

MINUTES

No. 5987

En Banc

Arizona Supreme Court
Tuesday, March 20, 2018

CR-16-0202-PC

STATE OF ARIZONA v RICHARD HARLEY GREENWAY

(1)

Pima County Superior Court

CR20023911

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

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

CR-17-0452-PR

STATE OF ARIZONA v SOPHIA LEEANN RICHTER

(2)

Court of Appeals, Division Two

2 CA-CR 16-0141

ORDERED: The State of Arizona's Petition for Review = GRANTED on the following reframed issues: 1. Whether the court of appeals properly applied the "observation evidence" exception in *Clark v. Arizona*, 548 U.S. 735 (2006), in the context of a duress defense, and 2. Whether an abuser's constant threats of harm over a three-month period can constitute the "threat or use of immediate physical force" under A.R.S. §13-412(A) sufficient to permit the defendant to raise a duress defense to her allegedly ongoing abuse of her children.

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 April 9, 2018. Any amicus briefs are due on or before April 19, 2018, and any responses to amicus briefs are due on or before April 30, 2018.

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CV-17-0222-PR

(3)

THOMAS KOPP et al v PHYSICIAN GROUP OF AZ et al

Court of Appeals, Division One

1 CA-CV 16-0227

1 CA-CV 16-0228

1 CA-CV 16-0232

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 April 9, 2018. Any amicus briefs are due on or before April 19, 2018, and any responses to amicus briefs are due on or before April 30, 2018.

CV-17-0251-PR

(4)

DANTAN SALDANA v CHARLES RYAN/MARLENE COFFEY

Court of Appeals, Division Two

2 CA-CV 16-0204

ORDERED: Petition for Review = DENIED.

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Tuesday, March 20, 2018

CV-17-0280-PR
(5)

TWIN CITY FIRE INSURANCE COMPANY v GRACIELA LEIJA
Court of Appeals, Division One *1 CA-CV 16-0174*

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 April 9, 2018. Any amicus briefs are due on or before April 19, 2018, and any responses to amicus briefs are due on or before April 30, 2018.

CV-17-0294-PR
(6)

KEVIN/DANELLA LOVETT v SINGH/JYOTI
Court of Appeals, Division One *1 CA-CV 17-0429*

ORDERED: Petition for Review = DENIED.

CV-17-0302-PR
(7)

ARIZONA GRAND RESORT v HON. BUSTAMANTE/WNDG II
Court of Appeals, Division One *1 CA-SA 17-0255*

ORDERED: Petition for Review = DENIED.

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No. 5987

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CV-17-0325-PR
(8)

SUSAN RYAN v NAPIER/KLEIN

Court of Appeals, Division Two

2 CA-CV 16-0155

ORDERED: Petition for Review = GRANTED on issues 1, 2, and 3, and issue 4 reframed as, if Deputy Klein was entitled to assert a justification defense, did the trial court commit reversible error in instructing the jury that the Deputy bore the burden of proof under A.R.S. §13-409?

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 April 9, 2018. Any amicus briefs are due on or before April 19, 2018, and any responses to amicus briefs are due on or before April 30, 2018.

CR-17-0179-PR
(9)

STATE OF ARIZONA v MARK DEAN MORGAN

Court of Appeals, Division One

1 CA-CR 15-0737

ORDERED: Petition for Review = DENIED.

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

CR-17-0378-PR
(10)

STATE OF ARIZONA v J.V.

Court of Appeals, Division One

1 CA-CR 16-0526

ORDERED: Petition for Review = DENIED.

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

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CR-17-0443-PR
(11)

JULIO CESAR GARCIA-SOTO v HON. BLUFF/STATE/POLK
Court of Appeals, Division One *1 CA-SA 17-0152*

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

CR-17-0501-PR
(12)

STATE OF ARIZONA v RICHARD VELA
Court of Appeals, Division One *1 CA-CR 16-0534*

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

CR-17-0530-PR
(13)

SNYDER v HON. STARR/SCOTTSDALE CITY PROSECUTOR
Court of Appeals, Division One *1 CA-SA 17-0260*

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

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

CV-17-0244-PR
(14)

IN RE THE MARRIAGE OF LISA FERKO and GEORGE FERKO
Court of Appeals, Division Two *2 CA-CV 16-0036 FC*

ORDERED: Petition for Review = DENIED.

MINUTES

No. 5987

En Banc

Arizona Supreme Court
Tuesday, March 20, 2018

CV-17-0290-PR **HALLMARK INSURANCE v HON. McCARVILLE/HYDE et al**
(15) *Court of Appeals, Division Two* 2 CA-SA 17-0054

ORDERED: Petition for Review = DENIED.

CV-16-0280-PR **BARRETT JOHNSON v ALMIDA LAND & CATTLE CO**
(16) *Court of Appeals, Division One* 1 CA-CV 15-0416

ORDERED: Almida Land & Cattle Company, LLC's Petition for Review = CONTINUED.

CR-17-0165-PR **ANANDKUMAR JARIWALA v HON. MIKITISH/STATE**
(17) *Court of Appeals, Division One* 1 CA-SA 17-0107

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

CR-17-0208-PR **STATE OF ARIZONA v ANTHONY JAMES MERRICK**
(18) *Court of Appeals, Division One* 1 CA-CR 11-0834

ORDERED: Petition for Review = CONTINUED.

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Arizona Supreme Court
Tuesday, March 20, 2018

CR-17-0251-PR
(19)

STATE OF ARIZONA v ERICK ANTONIO ESCALANTE
Court of Appeals, Division One *1 CA-CR 15-0684*

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 April 9, 2018. Any amicus briefs are due on or before April 19, 2018, and any responses to amicus briefs are due on or before April 30, 2018.

CR-17-0304-PR
(20)

STATE OF ARIZONA v ALLEN MAX TEPPE
Court of Appeals, Division One *1 CA-CR 16-0294*

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

Vice Chief Justice Brutinel and Justice Timmer voted to grant review.

CR-17-0340-PR
(21)

STATE OF ARIZONA v DUSHAWN L SMITH
Court of Appeals, Division Two *2 CA-CR 16-0380*

ORDERED: Petition for Review = DENIED.

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CR-17-0353-PR
(22)

STATE OF ARIZONA v JONATHAN DERRICK McQUITTY
Court of Appeals, Division One *1 CA-CR 16-0505*

ORDERED: Petition for Review = DENIED.

CV-17-0239-PR
(23)

BNCCORP/BNC NATIONAL v HUB INTERNATIONAL et al
Court of Appeals, Division One *1 CA-CV 15-0708*

ORDERED: Petition for Review (Appellants BNCCORP) = DENIED.

FURTHER ORDERED: BNC National Bank's Petition for Review = DENIED.



The foregoing action was taken by the Arizona Supreme Court on Tuesday, March 20, 2018.

_____ **Date:** _____
Scott Bales, Chief Justice