

MINUTES

No. 5375

En Banc

Arizona Supreme Court
Tuesday, April 18, 2017

CR-16-0285-PR

JOHN FITZGERALD v HON. MYERS/STATE ex rel BRNOVICH

(1)

Court of Appeals, Division One

1 CA-SA 16-0154

ORDERED: Petition for Special Action (Treated as Petition for Review) = GRANTED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter.

Justice Lopez did not participate in the determination of this matter.

CR-16-0291-PR

STATE OF ARIZONA v DEMIRUS ANANDA KOEPKE

(2)

Court of Appeals, Division Two

2 CA-CR 15-0308

ORDERED: Petition for Review to Arizona Supreme Court = DENIED.

Justice Lopez did not participate in the determination of this matter.

CR-16-0352-PR

STATE OF ARIZONA v JAMONTE LAWRENCE OLAGUE

(3)

Court of Appeals, Division Two

2 CA-CR 15-0056

ORDERED: Petition for Review = DENIED.

Justice Lopez did not participate in the determination of this matter.

MINUTES

No. 5375

En Banc

Arizona Supreme Court
Tuesday, April 18, 2017

CR-16-0409-PR

(4)

STATE OF ARIZONA v MATTHEW ALAN CLACK

Court of Appeals, Division Two

2 CA-CR 16-0245 PRPC

ORDERED: Petition for Review of A.R.Crim.P. 32.9(c) Court of Appeals
Decision = DENIED.

CR-16-0444-PR

(5)

STATE OF ARIZONA v XAVIER LUIS LOPEZ

Court of Appeals, Division Two

2 CA-CR 15-0432

ORDERED: Petition for Review = DENIED.

Justice Lopez did not participate in the determination of this matter.

CR-16-0452-PR

(6)

STATE OF ARIZONA v JAVIER FRANCISCO NAVARRO

Court of Appeals, Division Two

2 CA-CR 16-0020

ORDERED: Petition for Review = DENIED.

Vice Chief Justice Pelander voted to grant review.

Justice Lopez did not participate in the determination of this matter.

MINUTES

No. 5375

En Banc

Arizona Supreme Court
Tuesday, April 18, 2017

CR-16-0463-PR **JOSHUA NUANEZ v HON. SPENCER/STATE/MONTGOMERY**
(7) *Court of Appeals, Division One* 1 CA-SA 16-0225

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

Justice Gould did not participate in the determination of this matter.

CR-16-0491-PR **STATE OF ARIZONA v JASON WAYNE BROWN**
(8) *Court of Appeals, Division Two* 2 CA-CR 15-0323

ORDERED: Petition for Review = DENIED.

Justice Lopez did not participate in the determination of this matter.

CV-16-0149-PR **AMERICAN CIVIL LIBERTIES UNION OF AZ v DCS**
(9) *Court of Appeals, Division One* 1 CA-CV 14-0781

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant American Civil Liberties Union of Arizona) = DENIED.

Justice Brutinel and Justice Bolick voted to grant review.

Justice Lopez did not participate in the determination of this matter.

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No. 5375

En Banc

Arizona Supreme Court
Tuesday, April 18, 2017

CV-16-0240-PR
(10)

TIFFANY TAYLOR v THOMAS PANDOLA

Court of Appeals, Division One

1 CA-CV 15-0191 FC

ORDERED: The Petitions for Review = GRANTED as to this issue: "Does the Arizona Uniform Interstate Family Support Act, A.R.S. §§ 25-1201 to 25-1342 (2004), and/or federal law, including the Federal Aid to Needy Families with Children statute, 42 U.S.C. § 666, require a court to confirm the alleged arrearages in a Notice of Registration if the non-registering party fails to timely object?"

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Pandola) = CONTINUED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter.

CV-16-0249-PR
(11)

ZIEGFIELD INC v ARIZONA DEPARTMENT OF REVENUE

Court of Appeals, Division One

1 CA-TX 16-0001

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Ziegfield Inc.) = DENIED.

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No. 5375

En Banc

Arizona Supreme Court
Tuesday, April 18, 2017

CV-16-0255-PR
(12)

MARIA CARMEN ZUBIA v DAVID SHAPIRO et al
Court of Appeals, Division One *1 CA-CV 15-0404*

ORDERED: Appellant's Petition for Review = GRANTED as to Issue A only.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Zubia) = CONTINUED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter.

CV-16-0261-PR
(13)

LUIS ANGEL VINIEGRA et ux v TOWN OF PARKER
Court of Appeals, Division One *1 CA-CV 15-0359*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Paragraphs 19-24 of the Court of Appeals' Opinion shall not be published, pursuant to Rule 111(g), Arizona Rules of the Supreme Court.

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En Banc

Arizona Supreme Court
Tuesday, April 18, 2017

CV-16-0287-PR
(14)

MARSHALL MAGRUDER v ACC/EPCOR WATER ARIZONA INC
Court of Appeals, Division One *1 CA-CC 15-0002*

ORDERED: Request for Oral Argument = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

Justice Gould did not participate in the determination of this matter.

CV-16-0290-PR
(15)

TERRI BENNETT v PIMA COMMUNITY COLLEGE DISTRICT
Court of Appeals, Division Two *2 CA-CV 16-0019*

ORDERED: Petition For Review = DENIED.

CR-16-0272-PR
(16)

STATE OF ARIZONA v WILLIAM BRYCE BRENNAN
Court of Appeals, Division One *1 CA-CR 15-0494*

ORDERED: William Bryce Brennan's Petition for Review = DENIED.

Justice Gould and Justice Lopez did not participate in the determination of this matter.

CR-16-0334-PR
(17)

STATE OF ARIZONA v DARREN CHAD TICHENOR
Court of Appeals, Division Two *2 CA-CR 15-0380*

ORDERED: Darren Chad Tichenor's Petition for Review = DENIED.

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Arizona Supreme Court
Tuesday, April 18, 2017

CR-16-0340-PR
(18)

STATE OF ARIZONA v TYRELL MARQUISE McDANIEL
Court of Appeals, Division One *1 CA-CR 14-0559 PRPC*

ORDERED: Petition for Review = DENIED.

CR-16-0412-PR
(19)

STATE OF ARIZONA v THOMAS JOSEPH LYNAM
Court of Appeals, Division One *1 CA-CR 15-0679*

ORDERED: Petition for Review = DENIED.

Justice Lopez did not participate in the determination of this matter.

CR-16-0422-PR
(20)

SAMIUDDIN v HON. NOTHWEHR/STATE
Court of Appeals, Division One *1 CA-SA 16-0229*

ORDERED: Petition for Review = GRANTED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter.

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No. 5375

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Arizona Supreme Court
Tuesday, April 18, 2017

CR-16-0426-PR
(21)

STATE OF ARIZONA v MARZET FARRIS III

Court of Appeals, Division One

1 CA-CR 15-0295

1 CA-CR 15-0830

ORDERED: Appellant's Petition for Review of the Memorandum Decision of the Court of Appeals = DENIED.

Justice Brutinel and Justice Lopez did not participate in the determination of this matter.

CR-16-0446-PR
(22)

STATE OF ARIZONA v ALBERT MAURICE SMITH

Court of Appeals, Division One

1 CA-CR 14-0664 PRPC

ORDERED: Pro Per Petition for Review = DENIED.

Justice Gould did not participate in the determination of this matter.

CR-16-0459-PR
(23)

CATHERINE M PETTET v HON. BEENE/MONTGOMERY

Court of Appeals, Division One

1 CA-SA 16-0226

ORDERED: Petition for Review to the Supreme Court = DENIED.

CR-16-0461-PR
(24)

STATE OF ARIZONA v MARC ADAM HALL

Court of Appeals, Division Two

2 CA-CR 16-0247 PRPC

ORDERED: Petition for Review to the Arizona Supreme Court = DENIED.

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No. 5375

En Banc

Arizona Supreme Court
Tuesday, April 18, 2017

CR-16-0485-PR
(25)

STATE OF ARIZONA v JEFFREY GLENN BUCHOLTZ
Court of Appeals, Division One *1 CA-CR 15-0833*

ORDERED: Motion to Vacate Appellant's Conviction for Count 7 = GRANTED.

FURTHER ORDERED: Petition for Review = DENIED.

Justice Lopez did not participate in the determination of this matter.

CR-16-0497-PR
(26)

STATE OF ARIZONA v MICHAEL EDWARD FINCK
Court of Appeals, Division Two *2 CA-CR 16-0299 PRPC*

ORDERED: Petition for Review = DENIED.

CV-16-0215-PR
(27)

EVERETT S BUTLER v ROBERT O DYER et ux
Court of Appeals, Division One *1 CA-CV 16-0190*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellees Dyer) = GRANTED.

CV-16-0282-PR
(28)

MARK WILLIAM FRANKLIN v JASON JOHN CLEMETT et al
Court of Appeals, Division One *1 CA-CV 15-0194*

ORDERED: Petition for Review = DENIED.

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Arizona Supreme Court
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CV-16-0283-PR
(29)

KANDIS MEINEL v THE VANGUARD GROUP INC
Court of Appeals, Division Two 2 CA-CV 16-0032

ORDERED: Petition for Review = DENIED.

CV-16-0319-PR
(30)

SCHUYLER D. v DCS/E. D.
Court of Appeals, Division One 1 CA-JV 16-0056

ORDERED: Petition for Review = DENIED.

CR-16-0357-PR
(31)

STATE OF ARIZONA v EDUARDO VASQUEZ CELAYA
Court of Appeals, Division Two 2 CA-CR 16-0167 PRPC

ORDERED: Petition for Review to Arizona Supreme Court = DENIED.

CR-16-0425-PR
(32)

STATE OF ARIZONA v ROBERT DEAN ENDRESON
Court of Appeals, Division One 1 CA-CR 14-0577 PRPC

ORDERED: Petition for Review = DENIED.

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Arizona Supreme Court
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CR-16-0427-PR
(33)

STATE OF ARIZONA v GREGORY NELSON DESHAIES
Court of Appeals, Division One *1 CA-CR 15-0319*

ORDERED: Petition for Review = DENIED.

Justice Lopez did not participate in the determination of this matter.

CR-16-0442-PR
(34)

STATE OF ARIZONA v VICKI MICHELLE GRAVES
Court of Appeals, Division Two *2 CA-CR 16-0051*

ORDERED: Petition for Review = DENIED.

Justice Lopez did not participate in the determination of this matter.

CR-16-0490-PR
(35)

STATE OF ARIZONA v ANDREW JOSEPH LEFFLER
Court of Appeals, Division Two *2 CA-CR 16-0284 PRPC*

ORDERED: Petition for Review En Banc = DENIED.

CR-16-0500-PR
(36)

DENNY v HON. MIKITISH/STATE ex rel MONTGOMERY
Court of Appeals, Division One *1 CA-SA 16-0243*

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

Justice Gould did not participate in the determination of this matter.

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Arizona Supreme Court
Tuesday, April 18, 2017

CR-16-0509-PR
(37)

STATE OF ARIZONA v MACK CALVIN MARTIN

Court of Appeals, Division One

1 CA-CR 16-0064

ORDERED: Petition for Review = DENIED.

Justice Lopez did not participate in the determination of this matter.

CR-16-0510-PR
(38)

STATE OF ARIZONA v JUAN MARTIN FELIX

Court of Appeals, Division Two

2 CA-CR 16-0312 PRPC

ORDERED: Petition for Review = DENIED.

CR-16-0514-PR
(39)

STATE OF ARIZONA v EARL JEFFERSON CAUSBIE

Court of Appeals, Division Two

2 CA-CR 16-0106

ORDERED: Petition for Review of a Decision by the Court of Appeals = DENIED.

Justice Lopez did not participate in the determination of this matter.

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Arizona Supreme Court
Tuesday, April 18, 2017

CV-16-0252-PR
(40)

IBITSAM NUR/FAHMO IBRAHIM v DENNIS ECKEL et al
Court of Appeals, Division One *1 CA-CV 15-0269*

ORDERED: Petition for Review of Plaintiffs Ibitsam Nur and Fahmo Ibrahim = DENIED.

Justice Lopez did not participate in the determination of this matter.

CV-16-0266-PR
(41)

KIMBERLY McLAUGHLIN v HON. JONES/SUZAN McLAUGHLIN
Court of Appeals, Division Two *2 CA-SA 16-0035*

ORDERED: Petition for Review of Special Action Decision of the Court of Appeals = GRANTED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter.

Justice Gould did not participate in the determination of this matter.

MINUTES

No. 5375

En Banc

Arizona Supreme Court
Tuesday, April 18, 2017

CV-16-0271-PR
(42)

LONDON/WHITMER v ESTHER SUE KARATZ et al
Court of Appeals, Division One *1 CA-CV 15-0070*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellants London/Whitmer) = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellees Karatz et al) = DENIED.

CV-16-0279-PR
(43)

DARREN CALHOUN et ux v BARRY SMITH et ux
Court of Appeals, Division One *1 CA-CV 15-0419*

ORDERED: Plaintiffs/Appellants' Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellants Calhoun) = DENIED.

CR-16-0313-PR
(44)

STATE OF ARIZONA v MANUEL LEON-SANCHEZ
Court of Appeals, Division Two *2 CA-CR 16-0098 PRPC*

ORDERED: Motion to Appoint Private Pro Bono Advisory Counsel = DENIED.

FURTHER ORDERED: Motion for Replying Oral Argument = DENIED.

FURTHER ORDERED: Motion to Suspend the Time Limits Rule 31.19(e)(f) to File a Reply = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

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No. 5375

En Banc

Arizona Supreme Court
Tuesday, April 18, 2017

CR-16-0387-PR
(45)

STATE OF ARIZONA v SUMMER LYNN LEON

Court of Appeals, Division Two 2 CA-CR 15-0019

ORDERED: Petition for Review to Arizona Supreme Court = DENIED.

Justice Lopez did not participate in the determination of this matter.

CR-16-0390-PR
(46)

STATE OF ARIZONA v LYNN LAVERN BURBEY

Court of Appeals, Division Two 2 CA-CR 15-0300

ORDERED: Petition for Review = GRANTED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter.

Justice Lopez did not participate in the determination of this matter.

CR-16-0477-PR
(47)

STATE OF ARIZONA v MANUEL FERNANDO FLOREZ

Court of Appeals, Division Two 2 CA-CR 15-0480

ORDERED: Petition for Review to Arizona Supreme Court = DENIED.

Justice Lopez did not participate in the determination of this matter.

MINUTES

No. 5375

En Banc

Arizona Supreme Court
Tuesday, April 18, 2017

CR-16-0519-PR
(48)

STATE OF ARIZONA v JOHNNY PORTILLO

Court of Appeals, Division One 1 CA-CR 16-0057

ORDERED: Appellant's Petition for Review = DENIED.

Justice Lopez did not participate in the determination of this matter.

CV-16-0270-PR
(49)

THERESA SHERIDAN v PIMA CO MERIT SYSTEM et al

Court of Appeals, Division Two 2 CA-CV 16-0028

ORDERED: Petition for Review = DENIED.

CV-16-0285-PR
(50)

SANDRA L LEHMAN v BANNER HEALTH

Court of Appeals, Division One 1 CA-CV 15-0829

ORDERED: Petition for Review = DENIED.

MINUTES

No. 5375

En Banc

Arizona Supreme Court
Tuesday, April 18, 2017

CV-16-0306-PR
(51)

LEGACY FOUNDATION ACTION v CITIZENS CLEAN ELECTION
Court of Appeals, Division One *1 CA-CV 15-0455*

ORDERED: Plaintiff/Appellant Legacy Foundation Action Fund's Petition for Review = GRANTED.

FURTHER ORDERED: Request for Attorney's Fees (Appellant Legacy Foundation Action Fund) = CONTINUED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter.

Justice Lopez did not participate in the determination of this matter.

CV-16-0310-PR
(52)

PATRICK YAGER v ALONSO PASTOR
Court of Appeals, Division Two *2 CA-CV 16-0085*

ORDERED: Petition for Review = DENIED.

MINUTES

No. 5375

En Banc

Arizona Supreme Court
Tuesday, April 18, 2017

CV-17-0041-PR
(53)

MICHELE GUTIERREZ v HON. FOX/ROBERT KIVLIGHN

Court of Appeals, Division One

1 CA-SA 17-0001

Consolidated with:

CV-17-0093-PR

MICHELE GUTIERREZ v HON. FOX/ROBERT KIVLIGHN

ORDERED: Motion for Leave to File Consolidated Reply in Support of Petitions for Review of a Special Action Decision of the Court of Appeals = GRANTED.

FURTHER ORDERED: Motion for Order Re: Supplemental Briefing Related to Arizona Court of Appeals Written Opinion Filed April 13, 2017 = DENIED.

FURTHER ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

FURTHER ORDERED: The stay previously entered is dissolved.

FURTHER ORDERED: Request for Attorneys' Fees and Costs (Real Party Kivlighn) = DENIED.

CV-17-0053-PR
(54)

S.S./S.S. v STEPHANIE H. et al

Court of Appeals, Division One

1 CA-JV 16-0163

ORDERED: Petition for Review of Opinion of Court of Appeals = DENIED.

Justice Brutinel voted to grant review.

Justice Bolick did not participate in the determination of this matter.

MINUTES

No. 5375

En Banc

Arizona Supreme Court Tuesday, April 18, 2017

CV-17-0081-PR
(55)

FATEAMA M. v HON. PERKINS/DCS

Court of Appeals, Division One

1 CA-SA 17-0056

ORDERED: Motion to Amend = DENIED.

FURTHER ORDERED: Department of Child Safety's Motion to Dismiss Petition for Review = DENIED.

FURTHER ORDERED: Motion To Reply = DENIED.

FURTHER ORDERED: Petition for Review Expedited Review Request = DENIED.

Justice Lopez did not participate in the determination of this matter.

CV-17-0093-PR
(56)

MICHELE GUTIERREZ v HON. FOX/ROBERT KIVLIGHN

Court of Appeals, Division One

1 CA-SA 17-0047

Consolidated with:

CV-17-0041-PR

MICHELE GUTIERREZ v HON. FOX/ROBERT KIVLIGHN

ORDERED: Motion for Leave to File Consolidated Reply in Support of Petitions for Review of a Special Action Decision of the Court of Appeals = GRANTED.

FURTHER ORDERED: Motion for Order Re: Supplemental Briefing Related to Arizona Court of Appeals Written Opinion Filed April 13, 2017 = DENIED.

FURTHER ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

FURTHER ORDERED: The stay previously entered is dissolved.

FURTHER ORDERED: Request for Attorneys' Fees and Costs (Real Party Kivlighn) = DENIED.

MINUTES

No. 5375

En Banc

Arizona Supreme Court
Tuesday, April 18, 2017

CV-17-0103-PR
(57)

GWENDELYN CHAPPELL v HON. POLK/COBY KEMPTON
Court of Appeals, Division One *1 CA-SA 17-0043*

ORDERED: Motion to Consolidate = DENIED.

FURTHER ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

FURTHER ORDERED: Request for Attorney's Fees (Petitioner Chappell) = DENIED.

CR-16-0384-PR
(58)

LOUIS E CESPEDES v HON. LEE/STATE
Court of Appeals, Division Two *2 CA-SA 16-0040*

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = GRANTED on Issue 1 only.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter.

MINUTES

No. 5375

En Banc

Arizona Supreme Court Tuesday, April 18, 2017

CV-16-0259-PR
(59)

MARIANNE N. v DCS/O.N./I.T./A.G.

Court of Appeals, Division One

1 CA-JV 16-0085

ORDERED: Petition for Review = GRANTED as to Issue 1 only.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter.

Justice Lopez did not participate in the determination of this matter.

CV-16-0269-PR
(60)

SHUJA SAYED AHMAD et ux v STATE OF ARIZONA

Court of Appeals, Division One

1 CA-CV 14-0664

ORDERED: Petition for Review = DENIED.

Justice Gould did not participate in the determination of this matter.



The foregoing action was taken by the Arizona Supreme Court on Tuesday, April 18, 2017.

Date: _____

Scott Bales, Chief Justice