IN THE SUPREME COURT
STATE OF ARIZONA

STATE OF ARIZONA ex rel. RACHEL H. MITCHELL, Maricopa County Attorney, Petitioner, v. THE HONORABLE KATHERINE COOPER, Judge of the SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of MARICOPA, Respondent Judge, LONNIE ALLEN BASSETT, Real Party in Interest.	No. CR-22-0227-PR Arizona Court of Appeals No. 1 CA-SA 22-0152 Maricopa County Superior Court No. CR2004-005097

MARICOPA COUNTY PUBLIC DEFENDER'S *AMICUS CURIAE* BRIEF

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ISSUE PRESENTED

In 2018, the State stipulated that Mr. Bassett was entitled to an evidentiary hearing pursuant to *State v. Valencia*, 241 Ariz. 206 (2016).

Arizona had abolished parole in 1994. In 2006, the Maricopa County Superior Court sentenced Mr. Bassett to natural life on Count 1 and to an illegally lenient sentence of "natural life with the possibility of parole after 25 years" on Count 2 for two homicides.

Following this Court's decision in *Valencia*, Mr. Bassett filed a successive post-conviction relief petition claiming that his natural life sentence in Count 1 violated the Eighth Amendment. As a result, the State stipulated that Mr. Bassett was entitled to a *Valencia* hearing.

After *Jones v. Mississippi*, 141 S.Ct. 1307 (2021), was decided, the State argued that *Jones* clarified that *Miller v. Alabama*, 567 U.S. 460 (2012), was not a significant change in the law as applied in Arizona. Thus, the State argued, it was entitled to withdraw its stipulation.

Respondent Judge rejected the State's argument that *Jones* changed the law and refused to relieve the State of its stipulation that Mr. Bassett is entitled to a *Valencia* hearing.

Did Respondent Judge abuse her discretion?

INTERESTS OF *AMICUS CURIAE*

The Maricopa County Public Defender's Office is dedicated to the basic American ideal that the quality of justice a person receives should never depend upon how much money he or she has. Our attorneys and staff strive to provide high quality legal representation to our clients and believe that defending the rights of our clients protects the rights of all members of our community.

This case addresses the limits the Eighth Amendment poses on sentences which condemn juveniles to die in prison. The Maricopa County Public Defender's Office regularly represents juveniles charged with the most serious offenses, including multiple juveniles who have sought—for more than a decade—to avail themselves of the protections against the imposition of mandatory life-without-parole sentences announced in *Miller v. Alabama*, 567 U.S. 460 (2012). Among these clients are juveniles who were awaiting resentencing following stipulations by the State. Just as the State has done here, the State has attempted to withdraw its stipulations in those cases.

Accordingly, *Amicus Curiae* Maricopa County Public Defender's Office offers this brief in support of Real Party in Interest Mr. Bassett.

ARGUMENT SUPPORTING MR. BASSETT

The State has attempted to reframe the posture of this case. It claims that Respondent Judge "exceeded her authority in finding Bassett is entitled to a Rule 32 hearing to determine whether his sentencing proceeding satisfied" *Miller v. Alabama*, 567 U.S. 460 (2012). State's PFR at 2. But the litigation leading to this special action concerns a different issue—whether Respondent Judge abused her discretion in holding the State to its stipulation that Mr. Bassett is entitled to an evidentiary hearing pursuant to this Court's decision in *State v. Valencia*, 241 Ariz. 206 (2016). *See* State's PFR App-18 (State's *Valencia* Stipulation).

The State seems to argue that Respondent Judge must relieve the State of its stipulation because *Jones v. Mississippi*, 141 S.Ct. 1307 (2021), constitutes a change in the law which requires this Court to overrule *Valencia*. Alternatively, the State argues that the imposition of a parole-eligible sentence in Count 2 deprives Mr. Bassett of a means to challenge the constitutionality of his sentence in Count 1.

State v. Wagner, 253 Ariz. 201 (App. 2022), correctly dispelled the State's claims. *Wagner* noted that under *Valencia*, Arizona law complied with *Jones* before *Jones* was decided. *Id.* at 201, ¶ 20. Thus, *Jones* did not change the law.

Considered under the correct context, Respondent Judge's ruling holding the State to its stipulation must be affirmed.

A. This Court must uphold the Respondent Judge's ruling if legally correct for any reason under an abuse of discretion standard of review.

This Court is "obliged to affirm the trial court's ruling if the result was legally correct for any reason." *State v. Perez*, 141 Ariz. 459, 464 (1984). When applying this maxim, this Court has explained that whether a "judge came to the proper conclusion for the wrong reason is irrelevant." *Id.*

Here, the issue is whether Respondent Judge abused her discretion by denying the State's request to be relieved of its 2018 stipulation that Mr. Bassett is entitled to a *Valencia* hearing. "The fact that parties are bound by their stipulation is well established in Arizona law." *Lewis v. N.J. Riebe Enterprises, Inc.*, 170 Ariz. 384, 395 (1992). For a reviewing court to reverse a lower court's ruling on a request to relieve a party of a stipulation, the reviewing court must find that the lower court abused its sound discretion. *Id.*

Thus, to affirm the ruling below is to hold that there was not an abuse of discretion in holding the State to its stipulation that a *Valencia* hearing is proper, regardless of whether this Court agrees with Respondent Judge's reasoning. *Perez*, 141 Ariz. at 464; *Lewis*, 170 Ariz. at 395.

B. The 2006 imposition of an illegal parole-eligible sentence on Count 2 does not justify relieving the State of its 2018 stipulation that a *Valencia* hearing is proper under Count 1.

The Court of Appeals has already accurately dispelled the State's claims that *Miller* does not apply in Arizona. *See State v. Wagner*, 253 Ariz. 201 (App. 2022).

Yet, this case poses a procedurally quirky question. Although Arizona had abolished parole in 1994, the sentencing judge imposed an illegal parole-eligible sentence on Count 2 after imposing a life-without-parole sentence (natural life) on Count 1. The State argues that the illegal sentence deprives Mr. Bassett of a means to challenge the constitutionality of his natural life sentence. State's PFR at 1. In doing so, it neglects entirely why it entered into the stipulation in the first place.

This Court should reject the State's argument for three reasons. First, *Jones* provides no reason to address claims the State could have raised in 2018 prior to entering its stipulation to conduct a *Valencia* hearing. Second, Arizona judges do not have the discretion to impose illegal sentences. Third, even if judges had discretion to impose illegal sentences, the Eighth Amendment still forbids juvenile-life-without-parole sentences that are the product of transient immaturity. This Court correctly held as much in *State v. Valencia*, 241 Ariz. 206 (2016). Rather than displace this constitutional principle, *Jones v. Mississippi*, 141 S.Ct. 1307 (2021) reaffirmed it.

1. Under *Valencia* and *Jones*, Mr. Bassett is entitled to make an as-applied challenge to Count 2.

The State argues that *Jones v. Mississippi*, 141 S.Ct. 1307 (2021), abrogated this Court's holding in *State v. Valencia*, 241 Ariz. 206 (2016). State's PFR at 28.

Rather than conflict, *Jones* and *Valencia* align. Both declared that there are no formal factfinding requirements at sentencing. Both acknowledge that a juvenile-life-without-parole sentence that is the product of transient immaturity violates the Eighth Amendment. *Compare Valencia*, 241 Ariz. at 210, ¶ 17 with *Jones*, 141 S.Ct. at 1312, 1315, n.2.

Thus, *Jones* provides no reason to relieve the State of its stipulation.

a. *Jones* did not alter *Miller* or *Valencia*.

Jones addressed two issues concerning sentencing procedures. The first was whether a sentencer must make a permanent incorrigibility finding before imposing a juvenile-life-without-parole sentence. 141 S.Ct. at 1317. The second was whether a sentencer need provide on-the-record sentencing explanations with an implicit finding that the juvenile is permanently incorrigible. *Id.* at 1311. *Jones* rejected both. *Id.* at 1321. By rejecting both, *Jones* declined to change the law. Rather, *Jones* emphasized that "the Court's decision today carefully follows both *Miller* and *Montgomery*." *Id.* at 1321.

Yet, the State insists that *Jones*—an opinion which did not change the law—is a change in the law which abrogated *Valencia*. State's PFR at 28. The State's arguments are wrapped in numerous fallacies. *Wagner* accurately disposed of them. 253 Ariz. at 201, ¶¶ 20-25. Rather than explain why *Wagner* was wrongly decided, the State merely repeats its rejected claims. State's Supp. Br. at 7.

b. *Jones* kept both *Miller*'s procedural and substantive components.

Jones explained that *Miller* has a procedural and a substantive component.

As to the first, *Jones* reiterated that *Miller* required "that a sentencer follow a certain process—considering an offender's youth and attendant characteristics—before imposing a life-without-parole sentence." *Jones*, 141 S.Ct. at 1311 (quoting *Miller*, 567 U.S. at 483). *Jones* emphasized that *Montgomery* "flatly stated that *Miller* did not impose a formal factfinding requirement" or "a finding of fact regarding a child's incorrigibility." *Jones*, 141 S.Ct. at 1311 (quoting *Montgomery*, 577 U.S. 190, 211 (2016)).

Second, *Jones* noted the limits set by *Miller*'s substantive component. "That *Miller* did not impose a formal factfinding requirement does not leave States free to sentence a child whose crime reflects transient immaturity to life without parole. To the contrary, *Miller* established that this punishment is disproportionate under the Eighth Amendment." *Jones*, 141 S.Ct. at 1315, n.2 (quoting *Montgomery*, 577 U.S.

at 211). Thus, even if a state's sentencing scheme satisfied *Miller*'s procedural requirements, a juvenile-life-without-parole sentence would still be unconstitutional where the underlying crime reflected transient immaturity. *Id*.

The State claims that *Jones* abrogated *Valencia*. State's PFR at 28. But the State cannot point to one ruling, including the one below, that requires a sentencer to make a finding of permanent incorrigibility *before* imposing a life-without-parole sentence. Rather, the State's arguments are premised upon the conflation of the sentencing procedures addressed in *Jones* and the post-conviction procedures established by *Valencia*. *See Wagner*, 253 Ariz. 201, ¶¶ 20-25.

c. *Valencia* gave effect to *Miller*'s substantive component.

In *Valencia*, this Court recognized that Arizona's sentencing scheme violated *Miller*'s procedural requirement because it had abolished parole effective in 1994 and thus mandated life-without-parole for all first-degree murder convictions. 241 Ariz. 206, 208-09, ¶¶ 10-15. To remedy this constitutional violation, *Valencia* preconditioned relief upon proof of *Miller*'s substantive component. *Id*. at 210, ¶¶ 17-18.

Rather than grant resentencing hearings to all juveniles sentenced under Arizona's mandatory life-without-parole scheme, *Valencia* required juveniles first "establish that their natural life sentences are unconstitutional." *Id*. at 210, ¶ 18.

Thus, pursuant to Arizona's post-conviction scheme, *Valencia* held that juveniles must establish by a preponderance of the evidence that their crimes reflected transient immaturity to obtain resentencing. *Id.* at 210, ¶¶ 17-18 (citing *Montgomery*, 577 U.S. at 212).

In reaching this conclusion, *Valencia* predicted the outcome in *Jones* by explaining "*Montgomery* noted that '*Miller* did not require trial courts to make a finding of fact regarding a child's incorrigibility,' but instead held that imposing a sentence of life without parole on 'a child whose crime reflects transient immaturity' violates the Eighth Amendment." *Valencia*, 241 Ariz. at 210, ¶ 17 (quoting *Montgomery*, 577 U.S. at 212).

The State refuses to acknowledge *Valencia*'s predictive alignment with *Jones*. Instead, the State insists that sentencing procedures rejected in *Jones* are the equivalent of the post-conviction procedures in *Valencia*. State's Supp. Br. at 10-12.

d. *Jones* did not alter *Miller*'s substantive component by refusing to alter the procedural component.

Just as it has elsewhere,[1] the State insists that sentencing and post-conviction procedures are the same in arguing that *Jones* deprives Mr. Bassett of the opportunity

[1] *See* State's PFR-Addendum A (listing cases where State has argued that the rejection of additional sentencing requirements in *Jones* requires the overruling of the post-conviction procedures for as-applied challenges established in *Valencia*).

to prove the unconstitutionality of their sentences. State's PFR at 24-28; State's Supp. Br. at 9-13.

To support its claim that *Jones* changed *Miller*'s substantive guarantee, the State distorts language from *Jones*. State's Supp. Br. at 10. The State argues that *Jones* rejected the argument that life-without-parole sentences are constitutional only for juveniles whose crimes reflected permanent incorrigibility rather than transient immaturity. *Id.* (citing *Jones*, 141 S.Ct. at 1317).

But the State misses the narrow scope of *Jones*.

Jones simply declined to add procedural factfinding requirements before a juvenile-life-without parole could be imposed. *Jones*, 141 S.Ct. at 1314. *Jones* did not uphold a life-without-parole sentence despite proof of transient immaturity. This is because Jones did not challenge the constitutionality of his sentence. *Id*. at 1322. Rather, Jones challenged the procedure under which he was sentenced. *Id*. at 1314.

But Jones was resentenced under a *Miller*-compliant process. *Jones*, 141 S.Ct. at 1313. This is because Mississippi granted resentencing hearings to all juveniles subjected to such a scheme. *See Parker v. State*, 119 So.3d 987, 998 (Miss. 2013). Thus, *Jones* did not alter the burden imposed on a juvenile raising a collateral attack against a juvenile-life-without-parole sentence. *Bosse v. Oklahoma*, 137 S.Ct. 1, 2

(2016) (per curiam) (Only the United States Supreme Court may overrule its precedent).

Not one Arizona case conflicts with *Jones* since not one case requires a sentencer to make a permanent incorrigibility finding before sentencing a juvenile to life-without-parole.

Unlike Mississippi, Arizona did not order resentencing for every juvenile sentenced under its life-without-parole scheme. Instead, Arizona appears to stand alone in requiring juveniles to prove that a life-without-parole sentence is unconstitutional as applied to them before ever getting resentenced. *Valencia*, 241 Ariz. at 210, ¶ 18. *Jones* reaffirmed that life-without-parole remains unconstitutional under the Eighth Amendment for a "child whose crime reflects transient immaturity." *Jones*, 141 S.Ct. at 1315, n.2 (quoting *Montgomery*, 577 U.S. at 211).

Thus, *Jones* provides no occasion to relieve the State of its stipulation that Mr. Bassett is entitled to a *Valencia* hearing where he may prove that his "natural life sentence[] [is] unconstitutional." *Valencia*, 241 Ariz. at 210, ¶ 18; *see, also Lewis*, 170 Ariz. at 395 (parties are bound by stipulations and enforcement by a lower court will not be reversed absent an abuse of discretion).

e. Mr. Bassett is entitled to *Valencia* hearing.

The State has miscast *Jones* in an effort to unravel this Court's prior decisions unequivocally announcing that *Miller* was a significant change in the law retroactively applicable in Arizona. *See Valencia*, 241 Ariz. at 209, ¶ 16; *State v. Cruz*, 251 Ariz. 203, 206, ¶ 15 (2021), *cert. granted*, 142 S.Ct. 1412 (2022) (referencing *Valencia* as a clear-cut example of a significant change in the law under Ariz. R. Crim. P. 32.1(g)).

Incredibly, the State argues that *Miller* is not a significant change in the law applicable to Mr. Bassett's case. State's PFR at; State's Supp. Br. 2-3. In doing so, it recasts its rejected arguments reframing *Miller* under an incorrect "mandatory natural life" standard. *Id*. The State also argues that judges transformed Arizona's sentencing scheme by considering (and in this case imposing) illegally lenient parole-eligible sentences. This Court should reject each of the State's arguments.

1. *Miller* remains a significant change in the law applicable to Mr. Bassett.

The State argues that parole persisted past its legislative abolition in 1994. State's PFR at 17-20. It points to cases where this Court mistakenly stated that parole was available after it had been abolished. State' Supp. Br. at 5.

But this Court has repeatedly explained that misstatements of law did not judicially establish a parole-eligible sentencing scheme. *See Chaparro v. Shinn*, 248 Ariz. 138 (2020); *State v. Cruz*, 251 Ariz. 203 (2021).

Rather than explain why this Court's explanations were wrong, the State simply ignores *Chaparro* and *Cruz*. State's Supp. Br. at 7.

Instead, the State repeats the same arguments—that *Jones* provides occasion to unravel *Valencia*, *Miller*, and *Montgomery*. State's Supp. Br. at 7. But *Wagner* correctly rejected them. 253 Ariz. 201, ¶¶ 20-25. The State also points to federal habeas corpus cases to support its argument that *Miller* is satisfied by a sentencer's choice between two versions of life-without-parole. State's PFR at 15 (citing *Jessup v. Shinn*, 31 F.4th 1262 (9th Cir. 2022); *but see*, *Crespin v. Ryan*, 46 F.4th 803 (9th Cir. 2022)).

However, as the Arizona Justice Project has already noted, the decisions were poorly reasoned, and the procedural barriers to habeas corpus relief do not justify this Court abandoning its own precedent. *See* Arizona Justice Project *Amicus* Brief at 10-11 (filed Oct. 18, 2022). Additionally, it is unclear why the petitioner in *Jessup* has not come forward in Arizona state court following *Valencia*. *See Greene v. Fisher*, 565 U.S. 34, 38 (2011) (restricting habeas review to law in place at time of state-court decision). Finally, the habeas cases on which the State relies are not yet

final and still risk being overturned by the United States Supreme Court. *See Jessup v. Shinn*, No. 22-5889; *Aguilar v. Shinn*, No. 22-6023; *Rue v. Shinn*, No. 22-6027 (United States Supreme Court dockets showing that responses have been requested in each case after the State waived its responses).

This Court should reject the State's broad attack on *Valencia*.

The gravamen of the State's argument is the procedural oddity of the illegally lenient parole-eligible sentence imposed in 2006. But an illegal sentence did not transform Arizona's scheme such that it complied with *Miller*.

2. The illegal parole-eligible sentence did not mutate Arizona's scheme such that it complied with *Miller*.

The State argues that the illegally lenient parole-eligible sentence imposed on Count 2 in this case in 2006 establishes that parole survived its abolition in 1994, transforming Arizona's mandatory life-without-parole scheme into one which provided judges discretion to impose parole. State's PFR at 20-24; State's Supp. Br. at 3-7.

But this Court already rejected the substance of the State's claims when it rejected the argument that an errantly imposed parole-eligible sentence would amount to a "legislative function" and thus "violate separation of powers." *Chaparro v. Shinn*, 248 Ariz. 138, 142, ¶ 21 (2020). Rather than create a new sentencing

scheme, an illegal parole-eligible sentence is enforceable simply because of the state's failure to appeal them. *Id*. at 142-143, ¶¶ 10-22.

Thus, *Chaparro* is consistent with decades of Arizona precedent establishing that the "[t]he legislature is empowered to define what constitutes a crime in this state and to prescribe the punishment for criminal offenses." *State v. Holle*, 240 Ariz. 300, 302, ¶ 9 (2016). When imposing a sentence, "the judiciary has discretion only to the extent provided by the legislature." *State v. Bly*, 127 Ariz. 370, 372 (1980).

Here, like *Chaparro*, the illegal sentence did not transform the legislative scheme; it was simply an error that the State failed to appeal. Accordingly, the sentencing judge's illegal sentence on Count 2 did not transform Arizona's mandatory sentencing scheme into a discretionary one. *Chaparro*, 248 Ariz. at 142, ¶ 21.

Thus, Mr. Bassett is still entitled to pursue his claim that his natural life sentence on Count 1 violates the Eighth Amendment since Mr. Bassett was subjected "to the same life-without-parole sentence applicable to an adult." *Miller v. Alabama*, 567 U.S. at 474.

To conclude otherwise would require upending decades of precedent by holding that judges have discretion to impose illegal sentences. Although criminal defendants across Arizona would welcome the ability to seek illegally lenient

sentences regardless of the statutory scheme, this Court should avoid absurdity and reject the State's novel argument that judges have the power to transform mandatory sentencing schemes by imposing illegal sentences.

3. Regardless of the sufficiency of a sentencing procedure, the Eighth Amendment nonetheless prohibits juvenile-life-without-parole where the crime reflects transient immaturity.

The State points to the sentencing judge's consideration of youth to argue that *Miller*'s procedural requirements were met.

But even if this Court finds that the prospect of an illegal parole-eligible sentence satisfied *Miller*'s procedural requirement, this Court must nonetheless deny the State its request to withdraw its stipulation. This is because *Miller*'s substantive component "does not leave States free to sentence a child whose crime reflects transient immaturity to life without parole." *Jones*, 141 S.Ct. at 1315, n.2 (quoting *Montgomery*, 577 U.S. at 211).

Two points about Mr. Bassett's sentencing hearing support Respondent Judge's ruling affirming the *Valencia* hearing.

The first is the State's own sentencing argument about the insignificance of Mr. Bassett's age. The State argued that *Roper v. Simmons*, 543 U.S. 551 (2005), made it unnecessary to consider the characteristics of youth since the court could no longer sentence Mr. Bassett to death. The State argued:

> Judge, as you know, this was alleged as a death penalty case. The only reason it isn't is because the Supreme Court said that at 16, a defendant cannot be sentenced to death.
>
> That being said, that mitigating factor of age has been taken into account by the Supreme Court. The State recognizes the defendant is 16, but the law says he is eligible for a natural life sentence in this case.

State's PFR App-8 at 16/143 (emphasis added).

The State was correct at the time it made this argument, as is evinced by the second flaw in Mr. Bassett's sentencing. The Arizona Constitution required the sentencing judge to sentence Mr. Bassett as if he were an adult, "subject to the same laws as adults." Ariz. Const. art. IV, Pt. 2 § 22(1).

Thus, the Arizona Constitution forbade the sentencing judge from deviating from Arizona's mandatory sentencing scheme in favor of an Eighth Amendment standard that would not be announced until six years later in *Miller*. *See McGuire v. Lee*, 239 Ariz. 384, 386, ¶ 7 (App. 2016) (discussing mandatory application of the "Juvenile Justice Initiative, also known as Proposition 102").

Context establishes that the sentencing judge followed the Arizona Constitutional mandate to sentence Mr. Bassett as an adult. Six years later, *Miller* limited the scope of Arizona's state constitutional requirement that children be treated identically to adults. Thus, Respondent Judge did not abuse her discretion in

holding the State to its stipulation that Mr. Bassett is entitled to a hearing to establish that [his] natural life sentence[s] is unconstitutional, thus entitling [him] to resentencing. *Valencia*, 241 Ariz. at 210, ¶ 18.

C. Respondent Judge correctly held the State to its stipulation.

The State argues that Respondent Judge's ruling below is premised on an expanded view of *Miller* that *Jones* rejected. To support its argument, it quotes portions of Respondent Judge's ruling concluding that "the trial court failed to adequately consider Bassett's youth and attendant circumstances because the court lacked critical information." State's PFR at 24 (citing Att. A at 4-5).

But the State's assertion lacks context.

Read in isolation, Respondent Judge's ruling could be construed as one which puts some sort of burden on the State to establish that the sentencing judge adequately considered Mr. Bassett's youth before imposing natural life on Count 1. Such an order would contravene *Valencia*'s clear requirement that—consistent with Arizona's post-conviction scheme—Mr. Bassett bears the burden of proving his claim by the preponderance of the evidence. 241 Ariz. at 210, ¶ 18; *see, also* Ariz. R. Crim. P. 32.13(c).

But the context is important: Respondent Judge's order merely held the State to its stipulation to a *Valencia* hearing. The State cannot complain about the

reasoning while ignoring the result. Respondent Judge did not impose a burden upon the State or order a new sentencing. Thus, Respondent Judge's ruling did not violate *Jones*, *Miller*, *Valencia*, or any other case.

Moreover, as explained above, it was impossible for Mr. Bassett to receive a *Miller*-compliant sentencing hearing before *Miller* was decided. The Arizona Constitution simply forbade it. Ariz. Const. art. IV, Pt. 2 § 22(1).

Much of the State's argument misses the point because this Court need not endorse Respondent Judge's reasoning to affirm her ruling holding the State to its stipulation that Mr. Bassett is entitled to a *Valencia* hearing. *Perez*, 141 Ariz. at 464. To affirm, this Court merely needs to find that Respondent Judge's ruling was legally correct for any reason. *Id*.

Respondent Judge's ruling below was legally correct for a myriad of reasons articulated in Mr. Bassett's briefs, the Arizona Justice Project's *amicus curiae* brief, and this *amicus curiae* brief. Therefore, Respondent Judge did not abuse her discretion in holding the Sate to its stipulation. *Lewis*, 170 Ariz. at 395.

CONCLUSION

This Court should find that Respondent Judge did not abuse her discretion in holding the State to its stipulation that Mr. Bassett is entitled to an evidentiary hearing pursuant to *State v. Valencia*, 241 Ariz. 206 (2016).

RESPECTFULLY SUBMITTED December 09, 2022.

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