

**MINUTES**  
*Arizona Supreme Court*  
**Tuesday, September 21, 2010**

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No. 3106

**CR-10-0040-PR**

**STATE OF ARIZONA v WALTER SPENCER WITT**

(1) *Court of Appeals Division One* *1 CA-CR 08-0851 PRPC*

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

**CR-10-0060-PR**

**STATE OF ARIZONA v MANUEL ARCHIBEQUE**

(2) *Court of Appeals Division One* *1 CA-CR 08-0048*

ORDERED: Petition for Review = DENIED.

**CR-10-0066-PR**

**STATE OF ARIZONA v BENJAMIN ROBERT TAYLOR**

(3) *Court of Appeals Division One* *1 CA-CR 07-0975 PRPC*

ORDERED: State's Petition for Review = DENIED.

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**CV-10-0022-PR**

**GALEB MILLER v MARKHAM CONTRACTING**

(4)

*Court of Appeals Division One*

*1 CA-CV 07-0872*

ORDERED: Motion to Amend Petition for Review (Unopposed) [Requesting Attorneys' Fees] = GRANTED.

FURTHER ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellee/Cross-Appellant Galeb] = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees and Costs [Appellant/Cross-Appellee Markham] = DENIED.

**CV-10-0054-PR**

**KUJO INVESTMENTS et al v T-MOBILE USA et al**

(5)

*Court of Appeals Division One*

*1 CA-CV 08-0781*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellant T-Mobile USA et al] = DENIED.

**CV-10-0058-PR**

**MARCIA NASEMAN v DAVID NASEMAN**

(6)

*Court of Appeals Division One*

*1 CA-CV 07-0895*

ORDERED: Petition for Review in the Supreme Court of the State of Arizona = DENIED.

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**CR-10-0058-PR**

(7)

**STATE OF ARIZONA v CRAIG RICHARD FLEMING**

*Court of Appeals Division Two*

*2 CA-CR 09-0104*

ORDERED: Petition for Review = DENIED.

**CR-10-0065-PR**

(8)

**STATE OF ARIZONA v JAMES EDWARD DAVOLT II**

*Court of Appeals Division One*

*1 CA-CR 08-1009*

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

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

**CR-10-0068-PR**

(9)

**STATE OF ARIZONA v JOHN BALLA PIERCE**

*Court of Appeals Division One*

*1 CA-CR 08-0715*

ORDERED: Petition for Review = DENIED.

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**CR-10-0089-PR**  
(10)

**STATE OF ARIZONA v JESUS HUMBERTO SOTO**

*Court of Appeals Division Two*

*2 CA-CR 08-0405*

*2 CA-CR 08-0406*

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. In addition to the issues presented in the Petition for Review, the parties are requested to brief whether A.R.S. § 13-4033(C) applies retroactively to defendants convicted before the effective date of the statute.

**CV-10-0036-PR**  
(11)

**IN RE RICARDO F.-C.**

*Court of Appeals Division Two*

*2 CA-JV 09-0090*

ORDERED: Petition for Review = DENIED.

**CV-10-0067-PR**  
(12)

**IN RE NICKOLAS T.**

*Court of Appeals Division Two*

*2 CA-JV 09-0111*

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

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**CV-10-0063-PR**  
(13)

**AZTAR CORP v U S FIRE INSURANCE CO et al**  
*Court of Appeals Division One*                      *1 CA-CV 08-0562*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Consolidated Cross-Petition of Respondents/Cross-Petitioners U.S.Fire Insurance Company, Westchester Surplus Lines Insurance Company, Essex Insurance Company, Certain Underwriters at Lloyd's London, Axis Specialty Limited, Hartford Fire Insurance Company, Zurich American Insurance Company = DENIED.

**CV-10-0075-PR**  
(14)

**ROBERT EARLE KRONCKE v HON. FLORES/STATE**  
*Court of Appeals Division One*                      *1 CA-SA 10-0017*

ORDERED: Motion to Recognize this is a Criminal Special Action; Motion to Order Transfer of all eight copies of the Appendix = DENIED.

FURTHER ORDERED: Motion to Correct Case Number to Reflect this is a Criminal Special Action (Not Civil) = DENIED.

FURTHER ORDERED: Motion for Reconsideration Due to Exceptional Circumstances = DENIED.

FURTHER ORDERED: Emergency Motion for Injunction, TRO, Telephonic Hearing, and Stay of Proceedings by the State to Destroy the DNA Evidence Sought to be Preserved in this Proceeding = DENIED.

FURTHER ORDERED: Emergency Petition for Review and for Special Action = Separate Order.

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**CV-10-0076-PR**  
(15)

**DENNIS BAYLESS v CITY OF COTTONWOOD et al**  
*Court of Appeals Division One*                      *1 CA-CV 09-0036*

ORDERED: Appellee's Petition for Review = DENIED.

**CV-10-0084-PR**  
(16)

**RUDGER HIATT et ux v NORMAN MEHLHORN et ux**  
*Court of Appeals Division One*                      *1 CA-CV 08-0727*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellants/Cross-Appellees Hiatt] = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellees/Cross-Appellants Mehlhorn] = GRANTED.

**CV-10-0085-PR**  
(17)

**ANDREW R. v ADES/JESSICA H./JOCELYN R.**  
*Court of Appeals Division One*                      *1 CA-JV 08-0167*

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

**CV-10-0087-PR**  
(18)

**BRENT JOHN BARTELL v MESA SOCCER CLUB INC**  
*Court of Appeals Division One*                      *1 CA-CV 08-0024*

ORDERED: Petition for Review = DENIED.

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**CV-10-0136-PR**  
(19)

**JON B. v ADES/WILLIAM B./KAITLYN B.**  
*Court of Appeals Division One*                      *1 CA-JV 09-0158*

ORDERED: Arizona Department of Economic Security's Petition for Review = DENIED.

**CR-10-0108-PC**  
(20)

**STATE OF ARIZONA v DANIEL WAYNE COOK**  
*Mohave County Superior Court*                      *CR9358*

ORDERED: Motion to Suspend Consideration of Petition for Review and to Remand for Further Evidentiary Development = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

**CR-10-0093-PR**  
(21)

**STATE OF ARIZONA v ALEXANDER JOEL HUERTA**  
*Court of Appeals Division Two*                      *2 CA-CR 09-0078*

ORDERED: Petition for Review of an Opinion by the Court of Appeals Division Two = DENIED.

**CR-10-0101-PR**  
(22)

**STATE OF ARIZONA v DAVID CHARLES HENRY**  
*Court of Appeals Division Two*                      *2 CA-CR 09-0035*

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



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**CV-10-0117-PR**  
(26)

**ANANT KUMAR TRIPATI v TOM FORWITH et al**  
*Court of Appeals Division One*                      *1 CA-CV 07-0255*

ORDERED: Petition for Review = DENIED.

**CV-10-0149-PR**  
(27)

**IRENE V. v ADES/ERICK M./JESUS V.**  
*Court of Appeals Division One*                      *1 CA-JV 09-0231*

ORDERED: Appellant Irene V.'s Petition for Review = DENIED.

**CR-10-0094-PR**  
(28)

**STATE OF ARIZONA v ALONSO PEREZ-PEREZ**  
*Court of Appeals Division One*                      *1 CA-CR 08-0689*

ORDERED: Petition for Review = DENIED.

**CR-10-0109-PR**  
(29)

**STATE OF ARIZONA v JOE ANTHONY LUNA**  
*Court of Appeals Division Two*                      *2 CA-CR 09-0346 PRPC*

ORDERED: Petition for Review = DENIED.

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**CR-10-0121-PR**  
(30)

**STATE OF ARIZONA v RALPH MANFRED FLOREK**  
*Court of Appeals Division One*                      *1 CA-CR 08-0824*

ORDERED: Petition for Review = DENIED.

**CR-10-0126-PR**  
(31)

**STATE OF ARIZONA v BILL BURHAN HANES**  
*Court of Appeals Division One*                      *1 CA-CR 08-1099*

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

**CR-10-0128-PR**  
(32)

**STATE OF ARIZONA v STEVEN D SZPYRKA**  
*Court of Appeals Division Two*                      *2 CA-CR 09-0275 PRPC*

ORDERED: Petition for Review by Arizona Supreme Court/Motion to Withdraw Rule 32 (Alternative) = DENIED.

**CV-10-0073-PR**  
(33)

**THOMAS DOBBEN v HON. HANNAH/STATE ex rel THOMAS**  
*Court of Appeals Division One*                      *1 CA-SA 10-0034*

ORDERED: Oral Argument Requested = CONTINUED.

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

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**CV-10-0081-PR**  
(34)

**MICHELL EICHER v ANDREW DIODATI**  
*Court of Appeals Division Two*                      *2 CA-CV 08-0188*

ORDERED: Petition for Review = DENIED.

**CV-10-0104-PR**  
(35)

**JOSEPH SOLIMENO et al v ABDULLAH YONAN et al**  
*Court of Appeals Division One*                      *1 CA-CV 09-0139*

ORDERED: Petition for Review = DENIED.

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

**CV-10-0107-PR**  
(36)

**HALE et al v HON. McMURDIE/STATE ex rel THOMAS**  
*Court of Appeals Division One*                      *1 CA-SA 10-0075*

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

**CV-10-0109-PR**  
(37)

**WILSHIRE INSURANCE CO v S.A.**  
*Court of Appeals Division One*                      *1 CA-CV 09-0170*

ORDERED: Petition for Review = DENIED.

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**CV-10-0112-PR**  
(38)

**LORRIE COHEN v ELLIOT COHEN**

*Court of Appeals Division One*

*1 CA-CV 08-0736*

ORDERED: Petition for Review = DENIED.

**CV-10-0208-PR**  
(39)

**HALE/MOTON v HON. McMURDIE/STATE ex rel ROMLEY**

*Court of Appeals Division One*

*1 CA-SA 10-0127*

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

**CR-10-0100-PR**  
(40)

**STATE OF ARIZONA v REYNEL AMADOR LUCERO JR**

*Court of Appeals Division One*

*1 CA-CR 08-0616*

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

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

**CR-10-0125-PR**  
(41)

**STATE OF ARIZONA v KENDALL LEE RAMSEY**

*Court of Appeals Division One*

*1 CA-CR 08-0602*

ORDERED: Petition for Review = DENIED.

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**CR-10-0136-PR**  
(42)

**STATE OF ARIZONA v PAULA ANN ROBERSON**  
*Court of Appeals Division One*                      *1 CA-CR 09-0066*

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

**CR-10-0142-PR**  
(43)

**STATE OF ARIZONA v KNYCEAULAS BROWN**  
*Court of Appeals Division Two*                      *2 CA-CR 08-0269*

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

**CR-10-0152-PR**  
(44)

**STATE OF ARIZONA v PAUL DAVID WINDSOR JR**  
*Court of Appeals Division Two*                      *2 CA-CR 09-0090*

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

**CR-10-0149-PR**  
(45)

**STATE OF ARIZONA v JEFFREY SHANE JOHNSON**  
*Court of Appeals Division One*                      *1 CA-CR 09-0217 PRPC*

ORDERED: Jeffrey Shane Johnson's Petition for Review = DENIED.

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**CV-10-0102-PR**  
(46)

**MARIANNE WALDOW et al v JAMES LAPORTA**  
*Court of Appeals Division One*                      *1 CA-CV 09-0022*

ORDERED: Appellant & Appellees' Joint Petition for Review (No Response will be Filed) = 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-10-0111-PR**  
(47)

**NORMAN FLOWER v JUDY FLOWER**  
*Court of Appeals Division One*                      *1 CA-CV 08-0234*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellee Norman Flower] = DENIED.

**CV-10-0121-PR**  
(48)

**DOW CHASAN/CYNTHIA CHASAN v FARMERS GROUP et al**  
*Court of Appeals Division One*                      *1 CA-CV 07-0323*

ORDERED: Chasans' Petition for Review = DENIED.

FURTHER ORDERED: Cross-Petition for Review = DENIED.

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**CV-10-0139-PR**      **UNITED METRO MATERIALS v US DEVELOPMENT LAND et al**  
(49)                      *Court of Appeals Division One*                      *1 CA-CV 09-0127*

ORDERED: Petition for Review = DENIED.

**CV-10-0181-PR**      **LANDRIGAN v HON. REA/Ryan/ADOC/STATE/GODDARD**  
(50)                      *Court of Appeals Division One*                      *1 CA-SA 10-0111*

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals (Death Penalty Case) = DENIED.

**CR-10-0092-PR**      **STATE OF ARIZONA v JAY BERNARD GILLILLAND**  
(51)                      *Court of Appeals Division Two*                      *2 CA-CR 07-0233*

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

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

**CR-10-0129-PR**      **STATE OF ARIZONA v XAVIER ROBERTO ARVIZU**  
(52)                      *Court of Appeals Division Two*                      *2 CA-CR 09-0095*

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

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**CR-10-0131-PR**  
(53)

**STATE OF ARIZONA v ROGER PUTZI**

*Court of Appeals Division Two*

*2 CA-CR 09-0252*

ORDERED: Petition for Review = DENIED.

**CR-10-0156-PR**  
(54)

**STATE OF ARIZONA v REBECCA SMITH**

*Court of Appeals Division Two*

*2 CA-CR 09-0150*

ORDERED: Defendant's Petition to the Supreme Court for Review of a Decision by the Court of Appeals = DENIED.

**CV-10-0097-PR**  
(55)

**ROGER PUTZI v HON. MUNGER/STATE**

*Court of Appeals Division Two*

*2 CA-SA 09-0083*

ORDERED: Petition for Review = DENIED.

**CV-10-0120-PR**  
(56)

**RICHARD S DOUGALL v MYRNA REYES DOUGALL**

*Court of Appeals Division Two*

*2 CA-CV 09-0058*

ORDERED: Appellant's Petition for Review = DENIED.



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**CV-10-0110-PR**  
(60)

**GECKO POOLS v BLACKHAWK HOLDINGS et al**  
*Court of Appeals Division One*                      *1 CA-CV 08-0757*

ORDERED: Petition for Review [Appellants Britt et al] = DENIED.

FURTHER ORDERED: Petition for Review [Appellee Gecko Pools] = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellee Gecko Pools] = DENIED.

**CV-10-0127-PR**  
(61)

**STATE OF ARIZONA v EAZY BAIL BONDS et al**  
*Court of Appeals Division One*                      *1 CA-CV 09-0278*

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

**CV-10-0135-PR**  
(62)

**RANCHO DEL SOL v HON. REEVES/MICHAEL J PERRY et al**  
*Court of Appeals Division One*                      *1 CA-SA 10-0055*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees and Costs [Real Parties Perry/Bracket et al] = DENIED.

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**CV-10-0138-PR**  
(63)

**ALEX STALLINGS et al v AHCCCS**

*Court of Appeals Division One*

*1 CA-CV 09-0264*

ORDERED: Petition for Review = DENIED.

**CV-10-0142-PR**  
(64)

**PRECISION HEAVY HAUL v TRAIL KING/CARLISLE**

*Court of Appeals Division One*

*1 CA-CV 08-0107*

ORDERED: Motion for Supplemental Briefing Re: Admissibility of Expert Opinion and Retroactive Application of Procedural Statute = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

**CV-10-0145-PR**  
(65)

**PATRICIA M AKSAMIT v GREG KRAHN**

*Court of Appeals Division One*

*1 CA-CV 08-0806*

ORDERED: Petition for Review = DENIED.

**CR-10-0133-PR**  
(66)

**STATE OF ARIZONA v JOHNATHON ALLEN STERKESON**

*Court of Appeals Division One*

*1 CA-CR 09-0058*

ORDERED: Petition for Review = DENIED.

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**CR-10-0164-PR**  
(67)

**STATE OF ARIZONA v MICHELLE MUNOZ**  
*Court of Appeals Division One*                      *1 CA-CR 09-0281*

ORDERED: Petition for Review = DENIED.

**CR-10-0172-PR**  
(68)

**STATE OF ARIZONA v HUBERT WASHINGTON**  
*Court of Appeals Division Two*                      *2 CA-CR 09-0098*

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

**CR-10-0176-PR**  
(69)

**STATE OF ARIZONA v DEAN FRANKLYN SOARES**  
*Court of Appeals Division One*                      *1 CA-CR 08-0358*

ORDERED: Petition for Review = DENIED.

**CR-10-0182-PR**  
(70)

**STATE OF ARIZONA v ALVIN J SWEENEY**  
*Court of Appeals Division One*                      *1 CA-CR 08-0775*

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

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**CV-10-0131-PR**  
(71)

**DAVID MICHAEL ZUPAN v HON. RICHARD NICHOLS/STATE**  
*Court of Appeals Division Two*                      *2 CA-SA 10-0010*

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

**CV-10-0229-PR**  
(72)

**STATE v HON. NICHOLS/ROBERT ERGONIS**  
*Court of Appeals Division Two*                      *2 CA-SA 10-0021*

ORDERED: Motion for Stay of Proceedings [sic] = DENIED.

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

**CR-10-0017-PR**  
(73)

**STATE OF ARIZONA v CESAR MONTES**  
*Court of Appeals Division Two*                      *2 CA-CR 08-0148*

ORDERED: Petition for Review to Arizona Supreme Court = 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.

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**CR-10-0112-PR**  
(74)

**STATE OF ARIZONA v GARY DWAYNE SKAGGS**  
*Court of Appeals Division Two*                      *2 CA-CR 07-0136*

ORDERED: Petition for Review = DENIED.

Vice Chief Justice Hurwitz voted to grant review.



**The foregoing action was taken by the Arizona Supreme Court on Tuesday, September 21, 2010.**

\_\_\_\_\_ **Date:** \_\_\_\_\_  
**Rebecca White Berch, Chief Justice**