

SUPREME COURT OF ARIZONA

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-93-0362-AP
 Appellee,)
) Maricopa County Superior Court
 v.) No. CR-91-090926 (B)
)
 JAMES ERIN MCKINNEY,)
) **FILED 4/19/2017**
 Appellant.)
 _____) **O R D E R**

Upon considering the Motion to Conduct New Independent Review of Death Sentence, Response, and Reply,

IT IS ORDERED that the Motion is granted. The Request for Oral Argument on the Motion is denied.

IT IS FURTHER ORDERED that the parties shall brief the following issue regarding the death sentences: Whether the proffered mitigation is sufficiently substantial to warrant leniency in light of the existing aggravation.

IT IS FURTHER ORDERED that James McKinney's opening brief shall be filed no later than July 18, 2017. The State's answering brief shall be filed no later than sixty days after service of the opening brief. The reply brief shall be filed no later than thirty days after service of the answering brief.

IT IS FURTHER ORDERED that the form and content of the briefs shall comply with Rule 31.13(b) and (c), Ariz. R. Crim. P. The length of the principle briefs shall not exceed 14,000 words and the length of the reply brief shall not exceed 7,000 words.

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

DATED this 19th day of April, 2017.

_____/s/_____
Scott Bales
Chief Justice

TO:

Lacey Stover Gard

Jeffrey L Sparks

Sharmila Roy

James Erin McKinney, ADOC 055778, Arizona State Prison,

Florence -

Eyman Complex-Browning Unit (SMU II)

Diane Alessi

Dale A Baich

Amy Armstrong