

# MINUTES

No. 5912

En Banc

*Arizona Supreme Court*  
Tuesday, September 12, 2017

---

**CR-16-0049-PC**

**STATE OF ARIZONA v EUGENE ROBERT TUCKER**

(1)

*Maricopa County Superior Court*

*CR1999-015293*

ORDERED: Petition for Review of Summary Dismissal in Capital Post-Conviction Relief Proceeding = DENIED.

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

**CR-17-0033-PR**

**STATE OF ARIZONA v RAYMOND AVALOS**

(2)

*Court of Appeals, Division Two*

*2 CA-CR 15-0448*

ORDERED: Petition for Review = DENIED.

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

**CR-17-0104-PR**

**STATE OF ARIZONA v ED EAGLEMAN**

(3)

*Court of Appeals, Division One*

*1 CA-CR 15-0804*

ORDERED: Petition for Review = DENIED.

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

**CR-17-0105-PR**

**STATE OF ARIZONA v LOUIE THOMAS MACHADO**

(4)

*Court of Appeals, Division Two*

*2 CA-CR 16-0355 PRPC*

ORDERED: Petition for Review = DENIED.

# MINUTES

No. 5912

En Banc

*Arizona Supreme Court*  
Tuesday, September 12, 2017

---

**CR-17-0106-PR**

**STATE OF ARIZONA v MACHO JOE WILLIAMS**

(5)

*Court of Appeals, Division Two*

*2 CA-CR 16-0359 PRPC*

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

**CR-17-0133-PR**

**PHILIP BRAILSFORD v HON. FOSTER/STATE OF ARIZONA**

(6)

*Court of Appeals, Division One*

*1 CA-SA 17-0010*

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

**CR-17-0137-PR**

**STATE OF ARIZONA v JEREMY DAVID MILLIS**

(7)

*Court of Appeals, Division Two*

*2 CA-CR 15-0368*

ORDERED: Petition for Review = DENIED.

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

**CR-17-0151-PR**

**DARIO ULYSSES BOTELLO v HON. STARR/STATE OF AZ**

(8)

*Court of Appeals, Division One*

*1 CA-SA 17-0057*

ORDERED: Petition for Review = DENIED.

# MINUTES

No. 5912

En Banc

*Arizona Supreme Court*  
Tuesday, September 12, 2017

---

**CR-17-0161-PR**  
(9)

**STATE OF ARIZONA v BRADLEY CORWIN BINKLEY**  
*Court of Appeals, Division Two*                      2 CA-CR 17-0072 PRPC

ORDERED: Petition for Review = DENIED.

**CR-17-0166-PR**  
(10)

**STATE OF ARIZONA v PAUL PATRICK WAYNE CLOW**  
*Court of Appeals, Division One*                      1 CA-CR 16-0033

ORDERED: Clow Petition for Review = DENIED.

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

**CR-17-0167-PR**  
(11)

**STATE OF ARIZONA v EDUARDO HERNANDEZ**  
*Court of Appeals, Division Two*                      2 CA-CR 17-0019 PRPC

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



# MINUTES

No. 5912

En Banc

*Arizona Supreme Court*  
Tuesday, September 12, 2017

---

**CV-17-0119-PR**  
(15)

**BUTLER LAW et al v HON. HIGGINS/WINSLOW MEMORIAL**  
*Court of Appeals, Division One*                      *1 CA-SA 17-0073*

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = GRANTED on the following issues as reframed by the Court:

1. Whether a limited liability company constitutes an “other corporation[]” for purposes of the venue exception in A.R.S. section 12-401(18).
2. Whether a law firm’s fee agreement may constitute a contract “in writing to perform an obligation in one county” binding against the partners of such firm so as to subject them to the venue exception in A.R.S. section 12-401(5).

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-17-0144-PR**  
(16)

**GILLESPIE & ASSOCIATES v WALLACE/GARCIA et al**  
*Court of Appeals, Division One*                      *1 CA-CV 15-0566*

ORDERED: Petition for Review = DENIED.

# MINUTES

No. 5912

En Banc

*Arizona Supreme Court*  
Tuesday, September 12, 2017

---

**CR-16-0511-PR**  
(17)

**STATE OF ARIZONA v CRAIG VICTOR COLEMAN**  
*Court of Appeals, Division Two*                      2 CA-CR 15-0419

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

Justices Timmer and Bolick voted to grant review.

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

**CR-17-0010-PR**  
(18)

**STATE OF ARIZONA v ROBERT JAMES BURKE**  
*Court of Appeals, Division One*                      1 CA-CR 15-0583

ORDERED: Petition for Review = DENIED.

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

**CR-17-0041-PR**  
(19)

**STATE OF ARIZONA v ALBERTO MARTINEZ**  
*Court of Appeals, Division Two*                      2 CA-CR 16-0233

Separate Order.

**CR-17-0088-PR**  
(20)

**STATE OF ARIZONA v CHARLES TAYLOR CROCKETT**  
*Court of Appeals, Division One*                      1 CA-CR 14-0723 PRPC

ORDERED: Petition for Review = DENIED.

# MINUTES

No. 5912

En Banc

*Arizona Supreme Court*  
Tuesday, September 12, 2017

---

**CR-17-0111-PR**  
(21)

**STATE OF ARIZONA v OTIS LEE GRIFFIN**

*Court of Appeals, Division Two*                      2 CA-CR 16-0105

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

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

**CR-17-0118-PR**  
(22)

**STATE OF ARIZONA v JOSE ELIGIO LEYVA**

*Court of Appeals, Division Two*                      2 CA-CR 16-0386 PRPC

ORDERED: Petition for Review to Supreme Court = DENIED.

**CR-17-0181-PR**  
(23)

**STATE OF ARIZONA v TERRY DALE JAMES**

*Court of Appeals, Division Two*                      2 CA-CR 15-0447

ORDERED: Petition for Review = DENIED.

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

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

**CR-17-0182-PR**  
(24)

**NHA TRANH TRAN v HON. BREARCLIFFE/STATE**

*Court of Appeals, Division Two*                      2 CA-SA 17-0019

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



# MINUTES

No. 5912

En Banc

*Arizona Supreme Court*  
Tuesday, September 12, 2017

---

**CV-17-0038-PR**  
(27)

**HARESH MIRCHANDANI v BMO HARRIS BANK**  
*Court of Appeals, Division One*                      1 CA-CV 15-0368

ORDERED: Petition for Review = DENIED.

**CV-17-0082-PR**  
(28)

**MARICRUZ ZULUAGA v BASHAS' INC**  
*Court of Appeals, Division Two*                      2 CA-CV 16-0104

ORDERED: Petition for Review = DENIED.

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

**CV-17-0092-PR**  
(29)

**STATE ex rel BRNOVICH v GLORIA I GONZALEZ**  
*Court of Appeals, Division Two*                      2 CA-CV 16-0152

ORDERED: Petition for Review = DENIED.

Justice Bolick voted to grant review.

**CV-17-0124-PR**  
(30)

**AZ CANNABIS NURSES ASSOC v AZ DEPT OF HEALTH**  
*Court of Appeals, Division One*                      1 CA-CV 15-0638

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant AZ Cannabis Nurses Association) = DENIED.

# MINUTES

No. 5912

En Banc

*Arizona Supreme Court*  
Tuesday, September 12, 2017

---

**CV-17-0118-PR**  
(31)

**GRISELDA C.-B. v DCS/H.C.-L./L.C.-L.**

*Court of Appeals, Division Two*

2 CA-JV 15-0009

ORDERED: Motion to Expand Record = DENIED.

FURTHER ORDERED: Motion for Response from Children's Counsel = DENIED.

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

Justice Gould voted to grant review on issues (1) and (2).

**CV-17-0130-PR**  
(32)

**BIGGS et al v BETLACH/MACIAS et al**

*Court of Appeals, Division One*

1 CA-CV 15-0743

ORDERED: Petition for Review of Opinion of 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.

FURTHER ORDERED: Request for Attorneys' Fees (Appellants Biggs et al) = CONTINUED.

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

# MINUTES

No. 5912

En Banc

*Arizona Supreme Court*  
Tuesday, September 12, 2017

---

**CV-17-0135-PR**  
(33)

**VARCO INC/RW WAREHOUSE v UNS ELECTRIC INC**  
*Court of Appeals, Division Two*                      2 CA-CV 16-0144

ORDERED: Petition for Review = DENIED.

**CV-17-0153-PR**  
(34)

**ADAM GERSTEN v SUN PAIN MANAGEMENT/BURNS**  
*Court of Appeals, Division One*                      1 CA-CV 15-0635

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

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Gursten) = DENIED.

**CV-17-0158-PR**  
(35)

**JUSTIN TAIT MITTON v CANDICE H MITTON**  
*Court of Appeals, Division One*                      1 CA-CV 15-0769 FC

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.

FURTHER ORDERED: Request for Costs (Appellee C. Mitton) = GRANTED.

Justice Gould voted to grant review.

# MINUTES

No. 5912

En Banc

*Arizona Supreme Court*  
Tuesday, September 12, 2017

---

**CV-17-0159-PR**  
(36)

**AMERON NATIONAL TRUST v CHRISTIANA TRUST et al**  
*Court of Appeals, Division One*                      *1 CA-CV 16-0132*

ORDERED: Petition for Review - (De Novo) = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Ameron National Trust) = DENIED.

**CV-17-0163-PR**  
(37)

**DIGITAL SYSTEMS ENGINEERING v MORENO/BRUCE-MORENO**  
*Court of Appeals, Division One*                      *1 CA-CV 16-0156*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellants Moreno/Bruce-Moreno) = GRANTED.

**CV-17-0164-PR**  
(38)

**STATE OF ARIZONA v AZTECA BAIL BONDS et al**  
*Court of Appeals, Division One*                      *1 CA-CV 16-0300*

ORDERED: Appellants' Petition for Review = DENIED.

# MINUTES

No. 5912

En Banc

*Arizona Supreme Court*  
**Tuesday, September 12, 2017**

---

**CV-17-0166-PR**  
(39)

**GREEN CROSS MEDICAL v JOHN V GALLY**

*Court of Appeals, Division One*

*1 CA-CV 16-0019*

ORDERED: Rule 21(c) Motion to Review Appellee's Objections to Award of Attorneys' Fees on Appeal = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Gally) = DENIED

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Green Cross Medical Inc) = DENIED.

**CR-17-0061-PR**  
(40)

**STATE OF ARIZONA v THOMAS L DEAN**

*Court of Appeals, Division Two*

*2 CA-CR 15-0392*

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

Justice Gould voted to grant review on Issues (1) and (2).

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

**CR-17-0099-PR**  
(41)

**STATE OF ARIZONA v IRVIN DARRYL WILLIAMS SR**

*Court of Appeals, Division One*

*1 CA-CR 16-0056*

ORDERED: Petition for Review = DENIED.

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

# MINUTES

No. 5912

En Banc

*Arizona Supreme Court*  
Tuesday, September 12, 2017

---

**CR-17-0113-PR**  
(42)

**DARNELL ALVAREZ v HON. SANDERS/STATE/BLAKE**  
*Court of Appeals, Division One*                      *1 CA-SA 17-0031*

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

**CR-17-0326-PR**  
(43)

**STATE OF ARIZONA v HON. GATES/APOLINAR ALTAMIRANO**  
*Court of Appeals, Division One*                      *1 CA-SA 17-0182*

ORDERED: Petition for Review of a Special Action Order of 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.

**CV-17-0047-PR**  
(44)

**NOREEN PASSMORE et vir v JAMES W MCCARVER et al**  
*Court of Appeals, Division One*                      *1 CA-CV 15-0420*

ORDERED: Petition for Review = DENIED.

# MINUTES

No. 5912

En Banc

*Arizona Supreme Court*  
Tuesday, September 12, 2017

---

**CV-17-0087-PR**  
(45)

**HELVETICA SERVICING v JOSEPH J GIRAUDO**

*Court of Appeals, Division One*

*1 CA-CV 15-0490*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant/Cross-Appellee Giraudo) = DENIED.

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

**CV-17-0098-PR**  
(46)

**AMBERWOOD DEVELOPMENT et al v SWANN'S GRADING**

*Court of Appeals, Division One*

*1 CA-CV 15-0786*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellees/Cross-Appellants Amberwood Development et al) = DENIED.

# MINUTES

No. 5912

En Banc

*Arizona Supreme Court*  
Tuesday, September 12, 2017

---

**CV-17-0109-PR**  
(47)

**MERTOLA LLC v ALBERTO J SANTOS/ARLENE SANTOS**  
*Court of Appeals, Division One*                      *1 CA-CV 16-0168*

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 20 days from the date of this Court's Minute Letter.

FURTHER ORDERED: Request for Attorneys' Fees (Appellees Santos) = CONTINUED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Mertola LLC) = CONTINUED.

**CV-17-0199-PR**  
(48)

**TASHA T. v DCS/C.T./G.T./S.T./S.T./C.T.**  
*Court of Appeals, Division One*                      *1 CA-JV 16-0300*

ORDERED: Appellant's Petition for Review = DENIED.

**CV-17-0226-PR**  
(49)

**STATE OF ARIZONA v KYLE HARRIS ROBINSON**  
*Court of Appeals, Division One*                      *1 CA-CV 17-0217*

ORDERED: Motion to Consolidate = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

# MINUTES

No. 5912

En Banc

*Arizona Supreme Court*  
Tuesday, September 12, 2017

---

**CV-16-0280-PR**  
(50)

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

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

**CR-17-0095-PR**  
(51)

**STATE OF ARIZONA v CLAYTON PAUL FARNSWORTH**  
*Court of Appeals, Division Two*                      *2 CA-CR 15-0382*

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

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



The foregoing action was taken by the Arizona Supreme Court on Tuesday, September 12, 2017.

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