

**MINUTES**  
*Arizona Supreme Court*  
**Tuesday, February 8, 2011**

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No. 3155

**CR-10-0262-PR**

**STATE OF ARIZONA v DWAYNE ALVIN PITRE**

(1)

*Court of Appeals Division One*

*1 CA-CR 09-0321 PRPC*

ORDERED: Petition for Review = DENIED.

**CV-10-0279-PR**

**NASHAWN CAMPBELL v HON. KEMP/STATE ex rel ROMLEY**

(2)

*Court of Appeals Division One*

*1 CA-SA 10-0185*

ORDERED: Request for Oral Argument = DENIED.

FURTHER ORDERED: Petition for Review by the Arizona Supreme Court of a Special Action Decision of the Court of Appeals (Oral Argument Requested) = DENIED.

**CV-10-0312-PR**

**25TH STREET INDUSTRIAL v EMC INTERNATIONAL**

(3)

*Court of Appeals Division One*

*1 CA-CV 09-0363*

ORDERED: Appellant's Petition for Review = DENIED.

**CV-10-0314-PR**

**ANDERSON/MOORE v MATADOR MEXICAN FOOD et al**

(4)

*Court of Appeals Division One*

*1 CA-CV 09-0254*

ORDERED: Petition for Review = DENIED.

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No. 3155

**CV-10-0316-PR**  
(5)

**IN RE AMBER S.**

*Court of Appeals Division One*

*1 CA-JV 10-0061*

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

**CV-10-0324-PR**  
(6)

**AMERICAN ASPHALT v CMX LLC/CMX GROUP INC**

*Court of Appeals Division One*

*1 CA-CV 09-0634*

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.

FURTHER ORDERED: The Committee on Superior Courts is invited to file a Brief Amicus Curiae.

**CR-10-0232-PC**  
(7)

**STATE OF ARIZONA v DONALD EDWARD BEATY**

*Maricopa County Superior Court*

*CR0000-140790*

ORDERED: Request for Oral Argument = DENIED.

FURTHER ORDERED: Petition for Review (Oral Argument Requested) = DENIED.

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**CR-10-0280-PR**                    **STATE OF ARIZONA v CASSIUS CLAYTON WHITEHEAD**  
(8)                                    *Court of Appeals Division Two*                    *2 CA-CR 09-0110*

Separate Order.

**CR-10-0309-PR**                    **STATE OF ARIZONA v MICHAEL QUINCY HUMMONS**  
(9)                                    *Court of Appeals Division Two*                    *2 CA-CR 09-0281*

ORDERED: Petition for Review to the Arizona Supreme Court = 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-10-0328-PR**                    **STATE OF ARIZONA v RICHARD JOSEPH COATES**  
(10)                                   *Court of Appeals Division Two*                    *2 CA-CR 09-0351*

ORDERED: Petition for Review = DENIED.

**CR-10-0343-PR**                    **STATE OF ARIZONA v JESUS GRANT GARCIA**  
(11)                                   *Court of Appeals Division Two*                    *2 CA-CR 09-0278*

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

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**CV-10-0310-PR**  
(12)

**MELINDA PRESTON v CITY OF TUCSON**

*Court of Appeals Division Two*

*2 CA-CV 09-0090*

ORDERED: Petition for Review = DENIED.

**CV-10-0203-PR**  
(13)

**STATE v AZ NAVIGABLE STREAM ADJUDICATION et al**

*Court of Appeals Division One*

*1 CA-CV 07-0704*

ORDERED: Arizona Navigable Stream Adjudication Commission's Petition for Review by the Supreme Court = DENIED.

FURTHER ORDERED: Cemex Cement, Inc.'s Petition for Review = DENIED.

FURTHER ORDERED: Salt River Project's Petition for Review = DENIED.

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

FURTHER ORDERED: Request for Attorneys' Fees [Appellants Defenders of Wildlife/Steuter/Gasse/Vaaler] = DENIED.

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**CV-10-0301-PR**  
(14)

**NORTH & CO et al v KOHNER et ux/POLESE et ux**  
*Court of Appeals Division One*                      *1 CA-CV 09-0652*

ORDERED: Motion for Leave to File Separate Supplemental Appendix of Record = GRANTED

FURTHER ORDERED: Motion to Strike, Appellants' Motion for Leave to File Separate Supplemental Appendix of Record = DENIED.

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

**CR-10-0323-PR**  
(15)

**STATE OF ARIZONA v ARMANDO ESTRADA III**  
*Court of Appeals Division Two*                      *2 CA-CR 09-0246*

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

**CR-10-0326-PR**  
(16)

**STATE OF ARIZONA v NOEL OMAR RIOS**  
*Court of Appeals Division One*                      *1 CA-CR 06-0810*

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

**CR-10-0345-PR**  
(17)

**STATE OF ARIZONA v GUSTAVO MENDOZA-RUIZ**  
*Court of Appeals Division One*                      *1 CA-CR 09-0560*

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

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No. 3155

**CV-10-0318-PR**  
(18)

**CHAPMAN/PORTER v JAMES/MELODY THURBER**  
*Court of Appeals Division Two*                      *2 CA-CV 09-0155*

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

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

**CV-10-0321-PR**  
(19)

**DAVID HAMILL v MID-CENTURY INSURANCE COMPANY**  
*Court of Appeals Division Two*                      *2 CA-CV 10-0044*

ORDERED: Petition for Review = DENIED.

**CV-10-0322-PR**  
(20)

**CARDINAL & SACHEL v CURTISS/ESTATE OF CURTISS**  
*Court of Appeals Division Two*                      *2 CA-CV 09-0163*

ORDERED: Appellant's Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorney's Fees [Appellant Cardinal &  
Stachel PC] = DENIED.

**CV-10-0282-PR**  
(21)

**BRADFORD D LUND et al v HON. DONAHOE/MILLER et al**  
*Court of Appeals Division One*                      *1 CA-SA 10-0175*

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

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**CV-10-0327-PR**                      **MOREHART/DUFFY v HON. BARTON/STATE/MILLER**  
(22)                                      *Court of Appeals Division One*                      *1 CA-SA 10-0126*

ORDERED: Petition for Review of a Special Action Decision by 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. The parties are requested to address whether the Defendant had a right to be present at the hearing. See *State v. Dann*, 205 Ariz. 557 (2003).

**CV-10-0333-PR**                      **NIELSON et al v HON. HICKS/CITY OF ST JOHNS et al**  
(23)                                      *Court of Appeals Division One*                      *1 CA-SA 10-0131*

ORDERED: Petition for Review = DENIED.

**CV-10-0335-PR**                      **COURTNEY N. v ADES/M.C./E.C.**  
(24)                                      *Court of Appeals Division One*                      *1 CA-JV 10-0043*

ORDERED: Petitioner's Petition for Review = DENIED.

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No. 3155

**CR-10-0306-PR**  
(25)

**STATE OF ARIZONA v WEST**  
*Court of Appeals Division Two*

*2 CA-CR 08-0342*

ORDERED: Appellee Penny West's Petition for Review = GRANTED as to issues 1 and 2 only.

FURTHER ORDERED: Appellee Randall West's Petition for Review to 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.

**CR-10-0320-PR**  
(26)

**STATE OF ARIZONA v RAFAEL MARTINEZ**  
*Court of Appeals Division One*

*1 CA-CR 08-0924*

ORDERED: Petition for Review = DENIED.

**CV-10-0331-PR**  
(27)

**VICKIE PATAKI v JEFFREY/CHRISTINE LINEHAN**  
*Court of Appeals Division Two*

*2 CA-CV 10-0081*

Separate Order.

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No. 3155

**CR-10-0266-PR**  
(28)

**STATE OF ARIZONA v JOHN GEORGE PONSART JR**  
*Court of Appeals Division Two*                      *2 CA-CR 09-0205*

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

**CR-10-0288-PR**  
(29)

**STATE OF ARIZONA v JAIME R ESPINOZA**  
*Court of Appeals Division Two*                      *2 CA-CR 10-0114 PRPC*

ORDERED: Petition for Further Review from Denial of Post-Conviction Relief = DENIED.

**CV-10-0073-PR**  
(30)

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

ORDERED: Oral Argument Requested = DENIED.

FURTHER ORDERED: Petition for Review of Special Action Decision of the Court of Appeals = GRANTED. This case is remanded to the superior court for further consideration in light of State v. Montes, 2011 WL 222121.

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No. 3155

**CV-10-0234-PR**  
(31)

**NATIONAL BANK v HON. LEE/ROBERT T LAMB**

*Court of Appeals Division Two*

*2 CA-CV 09-0158*

ORDERED: Notice of Settlement and Request for Order [treated as Motion to Vacate Judgments and Remand C20093233] = DENIED.

The Court having been advised that this matter is settled, the petition for review is dismissed. The parties may present their settlement to the superior court for such action as is warranted.