "Sexual Misconduct". While the report is sealed from public view, another person may still see the police report against Yahya Yuksel classified as "Sexual Misconduct". Such a criminal allegation of moral turpitude is utterly disastrous to my reputation, especially for someone like me who is considering running for elected political office.

THE INVESTIGATING OFFICER FOUND NO REASON TO PURSUE THE ALLEGATION AFTER SPEAKING WITH THE ACCUSSOR.

For the record, I did not know of the existence of this allegation until recently, and would deem such public classification as harmful to not only my personal reputation in the community but also to any attempt of campaigning for political office. It is very important to note, that at the time of the allegation no Investigating Officer of the Law attempted to make contact with me or pursue criminal charges once they conducted the standard practice of a preliminary interview with the person claiming sexual misconduct. Had there been even a slight possibility of misconduct occurring, surely the investigating officer would have contacted me.

BECAUSE THE POLICE NEVER CHARGED ME WITH A CRIME, I WAS NOT PROVIDED MY DAY IN COURT TO REFUTE THE ALLEGATION.

I have not been provided my constitutional right to defend myself against this allegation and face my accuser in court. I have no legal remedy. While all police reports are recorded no

cc: Div 06
Defendant
County Attorney

20180006-001

matter how baseless, the classification of "sexual misconduct" is by itself a damage to my reputation.

BECAUSE I INTEND TO RUN FOR POLITICAL OFFICE, I AM MORE SUSEPTIBLE TO REPUTATIONAL HARM.

It would be against both the public interest and criminal justice for this false allegation of "Sexual Misconduct" to remain on my record dating back to high school and without merit. Sexual misconduct is an extremely important issue to me and everyone in our community; it cannot be considered lightly, even the accusation of such is politically disastrous and forces many to resign from office. It is standard practice for opposing candidates or special interest groups to use any means necessary to tarnish my reputation, and thus this report or its classification will likely come to light. In that event, I will publicly defend myself against this police report, it will unfairly harm my reputation in the community among voters no matter my explanation or content of the police report. In other words, it is very likely I will lose the confidence of many rational persons in the community, and my own family, if the police report and its public classification of "Sexual Misconduct" remains on my record. In today's news, revelations of countless instances of politicians committing sexual misconduct is unfortunately commonplace, I fear the public can unfairly associate me to those public figures who actually were proven guilty of sexual misconduct.

In conclusion, I beg the Court to order the Pima County Sheriff's Department to clear this 2008 police report from my record with urgency.

Yahya J. J. J.
March 7, 2018



Pima County Sheriff's Department

Detail Incident Report for 080303165

A201800011-001

Incident: 080303165
Nature: C14
Location: Foothills Beat 5

Offense Codes: 1706

Received By: Komorowski, Rich

How Received: 911

Agency: PCSD

Responding Officers: White, Aaron

Responsible Officers: White, Aaron

Disposition: Closed 03/13/08

When Reported: 11 59.06 03/03/08

Occurred Between: 11.48.00 03/03/08 and 11:59:06 03/03/08

Assigned To:

Detail: SEX

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

NOTICE:

PRIVATE OR CONFIDENTIAL INFORMATION, SUCH AS DATE OF BIRTH, SOCIAL SECURITY NUMBER AND HOME ADDRESS, HAS BEEN REDACTED PURSUANT TO ARIZONA LAW

NARRATIVE:

RESTRICTED ACCESS--NO PUBLIC DISSEMINATION

SEX OFFENSE

1) RELEASE AUTHORIZATION REQUESTED FROM CAC, BY YAHYA YUKSEL, Wed Apr 12

16:33:30

MST 2017, RMU #8037.

Radiolog:

Unit: 1213

Enroute: 12.02.56 03/03/08

Arrived: 12:21.36 03/03/08

Completed: 14.40.06 03/03/08

10 CODE EDITED FOR RECORDS

A20180004-001

10-10 FIGHT IN PROGRESS	10-53 TRAFFIC COLLISION FATAL
10-14 PROWLER	10-55 DUI
10-16 DOMESTIC VIOLENCE	10-56 INTOXICATED PERSON
10-26 DETAINING SUBJECT	10-57 HIT AND RUN
10-31 CRIME IN PROGRESS	10-58 POINT CONTROL
10-32 ARMED WITH (WEAPON)	10-70 FIRE
10-37 SUSPICIOUS VEHICLE	10-80 CHASE IN PROGRESS
10-46 PUBLIC ASSIST	10-88 RECORDS INDICATE ARREST WARRANT
10-50 TRAFFIC COLLISION UNKNOWN INJURY	10-89 BOMB THREAT
10-51 TRAFFIC COLLISION NO INJURY	10-90 ALARM (SILENT/AUDIBLE)
10-52 TRAFFIC COLLISION PERSONAL INJURY	

SUPPLEMENTAL CODE (EDITED FOR RMU)

CODE 8	RUNAWAY JUVENILE	CODE 952	PATROL CAR COLLISION, PERSONAL INJURY
CODE 11	HOMICIDE	CODE 953	PATROL CAR COLLISION, FATAL
CODE 12	ASSAULT	CODE 998	OFFICER INVOLVED SHOOTING
<u>CODE 14</u>	<u>RAPE</u>	CODE 1103	SUICIDE
CODE 15	BURGLARY	CODE 1401	ABANDONED VEHICLE
CODE 16	VANDALISM	CODE 1410	CHILD MOLESTING
CODE 17	ARSON	CODE 1803	STOLEN VEHICLE
CODE 18	LARCENY	CODE 1803B	BAIT VEHILCE THEFT
CODE 19	ARMED ROBBERY		
CODE 81	SUSPICIOUS PERSON	<u>OTHER</u>	
CODE 181	NARCOTICS	AWDW	ASSAULT WH DEADLY WEAPON
CODE 309	ILLEGAL SHOOTING	RFU	RESCUE FOLLOW UP
CODE 693	RECKLESS DRIVING	VORDL	VIOLATE ROAD/DRIVE LAWS
CODE 900	DEAD BODY	ATT	ATTEMPTED
CODE 951	PATROL CAR COLLISION, NO INJURY		

A20180500

SUPPLEMENTAL NARRATIVE:

Initial Case Narrative by A. White #6307 on 03/03/08 at 1445 hrs.

Total Dictation Time = 14.38 mins.

Total Narrative Dictation Time = 10:09 mins.

On 03/03/08 at approximately 1148 hours, I was dispatched to the address of

location. Before arriving, Communications advised me to meet the reportee at
[REDACTED] at *****

[REDACTED] a 16-year-old, was stating that she had been raped in 11/2007 and I
should meet her at the Counseling Office.

Upon arrival, I made contact with the reportee, School Counselor Raquel Guevara
(DOB *****). She stated that the parents of a student who goes to that
school, [REDACTED], are getting a divorce. She called [REDACTED] into her office
to talk about the divorce. [REDACTED] began talking about a rape that had happened
in 11/2007. Ms. Guevara advised that she then let [REDACTED] go back to class and
contacted the Pima County Sheriff's Department.

I waited in the Briefing Room for [REDACTED] to arrive, as Ms. Guevara requested. I
made contact with the victim, [REDACTED] (DOB *****). She advised that in
approximately 11/2007, she was with a friend of hers when another male arrived.
She was with her friend, Anthony Matias, and his friend Yahya Yuksel came over.
She then drank approximately three to four cups of Sky Vodka and Cola. She
began to get very woosy and had to use the bathroom. [REDACTED] stated that Yahya
took her to the bathroom, showing her where it was at Anthony's grandparents'
house. He waited for her to come out. Since she was not feeling well, he told
her that she should sit down on the bed, telling her that she did not look very
well. She leaned back on the headboard, kind of slumped over a little bit when
Yahya kind of pulled her down by the ankles, so that she was then lying flat on
her back. He began kissing on her. [REDACTED] stated that she kissed him for
approximately ten seconds before trying to push him off and telling him that
she did not want to. [REDACTED] stated that Yahya began "feeling me up," feeling
the area of her breasts. He then pulled off her shorts and swimsuit bottoms,
put on a condom and had intercourse with her. She stated no the whole time and
tried to push him off. During intercourse, she cried a little bit and then
blacked out.

[REDACTED] stated that she woke up at approximately 0300 hours, with Anthony asking
if she was okay. She was crying. Anthony gave her back her clothes. She did
not have her shorts or swimsuit bottoms on any longer. However, she thought
she had her swimsuit top on. She began getting sick and Anthony gave her a bag

to throw up in. He then helped her get home to her address at
.....
Road.

I then spoke with [redacted] friend Anthony who goes to the same school, [redacted]. He was identified as Anthony Benito Matias (DOB) I asked if he knew why I was speaking to him. He stated that it had to do with a previous incident in regards to his friend [redacted]. He advised that in approximately 11/2007, [redacted] came over, asking him where there was a good party to go to. He tried to contact one of his friends named Zack who ended up not showing up. He was at his grandparents' house at Drive. He did not know if he introduced [redacted] to the bar or if she saw it. Nevertheless, she began pouring Sky Vodka and Cola for herself. Yahya had had approximately one cup and one-half of Sky Vodka and Cola. [redacted] had approximately six to seven cups of Sky Vodka and Cola and began getting very, very intoxicated and light-headed. [redacted] was "all over" his friend Yahya. She then asked to use the bathroom. Anthony stated he then made it clear if she wanted him to help her to the bathroom or if she wanted Yahya to help her there. [redacted] stated that she wanted Yahya to help her.

Anthony stated he then turned on the TV, keeping it very low to make sure that everything was fine. He could hear them in the next room over having sex. Never once did she tell him no. At one point, she stated that the lights were on and asked if he could turn them off for them.

Anthony stated that once Yahya came back out, they waited at the residence, watching TV until it got late at approximately 0001 to 0100 hours. When he went to go check on [redacted], she still had her swimsuit bottoms and shorts off and he handed them to her. When she started to come to, she got very sick and began saying that Yahya had raped her when she did not want that. He told her that was not what he had heard. He heard her having sex or intercourse and as far as he was concerned, it was voluntary. He did not hear any signs of distress. If he would have, he would have come in and stopped Yahya. Anthony stated that he then helped [redacted] get back to her residence on Ina Road.

I spoke with [redacted] again. I asked if her parents were aware of what she was saying, that she had been raped. She stated that she had told them last month on 02/19/08. When she told her mother that she had been raped, her mother talked to her about drinking and knowing that she ([redacted]) had been experimenting with alcohol. She talked to her about drinking at strange residences with people she did not know. This is what could happen.

[redacted] advised that she did not want anything done. She was just talking to a

counselor about it. She did not want to press any charges or be a victim. She did not want anything to happen.

I then spoke with Sergeant S. G. Pesqueira #672, Supervisor of Crimes Against Children, and advised her of the situation. She advised that since [REDACTED] did not want to be a victim and did not want anything to happen to Yahya Yuksel, the mother had already been advised, and they were both 17 years old, to go ahead and document the report as [REDACTED] had requested and not go any further.

I did, however, give [REDACTED] a victim's rights packet with my name, badge number and the case number in reference to this case as well as a non-emergency telephone number for the Sheriff's Department. I advised about the numbers on the back for counseling, if she felt she needed to talk to anyone else about the situation. I then cleared from the area.

This concludes my involvement.

NFI Transcribed by #4764 at Tue Mar 04 12:28:59 MST 2008

FILED
TONI HELLON
CLERK, SUPERIOR COURT
3/27/2018 4:59:24 PM

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. DANELLE B. LIWSKI

CASE NO. A20180006-001

DATE: March 27, 2018

YAHYA YUKSEL

Petitioner,

vs.

STATE OF ARIZONA

Respondent.

ORDER

IN CHAMBERS RE: CLEARANCE OF CRIMINAL RECORD PETITION

The Court has received a Clearance of Criminal Record Petition seeking an entry on records that the Petitioner has been cleared pursuant to A.R.S. § 13-4051. The underlying incident in this case was alleged in a Pima County Sheriff's Department Detail Incident Report, but did not result in an arrest or subsequent prosecution. A.R.S. § 13-4051(A) provides the right to petition the Court to any person "wrongfully arrested, indicted or otherwise charged for any crime." As the Petitioner does not allege that an arrest took place, or that an indictment or other charge was actually filed against him, the statute does not empower the Court to make a determination whether an accusation or investigation which was not an arrest, indictment, or other charge was in fact "wrongful." Therefore,

IT IS ORDERED the Petition for Clearance of Criminal Record is **denied**.


HON. DANELLE B. LIWSKI
(ID: 52ac2b3b-2d75-4289-b34d-dad780c9510a)

cc: Hon. Danelle B. Liwski
Yahya Yuksel
Attorney General - Criminal - Tucson
Clerk of Court - Criminal Unit
County Attorney
Sheriff of Pima County

