

MINUTES

No. 2653

Arizona Supreme Court
Tuesday, September 22, 2009

CR-09-0111-PR

STATE OF ARIZONA v ROBBY GLEN PROVENZINO

(1)

Court of Appeals Division One

1 CA-CR 07-0901

ORDERED: Petition for Review = DENIED.

CV-09-0052-PR

ED LIU v HON. BRIAN REES/STATE ex rel THOMAS

(2)

Court of Appeals Division One

1 CA-SA 08-0079

ORDERED: Motion to Deny Petition for Review as Moot = DENIED.

FURTHER ORDERED: Oral Argument Requested = DENIED.

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

CV-09-0055-PR

RENSEL v PINNACLE HOMEOWNERS ASSOCIATION

(3)

Court of Appeals Division One

1 CA-CV 07-0616

ORDERED: Appellant's Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellant Rensel = DENIED.

MINUTES
Arizona Supreme Court
Tuesday, September 22, 2009

No. 2653

CV-09-0057-PR **MARIO ANCICH v SANDRA MONICA ANCICH**
(4) *Court of Appeals Division One* *1 CA-CV 08-0191*

ORDERED: Petition for Review = DENIED.

CV-09-0065-PR **MONTEREY HOMES AZ et al v FEDERATED MUTUAL INS**
(5) *Court of Appeals Division One* *1 CA-CV 08-0056*

ORDERED: Appellees' Petition for Review = DENIED.

FURTHER ORDERED: Appellant's Cross-Petition for Review = DENIED.

CV-09-0081-PR **MAX KOEPNICK v AZ STATE LAND DPT/WINKLEMAN et al**
(6) *Court of Appeals Division One* *1 CA-CV 07-0271*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellant Koepnick] = DENIED.

CV-09-0091-PR **STAR PUBLISHING et al v HON. FIELDS/STATE et al**
(7) *Court of Appeals Division Two* *2 CA-SA 09-0018*

Separate Order.

MINUTES
Arizona Supreme Court
Tuesday, September 22, 2009

No. 2653

CV-09-0101-PR **SOLOMON v DEVELOPMENTAL SYSTEMS INC et al**
(8) *Court of Appeals Division One* *1 CA-CV 06-0239*

ORDERED: Petition for Review = DENIED.

CV-09-0118-PR **STANLEY J DRU v GALLAGHER & KENNEDY**
(9) *Court of Appeals Division One* *1 CA-CV 07-0843*

ORDERED: Plaintiff's Petition for Review = DENIED.

CR-09-0084-PR **STATE OF ARIZONA v MARYANNE CHISHOLM**
(10) *Court of Appeals Division Two* *2 CA-CR 08-0356 PRPC*

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

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

CV-09-0063-PR **STOLE CONSTRUCTION/HARTFORD CASUALTY v ICA/DOTSON**
(11) *Court of Appeals Division One* *1 CA-IC 08-0033*

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

MINUTES

No. 2653

Arizona Supreme Court
Tuesday, September 22, 2009

CV-09-0085-PR
(12)

HENRY VERA v SUN LAND BEEF COMPANY

Court of Appeals Division One

1 CA-CV 07-0479

ORDERED: Petition for Review [Appellant/Cross-Appellee Sun Land Beef Company] = DENIED.

FURTHER ORDERED: Petition for Review [Appellee/Cross-Appellant Vera] = DENIED.

CV-09-0087-PR
(13)

JULIE PETE/REO BENALLY v US BANK NA

Court of Appeals Division One

1 CA-CV 08-0226

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Costs [Appellees Pete/Benally] = GRANTED.

CV-09-0124-PR
(14)

BOMBARDIER CAPITAL v GRANT GOODMAN et ux

Court of Appeals Division One

1 CA-CV 08-0355

ORDERED: Petition for Review Pursuant to ARCAP 23 = DENIED.

MINUTES

No. 2653

Arizona Supreme Court
Tuesday, September 22, 2009

CV-09-0131-PR **EMPIRE SOUTHWEST LLC v GRANT H GOODMAN et ux**
(15) *Court of Appeals Division One* *1 CA-CV 08-0350*

ORDERED: Petition for Review ARCAP 23 = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellee Empire Southwest] = GRANTED.

CR-09-0060-PR **STATE OF ARIZONA v CARLOS BANDIN**
(16) *Court of Appeals Division One* *1 CA-CR 07-0854*

ORDERED: Petitioner's Petition for Review = DENIED.

CR-09-0063-PR **STATE OF ARIZONA v SHIDAN DAHNAD**
(17) *Court of Appeals Division One* *1 CA-CR 06-1024*

ORDERED: Petition for Review = DENIED.

CR-09-0065-PR **STATE OF ARIZONA v CARL NUNN**
(18) *Court of Appeals Division One* *1 CA-CR 07-0946*

ORDERED: Appellant's Petition for Review = DENIED.

MINUTES

No. 2653

Arizona Supreme Court
Tuesday, September 22, 2009

CR-09-0087-PR
(23)

STATE OF ARIZONA v BASILIO SOLIZ
Court of Appeals Division One *1 CA-CR 07-0390*

ORDERED: The State of Arizona's 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.

CR-09-0089-PR
(24)

STATE OF ARIZONA v MICHAEL RAY WEEKS
Court of Appeals Division Two *2 CA-CR 07-0252*

ORDERED: Petition for Review = DENIED.

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

CV-09-0067-PR
(25)

PRIDE OF SAN JUAN INC v PRATT/LOREN PRATT FARMS
Court of Appeals Division One *1 CA-CV 07-0820*

ORDERED: Petition for Review = DENIED.

MINUTES
Arizona Supreme Court
Tuesday, September 22, 2009

No. 2653

CV-09-0152-PR **STEVEN ROSENBERG MD v HUALAPAI INDIAN NATION**
(29) *Court of Appeals Division One* *1 CA-CV 08-0135*

ORDERED: Petition for Review = DENIED.

CR-09-0070-PR **STATE OF ARIZONA v LEON McARTHUR PERALTA**
(30) *Court of Appeals Division One* *1 CA-CR 07-0970*

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

CR-09-0113-PR **STATE OF ARIZONA v RAYMOND DOUGLAS ORION CARLTON**
(31) *Court of Appeals Division One* *1 CA-CR 06-0977*

ORDERED: Petition for Review = DENIED.

CV-09-0136-PR **BEYNON et ux v TREZZA et al**
(32) *Court of Appeals Division Two* *2 CA-CV 08-0082*

ORDERED: Petition for Review of Plaintiff's/Appellants [sic] /Petitioners = DENIED.

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

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

MINUTES
Arizona Supreme Court
Tuesday, September 22, 2009

No. 2653

CV-09-0104-PR **MARGARET WALTERS v HON. BLUFF/HERNANDEZ et al**
(33) *Court of Appeals Division One* *1 CA-SA 09-0059*

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

CV-09-0105-PR **RITA LEE v ICA/BANNER HEALTH/BANNER HEALTH SYSTEM**
(34) *Court of Appeals Division One* *1 CA-IC 08-0017*

ORDERED: Petition for Review = DENIED.

CV-09-0112-PR **IN RE MH 2007-001895**
(35) *Court of Appeals Division One* *1 CA-MH 08-0006*

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

CV-09-0139-PR **CALPINE CONSTRUCTION v ADOR/MOHAVE COUNTY**
(36) *Court of Appeals Division One* *1 CA-TX 07-0012*

ORDERED: Plaintiff/Appellant's Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellant Calpine Construction Finance Company] = DENIED.

MINUTES

No. 2653

Arizona Supreme Court
Tuesday, September 22, 2009

CV-09-0151-PR
(37)

TIMOTHY FEAVEL v STATE ex rel ADOA et al
Court of Appeals Division One *1 CA-CV 08-0221*

ORDERED: Petition for Review = DENIED.

CV-09-0163-PR
(38)

ARIZONA REPAIR MASONS et al v CITY OF PHOENIX
Court of Appeals Division One *1 CA-CV 08-0492*

ORDERED: Petition for Review = DENIED.

CR-09-0072-PR
(39)

STATE OF ARIZONA v JACK JUDE MARTINEZ JR
Court of Appeals Division Two *2 CA-CR 07-0122*

ORDERED: Petition for Review = DENIED.

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

CR-09-0075-PR
(40)

STATE OF ARIZONA v SCOTT DAVID HERR
Court of Appeals Division One *1 CA-CR 08-0216*

ORDERED: The State of Arizona's Petition for Review = DENIED.

MINUTES
Arizona Supreme Court
Tuesday, September 22, 2009

No. 2653

CR-09-0086-PR
(41)

STATE OF ARIZONA v RICHARD ROBERT ROMAR
Court of Appeals Division One *1 CA-CR 08-0049*

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

CR-09-0104-PR
(42)

STATE OF ARIZONA v EDWIN ANTHONY PELLECIER
Court of Appeals Division Two *2 CA-CR 08-0216 PRPC*

ORDERED: Rule 32.9(G) Petition for Review = DENIED.

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

CV-09-0177-PR
(43)

MODULAR MINING SYSTEMS v JIGSAW TECHNOLOGIES et al
Court of Appeals Division Two *2 CA-CV 08-0118*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Costs [Appellant Modular Mining Systems]
= DENIED

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

MINUTES

No. 2653

Arizona Supreme Court
Tuesday, September 22, 2009

CR-09-0102-PR
(44)

STATE OF ARIZONA v JESSE MONTEZ COVARRUBIO
Court of Appeals Division One *1 CA-CR 08-0245 PRPC*

ORDERED: Petition for Review by the Arizona Supreme Court; Post-Conviction Relief = DENIED.

CV-09-0128-PR
(45)

STATE OF ARIZONA v HON. HANNAH/MORGAN B ASHFORD
Court of Appeals Division One *1 CA-SA 09-0032*

ORDERED: Real Party in Interest's Petition for Review = DENIED.

CV-09-0143-PR
(46)

ELIZABETH QUINTERO v MATTHEW RODGERS et ux
Court of Appeals Division One *1 CA-CV 07-0698*

ORDERED: Oral Argument Requested = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Cross-Petition for Review = DENIED.

MINUTES

No. 2653

Arizona Supreme Court
Tuesday, September 22, 2009

CV-09-0147-PR
(47)

WORLD SUPER SERVICE et al v HON. MANGUM/AN
Court of Appeals Division One *1 CA-SA 09-0076*

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

FURTHER ORDERED: Request for Attorneys' Fees [Real Parties An] = CONTINUED.

CV-09-0161-PR
(48)

KEITH RICKER v HON. MYERS/AYESHA DOE/STATE
Court of Appeals Division One *1 CA-SA 09-0106*

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

CV-09-0167-PR
(49)

WILLIAM HAARE v HONS. COLE/EPPICH/STATE
Court of Appeals Division One *1 CA-SA 09-0099*

ORDERED: Oral Argument Requested = DENIED.

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

MINUTES
Arizona Supreme Court
Tuesday, September 22, 2009

No. 2653

CV-09-0175-PR
(50)

GILLIAN KRANSON v CITY OF PHOENIX
Court of Appeals Division One *1 CA-CV 07-0700*

ORDERED: Petition for Review = DENIED.

CV-09-0184-PR
(51)

TRUE NORTH et al v HON. TRUJILLO/ ARACAJU et al
Court of Appeals Division One *1 CA-SA 09-0097*

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

FURTHER ORDERED: Request for Attorneys' Fees [Petitioners True North et al] = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Real Parties Aracaju/N. Gwilliam/C. Gwilliam] = GRANTED.

CR-09-0091-PC
(52)

STATE OF ARIZONA v CHAD ALAN LEE
Maricopa County Superior Court *CR 92-04225*

ORDERED: Oral Argument and Appointment of Counsel Requested = DENIED.

FURTHER ORDERED: Petition for Review by the Supreme Court, Post-Conviction Relief Proceeding = DENIED.

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

Vice Chief Justice Hurwitz voted to grant review.

MINUTES

No. 2653

Arizona Supreme Court
Tuesday, September 22, 2009

CR-09-0116-PC
(53)

STATE OF ARIZONA v RICHARD KENNETH DJERF
Maricopa County Superior Court *CR 1993-007792*

ORDERED: Motion to Stay Proceedings Regarding Petition for Review and Revest Jurisdiction in Trial Court in Order to Allow Consideration of Motion for Leave to File a Delayed Motion for Reconsideration = DENIED.

FURTHER ORDERED: Oral Argument and Appointment of Counsel Requested = DENIED.

FURTHER ORDERED: Petition for Review by the Supreme Court, Post-Conviction Relief Proceeding = DENIED.

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

Vice Chief Justice Hurwitz voted to grant review.

CR-09-0114-PR
(54)

STATE OF ARIZONA v NATHAN ANDRES LEYVAS
Court of Appeals Division Two *2 CA-CR 07-0340*

ORDERED: Petition for Review = DENIED.

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

CR-09-0138-PR
(55)

STATE OF ARIZONA v GABRIEL MARIO CASTANEDA
Court of Appeals Division Two *2 CA-CR 08-0426 PRPC*

ORDERED: Petition for Review = DENIED.

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

MINUTES

No. 2653

Arizona Supreme Court
Tuesday, September 22, 2009

CV-09-0114-PR
(56)

D.C. v HON. JOHNSON/STATE/L.A.

Court of Appeals Division Two 2 CA-SA 09-0016

ORDERED: Petition for Review = DENIED.

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

CV-09-0148-PR
(57)

CHARLES JONES et al v W DAVID WESTON

Court of Appeals Division Two 2 CA-CV 08-0145

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Cross Petition for Review = DENIED.

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

CR-09-0145-PR
(58)

STATE OF ARIZONA v NAKIM GARRISON

Court of Appeals Division One 1 CA-CR 07-0838

ORDERED: The State of Arizona's Petition for Review = CONTINUED.

MINUTES

No. 2653

Arizona Supreme Court
Tuesday, September 22, 2009

CV-09-0117-PR
(59)

FLAGSTAFF AFFORDALE HOUSING v DESIGN ALLIANCE INC
Court of Appeals Division One *1 CA-CV 07-0743*

ORDERED: [Corrected] 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.

CV-09-0126-PR
(60)

IN RE BRENDAN G.
Court of Appeals Division One *1 CA-JV 08-0081*

ORDERED: Petition for Review = DENIED.

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

CV-09-0144-PR
(61)

STATE ex rel THOMAS v HON. GOODMAN/DALE FUSHEK
Court of Appeals Division One *1 CA-SA 09-0041*

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

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

MINUTES

No. 2653

Arizona Supreme Court
Tuesday, September 22, 2009

CV-09-0159-PR **DOUGLASS v HON. SANDERS/MARICOPA CTY ATTYS/OTIS**
(62) *Court of Appeals Division One* *1 CA-SA 09-0084*

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

CV-09-0160-PR **HOWELL v PETE HODAP/HOWELL/JOHNSON**
(63) *Court of Appeals Division One* *1 CA-CV 08-0027*

ORDERED: Petition for Review = DENIED.

CV-09-0185-PR **JAHMARI MANUEL v HON. BRNOVICH/STATE ex rel THOMAS**
(64) *Court of Appeals Division One* *1 CA-SA 09-0137*

ORDERED: Petition for Review = DENIED.

CV-09-0186-PR **HOWELL et ux v SHEILA SULLIVAN POLK et al**
(65) *Court of Appeals Division One* *1 CA-CV 06-0654*

ORDERED: Petition for Review = DENIED.

MINUTES

No. 2653

Arizona Supreme Court
Tuesday, September 22, 2009

CV-09-0204-PR
(66)

STATE ex rel ADOR v CLARE L READING et vir
Court of Appeals Division One *1 CA-TX 08-0011*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Costs [Appellants Reading, Pro Se] = DENIED.

CV-09-0210-PR
(67)

JUSTIN LUNSFORD v HON. BARTON/STATE ex rel THOMAS
Court of Appeals Division One *1 CA-SA 09-0157*

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

CR-09-0029-PR
(68)

STATE OF ARIZONA v MORTON ROBERT BERGER
Court of Appeals Division One *1 CA-CR 08-0138 PRPC*

ORDERED: Petitioner's Motion to Expedite Petition for Review Before the Arizona Supreme Court (Oral Argument Requested) = DENIED.

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

Chief Justice Berch did not participate in the determination of this matter.

MINUTES

No. 2653

Arizona Supreme Court
Tuesday, September 22, 2009

CR-09-0128-PR
(69)

STATE OF ARIZONA v ANTHONY KING HUTCHINSON
Court of Appeals Division Two 2 CA-CR 07-0283

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

CR-09-0134-PR
(70)

STATE OF ARIZONA v RODERICK TYLER KAMALO
Court of Appeals Division One 1 CA-CR 07-0610

ORDERED: Petition for Review = DENIED.

CV-09-0176-PR
(71)

GWEN GOODMAN et al v PIMA COUNTY et al /TDB TUCSON
Court of Appeals Division Two 2 CA-CV 09-0002

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellants Goodman et al]
= DENIED.

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