

# MINUTES

No. 5036

En Banc

*Arizona Supreme Court*  
**Tuesday, March 15, 2016**

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**CR-15-0223-PR**

(1)

**STATE OF ARIZONA v JUAN ALVARADO CHACON**

*Court of Appeals, Division Two*                      2 CA-CR 14-0150

ORDERED: Petition for Review = DENIED.

**CR-15-0238-PR**

(2)

**STATE OF ARIZONA v KEVIN MICHAEL TAUBMAN**

*Court of Appeals, Division One*                      1 CA-CR 14-0017

ORDERED: Petition for Review = DENIED.

**CR-15-0251-PR**

(3)

**STATE OF ARIZONA v MATTHEW ALAN MORRIS**

*Court of Appeals, Division One*                      1 CA-CR 14-0240

ORDERED: Petition for Review of Appellate Decision = DENIED.

**CR-15-0335-PR**

(4)

**STATE OF ARIZONA v GUILLERMO ORTEGA III**

*Court of Appeals, Division Two*                      2 CA-CR 14-0202

ORDERED: Petition for Review Arizona Supreme Court = DENIED.

# MINUTES

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En Banc

*Arizona Supreme Court*  
Tuesday, March 15, 2016

---

**CV-15-0242-PR**

(5)

**JERRY COCKHEARN et al v HON. KREAMER/STATE**

*Court of Appeals, Division One*

*1 CA-SA 15-0155*

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

**CV-15-0290-PR**

(6)

**LORI LEE SHEETS v HON. MEAD/REYNOLDS**

*Court of Appeals, Division One*

*1 CA-SA 15-0042*

ORDERED: Petition for Review = DENIED.

Justices Timmer and Bolick voted to grant review.

**CV-15-0331-PR**

(7)

**PATRICIA BEARY v HON. FRENCH/HENDRICKSON et al**

*Court of Appeals, Division One*

*1 CA-SA 15-0257*

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

**CV-15-0337-PR**

(8)

**ROBERTO F. v DCS/JIMMY S./TRACIE H./L.F./I.A**

*Court of Appeals, Division One*

*1 CA-JV 13-0209*

ORDERED: Petition for Review = DENIED.

# MINUTES

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---

**CV-15-0346-PR**  
(9)

**YHOSSIRIS C. v DCS/A.T./A.C.**

*Court of Appeals, Division One*

*1 CA-JV 15-0059*

ORDERED: Petition for Review = DENIED.

**CV-16-0003-PR**  
(10)

**JOHN N. v DEPARTMENT OF CHILD SAFETY/N.N.**

*Court of Appeals, Division Two*

*2 CA-JV 15-0163*

ORDERED: Petition for Review = DENIED.

**CR-15-0270-PC**  
(11)

**STATE OF ARIZONA v DARREL PETER PANDELI**

*Maricopa County Superior Court*

*CR1993-008116*

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-15-0283-PR**  
(12)

**STATE OF ARIZONA v CHRIS EVERETT WILLIAMSON**

*Court of Appeals, Division Two*

*2 CA-CR 14-0008*

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

# MINUTES

No. 5036

En Banc

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**Tuesday, March 15, 2016**

---

**CR-15-0301-PR**  
(13)

**STATE OF ARIZONA v ROBIN PEOPLES**

*Court of Appeals, Division Two*                      2 CA-CR 14-0408

ORDERED: Petition for Review to 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.

**CV-15-0241-PR**  
(14)

**DANIEL SANDOVAL et al v CITY OF TEMPE**

*Court of Appeals, Division One*                      1 CA-CV 14-0245

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Cross-Petition for Review = DENIED.

Justice Bolick voted to grant review on the Cross-Petition for Review.

**CV-15-0269-PR**  
(15)

**HARRIS et al v HON. BRAIN/HOLDEN/GUYNN**

*Court of Appeals, Division One*                      1 CA-SA 15-0125

ORDERED: Petition for Review = DENIED.

# MINUTES

No. 5036

En Banc

*Arizona Supreme Court*  
**Tuesday, March 15, 2016**

---

**CV-15-0270-PR**  
(16)

**LISA GURTLER v ICA/CITY OF SCOTTSDALE**

*Court of Appeals, Division One*

*1 CA-IC 13-0052*

ORDERED: Petitioner's Petition for Review = DENIED.

**CV-15-0287-PR**  
(17)

**WILLIAM R CHEATHAM/HUEY v SAL DICICCIO et al**

*Court of Appeals, Division One*

*1 CA-CV 13-0364*

*1 CA-CV 14-0135*

ORDERED: Petitioner Phoenix Law Enforcement Association's Petition for Review = GRANTED.

FURTHER ORDERED: Request for Attorneys' fees (Appellees Cheatham/Huey) = 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 Bolick did not participate in the determination of this matter.

# MINUTES

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---

**CV-15-0390-PR**                      **OPHELIA ANTHONY v HON. WILKINS/CHRISTOPHER ANTHONY**  
(18)                                      *Court of Appeals, Division One*                      *1 CA-SA 15-0237*

ORDERED: Petitioner's Motion for Stay = DENIED.

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

FURTHER ORDERED: Request for Attorneys' Fees (Real Party C. Anthony) = DENIED.

**CR-15-0338-PR**                      **STATE OF ARIZONA v VANCE EDWARD BRADLEY**  
(19)                                      *Court of Appeals, Division One*                      *1 CA-CR 14-0229*

ORDERED: Petition for Review = DENIED.

**CR-15-0430-PR**                      **STATE OF ARIZONA v STEPHEN RAY WILLIAMS**  
(20)                                      *Court of Appeals, Division Two*                      *2 CA-CR 14-0183*

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

**CV-15-0301-PR**                      **ORIGAMI OWL LLC/NINOX v THOMAS CONNELLY et ux**  
(21)                                      *Court of Appeals, Division One*                      *1 CA-CV 14-0075*

ORDERED: Appellants' Petition for Review = DENIED.

# MINUTES

No. 5036

En Banc

*Arizona Supreme Court*  
**Tuesday, March 15, 2016**

---

**CV-15-0308-PR**  
(22)

**KOOL RADIATORS INC v STEPHEN EVANS et ux/AEGIS**  
*Court of Appeals, Division One*                      *1 CA-CV 13-0756*

ORDERED: Petition for Review (Appellant D. Evans, Pro Se) = DENIED.

FURTHER ORDERED: Petition for Review (Appellant S. Evans, Pro Se) = DENIED.

**CV-15-0320-PR**  
(23)

**FRANK GAMBRELL et ux v IDS PROPERTY CASUALTY INS**  
*Court of Appeals, Division Two*                      *2 CA-CV 14-0147*

ORDERED: Petition for Review = DENIED.

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

FURTHER ORDERED: Request for Attorneys' Fees (Appellee IDS Property Casualty Insurance Company) = DENIED.

**CV-15-0322-PR**  
(24)

**CHRISTINE HAGUE v BILL HOUSTON INS/STEVENS et ux**  
*Court of Appeals, Division One*                      *1 CA-CV 13-0613*

ORDERED: Petition for Review = DENIED.

# MINUTES

No. 5036

En Banc

*Arizona Supreme Court*  
**Tuesday, March 15, 2016**

---

**CR-15-0265-PR**  
(25)

**STATE OF ARIZONA v RONALD JAMES SISCO II**

*Court of Appeals, Division Two*                      2 CA-CR 14-0181

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

FURTHER ORDERED: Consolidating with Arizona Supreme Court No. CR-15-0286-PR for purposes of oral argument only.

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-15-0286-PR**  
(26)

**STATE OF ARIZONA v IAN HARVEY CHEATHAM**

*Court of Appeals, Division One*                      1 CA-CR 14-0072

ORDERED: Petition for Review = GRANTED.

FURTHER ORDERED: Consolidating with Arizona Supreme Court No. CR-15-0265-PR for purposes of oral argument only.

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-15-0317-PR**  
(27)

**STATE OF ARIZONA v THOMAS LEE OLIVER**

*Court of Appeals, Division Two*                      2 CA-CR 14-0359

ORDERED: Petition for Review = CONTINUED.

# MINUTES

No. 5036

En Banc

*Arizona Supreme Court*  
**Tuesday, March 15, 2016**

---

**CR-15-0323-PR**  
(28)

**STATE OF ARIZONA v MATTHEW JONATHAN ANDERSON**  
*Court of Appeals, Division Two*                      2 CA-CR 15-0144 PRPC

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

**CR-15-0348-PR**  
(29)

**STATE OF ARIZONA v JERRY CHARLES HOLLE**  
*Court of Appeals, Division Two*                      2 CA-CR 14-0268

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

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

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

FURTHER ORDERED: The parties may file simultaneous supplemental briefs addressing both the Petition for Review and the Cross Petition for Review in a single brief, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter.

**CV-15-0311-PR**  
(30)

**IN RE MH2014-002674**  
*Court of Appeals, Division One*                      1 CA-MH 14-0073

ORDERED: Petition for Review = DENIED.

# MINUTES

No. 5036

En Banc

*Arizona Supreme Court*  
**Tuesday, March 15, 2016**

---

**CV-15-0327-PR**  
(31)

**KAREN GRUBAUGH v HON. BLOMO/LAWRENCE et al**  
*Court of Appeals, Division One*                      *1 CA-SA 15-0012*

ORDERED: Petition for Review = DENIED.

**CV-15-0376-PR**  
(32)

**JARED M./AMBER M. v DCS/A.M./M.M.**  
*Court of Appeals, Division One*                      *1 CA-JV 15-0085*

ORDERED: Petition for Review = DENIED.

**CR-15-0328-PR**  
(33)

**RODNEY CHRISTOPHER JONES v HON. AINLEY/POLK**  
*Court of Appeals, Division One*                      *1 CA-SA 15-0213*

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

# MINUTES

No. 5036

En Banc

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---

**CR-15-0380-PR**  
(34)

**STATE OF ARIZONA v ROBERT FISCHER**

*Court of Appeals, Division One*

*1 CA-CR 14-0183*

ORDERED: Petition for Review = GRANTED as to Issue 2 only.

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

FURTHER ORDERED: The parties may file simultaneous supplemental briefs on Issue 2 and also address whether this Court should reconsider its prior characterization that a trial court sits as a "thirteenth juror" in ruling on a motion for a new trial, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter.



**The foregoing action was taken by the Arizona Supreme Court on Tuesday, March 15, 2016.**

\_\_\_\_\_  
**Scott Bales, Chief Justice**

**Date:** \_\_\_\_\_