

SUPREME COURT OF ARIZONA

STATE OF ARIZONA, ) Arizona Supreme Court  
 ) No. CR-13-0282-AP  
 Appellee, )  
 ) Maricopa County  
 v. ) Superior Court  
 ) No. CR2003-038541-001  
 AARON BRIAN GUNCHES, )  
 ) **FILED: 01/31/2023**  
 Appellant. )  
 )  
 )

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**O R D E R**

On November 25, 2022, Appellant Aaron Brian Gunches ("Gunches"), acting pro se, filed a *Motion: Issuance of Death Warrant*. On December 7, 2022, the Appellee State of Arizona ("State") filed its *Response to Motion: Issuance of Death Warrant/State's Motion for Warrant of Execution*.

On January 4, 2023, Gunches, through advisory counsel, filed a *Motion: Withdraw from Issuance of Death Warrant (Expedited Judgment Requested)*. On January 12, 2023, the Crime Victim, Karen Price, ("Crime Victim"), through counsel, filed *Crime Victim's Response to Gunches' Motion: Withdraw from Issuance of Death Warrant*.

On January 20, 2023, the State filed *The State of Arizona's Motion to Withdraw Motion for Warrant of Execution*. On January 27, 2023, the Crime Victim, through counsel, filed *Crime Victim's Response to the State of Arizona's Motion to Withdraw Motion for Warrant of Execution*.

Each of the parties has also filed appropriate responses and

replies to the above motions as ordered by the Court.

On the Court's own motion,

**IT IS ORDERED** that no later than February 14, 2023, Gunches, the State, and the Crime Victim shall file simultaneous, supplemental briefs addressing the question, as follows:

Because the State's original motion for warrant of execution placed this Court on notice that the requirements of A.R.S. § 13-759(A) and Ariz. R. Crim P. 31.23(a) have been satisfied, and because the State's motion to withdraw does not assert otherwise, does this Court have authority to do anything other than issue the Warrant of Execution?

The simultaneous supplemental briefs shall not exceed fifteen pages.

**IT IS FURTHER ORDERED** that the Court's consideration of Gunches' *Motion: Issuance of Death Warrant*, the State's *Motion for Warrant of Execution*, Gunches' *Motion: Withdraw from Issuance of Death Warrant*, and *The State of Arizona's Motion to Withdraw Motion for Warrant of Execution* are continued pending the filing of the simultaneous supplemental briefs.

Any requests for extensions of time or expansion of page limits will not be granted absent highly extraordinary circumstances.

**IT IS FURTHER ORDERED** that in addition to filing with the Clerk of the Supreme Court (with filing and service through AZTurboCourt), Gunches' advisory counsel, the State, and the Crime Victim shall deliver all filings by email to Court staff when filed (instructions will be provided for sending email copies to Court staff).

The Court anticipates conferencing the continued motions and

supplemental briefs on February 28, 2023, with issuance of a Warrant of Execution that day, if the motion for warrant of execution is granted.

DATED this 31st day of January, 2023.

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/s/  
ROBERT BRUTINEL  
Chief Justice

TO:

Kristin K. Mayes

Alexander W Samuels

Jeffrey L Sparks

John Pressley Todd

Emily Skinner

Aaron Brian Gunches, ADOC 145371, Arizona State Prison, Florence -

Eyman Complex-Rynning

Jon M Sands

Cary S Sandman

Amy Armstrong

Therese Day

Colleen Clase

Jason Lewis

Hon Jennifer E Green, Judge

Alberto Rodriguez