



# MINUTES

No. 5028

En Banc

*Arizona Supreme Court*  
Tuesday, October 27, 2015

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**CV-15-0098-PR**

**DEMETRIUS ANTWON WILSON v HON. BERGIN/STATE**

(4)

*Court of Appeals, Division One*

*1 CA-SA 15-0064*

ORDERED: Petitioner Motion the Arizona Supreme Court, on March 30, 2015, the Petitioner filed a Petition for Review, Petitioner is now sending the Special Action I.L.S. has Finally Released that's a Little Different from Original that was sent to Supreme Court. Petitioner wants both Special Action in Front of the Supreme Court so it want (sic) be no Discrepanices (sic) (Treated as Petitioner's Motion to Place Special Action in Front of Supreme Court) = DENIED.

FURTHER ORDERED: Petitioner Motion Court Concerning LC2015-000161-001 CR2013-001167-001 = DENIED.

FURTHER ORDERED: Motion for Ruling on Petition for Review and Case Status (Petitioner Wilson, Pro Se) = DENIED.

FURTHER ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals Division One No. 1 CA-SA 15-0064 = DENIED.

**CV-15-0108-PR**

**CYNTHIA CROSS v HON. KREAMER/STATE**

(5)

*Court of Appeals, Division One*

*1 CA-SA 15-0056*

ORDERED: Request for Oral Argument = DENIED.

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

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**CV-15-0114-PR**

(6)

**CCI EUROPE INC v ARIZONA DEPARTMENT OF REVENUE**

*Court of Appeals, Division One*

*1 CA-TX 13-0002*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee CCI Europe Inc)  
= GRANTED.

Justice Timmer voted to grant review.

**CV-15-0129-PR**

(7)

**MATTHEW SCHEREMETA v HON. FINK/STATE**

*Court of Appeals, Division One*

*1 CA-SA 15-0070*

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

**CV-15-0131-PR**

(8)

**LINDA S MASARYK v MENDELSON CONSTRUCTION**

*Court of Appeals, Division One*

*1 CA-CV 13-0085*

ORDERED: Petition for Review = DENIED.

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

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**CV-15-0134-PR**  
(9)

**STATE OF ARIZONA ex rel v HON. WELTY/NOONKESTER**  
*Court of Appeals, Division One*                      *1 CA-SA 15-0084*

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

**CV-15-0234-PR**  
(10)

**JEREMY V. v JUDITH H./K.V.**  
*Court of Appeals, Division One*                      *1 CA-JV 14-0274*

ORDERED: Petition for Review = CONTINUED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Jeremy V.) = CONTINUED.

**CR-15-0140-PR**  
(11)

**STATE OF ARIZONA v HORACIO LOMELI**  
*Court of Appeals, Division Two*                      *2 CA-CR 14-0018*

ORDERED: Petition for Review by Supreme Court = DENIED.

**CR-15-0183-PR**  
(12)

**STATE OF ARIZONA v JOSEPH GABRIEL LOPEZ**  
*Court of Appeals, Division Two*                      *2 CA-CR 15-0045 PRPC*

ORDERED: Petition for Review = DENIED.

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**CR-15-0189-PR**  
(13)

**STATE OF ARIZONA v BRADLEY ALAN SCHWARTZ**  
*Court of Appeals, Division Two*                      2 CA-CR 15-0033 PRPC

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

**CR-15-0222-PR**  
(14)

**STATE v FRANCISCO L ENCINAS VALENZUELA**  
*Court of Appeals, Division Two*                      2 CA-CR 14-0169

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.

**CV-15-0122-PR**  
(15)

**RUSSELL PICCOLI PLC v O'DONNELL**  
*Court of Appeals, Division One*                      1 CA-CV 13-0554

ORDERED: Petition for Review = DENIED.

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

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**CV-15-0143-PR**  
(16)

**APOLINAR ALTAMIRANO v HON. GASS/STATE**  
*Court of Appeals, Division One*                      *1 CA-SA 15-0092*

ORDERED: Petition for Review = DENIED.

**CV-15-0154-PR**  
(17)

**MELANIE RAE WINTER v HON. MYERS/STATE**  
*Court of Appeals, Division One*                      *1 CA-SA 15-0111*

ORDERED: Motion to Consolidate Petition for Review of a Special Action Decision of the Court of Appeals (CV-15-0154-PR and CV-15-0175-PR) = DENIED.

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

**CV-15-0170-PR**  
(18)

**BNSF RAILWAY COMPANY v SEATS INCORPORATED**  
*Court of Appeals, Division One*                      *1 CA-CV 14-0002*

ORDERED: Petition for Review of Court of Appeals Opinion Dated May 5, 2015 = DENIED.

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**CV-15-0175-PR**      **AARON MILLER v HON. KEMP/STATE ex rel MONTGOMERY**  
(19)                      *Court of Appeals, Division One*                      *1 CA-SA 15-0104*

ORDERED: Motion to Consolidate Petition for Review (CV-15-0175-PR and CV-15-0154-PR) = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

**CV-15-0176-PR**      **STATE v HON. SIMMONS/ZUCK/LEBER/PLUCINSKI**  
(20)                      *Court of Appeals, Division Two*                      *2 CA-SA 15-0016*

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

**CV-15-0191-PR**      **ANTHONY JAMES MERRICK v DOMINICK HURLEY et al**  
(21)                      *Court of Appeals, Division One*                      *1 CA-CV 14-0259*

ORDERED: Petition for Review = DENIED.

**M-15-0047**              **ASHISH DAVID v HON. MROZ/STATE ex rel MONTGOMERY**  
(22)                      *Court of Appeals, Division One*                      *1 CA-SA 15-0188*

ORDERED: The Court declines to accept jurisdiction of the Petition for Special Action.

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**CR-15-0100-PR**  
(23)

**STATE OF ARIZONA v GUSTAV RAY BLAND**

*Court of Appeals, Division Two*                      2 CA-CR 14-0065

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

**CR-15-0186-PR**  
(24)

**STATE OF ARIZONA v BENNY GENARO TREJO**

*Court of Appeals, Division One*                      1 CA-CR 14-0097

ORDERED: Untitled Document (Treated as Petition for Review) = DENIED.

**CV-15-0130-PR**  
(25)

**KEVIN T AHERN v LINDA K LEVITT**

*Court of Appeals, Division One*                      1 CA-CV 13-0763 FC

ORDERED: Petition for Review = DENIED.

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

**CV-15-0139-PR**  
(26)

**JONATHAN BERTANELLI v HON. HARRINGTON/STATE**

*Court of Appeals, Division Two*                      2 CA-SA 15-0024

ORDERED: Petition for Review = DENIED.

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**CV-15-0182-PR**  
(27)

**STEPHEN JAY MALONE v HON. NICHOLS/STATE**  
*Court of Appeals, Division Two*                      2 CA-SA 15-0034

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

**CV-15-0201-PR**  
(28)

**AZ BANK & TRUST v JAMES BARRONS TRUST et al**  
*Court of Appeals, Division One*                      1 CA-CV 13-0096

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellants James R Barrons Trust et al) = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Arizona Bank & Trust) = GRANTED.

**CR-15-0119-PR**  
(29)

**STATE v LOUIE THOMAS MACHADO**  
*Court of Appeals, Division Two*                      2 CA-CR 13-0080

ORDERED: Petition for Review by Supreme Court = DENIED.

**CR-15-0136-PR**  
(30)

**STATE OF ARIZONA v CHARLES VINCENT WAGNER JR**  
*Court of Appeals, Division One*                      1 CA-CR 13-0606 PRPC

ORDERED: Petition for Review = DENIED.

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**CR-15-0149-PR**  
(31)

**STATE OF ARIZONA v MICHAEL PAUL JESSUP**

*Court of Appeals, Division One*

*1 CA-CR 13-0616 PRPC*

ORDERED: Petition for Review = DENIED.

**CR-15-0176-PR**  
(32)

**STATE OF ARIZONA v LUIS RAUL CARDONA RODRIGUEZ**

*Court of Appeals, Division One*

*1 CA-CR 14-0197*

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

**CR-15-0210-PR**  
(33)

**STATE OF ARIZONA v FRANCISCO JAVIER FELIX**

*Court of Appeals, Division One*

*1 CA-CR 12-0707*

ORDERED: Petition for Review = DENIED.

**CV-15-0140-PR**  
(34)

**LEILA M YOONESSI v HON. McCLENNEN/STATE**

*Court of Appeals, Division One*

*1 CA-SA 15-0093*

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

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**CV-15-0153-PR**  
(35)

**ASU ex rel AZ BOARD OF REGENTS v ASRS**

*Court of Appeals, Division One*

*1 CA-CV 14-0083*

ORDERED: Petition for Review = DENIED.

**CV-15-0200-PR**  
(36)

**WENTIAN YANG v ARIZONA CHINESE NEWS LLC et al**

*Court of Appeals, Division One*

*1 CA-CV 14-0080*

ORDERED: Petition for Review = DENIED.

**CV-15-0208-PR**  
(37)

**WHITNEY SORRELL v JOY GAARDE-MORTON**

*Court of Appeals, Division One*

*1 CA-CV 14-0240*

ORDERED: Petition for Review = DENIED.

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

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**CV-15-0274-PR**  
(38)

**DEMETRIUS L. v JOSHLYNN F./D.L.**

*Court of Appeals, Division One*

*1 CA-JV 15-0034*

ORDERED: Petition for Review = GRANTED on the following issues only: whether the record establishes by a preponderance of the evidence that termination of Father's parental rights is in the Child's best interest, and whether the reasoning of the Jose M. case is persuasive and should apply in this case.

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-14-0303-PR**  
(39)

**DARRAH v HON. MCCLENNEN/MESA**

*Court of Appeals, Division One*

*1 CA-SA 14-0054*

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

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**CV-15-0042-PR**  
(40)

**JASON S BROWN v HON. MCCLENNEN/STATE**

*Court of Appeals, Division One*

*1 CA-SA 14-0257*

ORDERED: Petition for Review of a Special Action Decision 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.

FURTHER ORDERED: Request for Attorneys' Fees (Petitioner Brown) = CONTINUED.

**CV-15-0135-PR**  
(41)

**STATE OF ARIZONA v HON. FIGUEROA/GANT**

*Court of Appeals, Division Two*

*2 CA-SA 15-0020*

ORDERED: State's Petition for Review = CONTINUED.



**The foregoing action was taken by the Arizona Supreme Court on Tuesday, October 27, 2015.**

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