

AARON GIUNCHES #145311
AFPC-Eyman/Rynding
P.O. Box 3100
Florence, AZ, 85132

ARIZONA SUPREME COURT

STATE OF ARIZONA,
APPELLEE,

AZ SUPREME COURT
NO. CR-13-0282-AP

vs.
AARON GIUNCHES,
APPELLANT

SUPPLEMENTAL BRIEF

APPELLANT AARON GIUNCHES ("GIUNCHES") APPEARS BEFORE THIS COURT ADDRESSING ITS QUESTION OF, "DOES THIS COURT HAVE AUTHORITY TO DO ANYTHING OTHER THAN ISSUE THE WARRANT OF EXECUTION?" PLEASE CONSIDER THE FOLLOWING BEFORE MAKING A DECISION.

FACT: THE PRESENT ATTORNEY GENERAL ("AG") PULLED THE FORMER AG'S REQUEST FOR WARRANT OF EXECUTION. THERE IS CURRENTLY NO REQUEST FOR WARRANT FROM THE STATE AT THIS TIME BEFORE THE COURT, NOR WILL THERE BE BEFORE THE PROPER CONDITIONS OF CARRYING OUT EXECUTIONS CAN BE MET.

FACT: EXECUTIONS AND REQUEST FOR EXECUTION WARRANTS HAVE BEEN HALTED PENDING THE OUTCOME OF THE GOVERNOR'S EXECUTIVE ORDER 2023-05, ESTABLISHING A DEATH PENALTY INDEPENDANT REVIEW COMMISSIONER, AND UNTIL IT CAN COME TO A DECISION ON HOW AZ CAN COMPETENTLY CARRY-OUT EXECUTIONS IN AZ.

FACT: GIUNCHES' EXECUTION WILL NOT TAKE PLACE UNTIL THE OUTCOME OF EXECUTIVE ORDER 2023-05. THE STATE IS INVESTIGATING AZ'S EXECUTION POLICIES AND PROCEDURES AND IS NOT IN A POSITION TO CONDUCT A EXECUTION AT THIS TIME.

FACT: THIS COURT HAS AMENDED ITS PROCEDURAL RULES TO ELIMINATE THE MANDATORY ISSUANCE OF WARRANTS OF EXECUTIONS. PRIOR TO 2015, RULE 31.17 (C)(1) REQUIRED THIS COURT TO ISSUE EXECUTION WARRANTS UPON CONCLUSION OF INITIAL

POST-CONVICTION PROCEEDINGS, PRIOR TO THE INITIATION OF FEDERAL HABEAS PROCEEDINGS. THIS COURT ISSUED THESE WARRANTS AS A MATTER OF COURSE, DESPITE THE FACT THAT THE STATE DID NOT INTEND TO CONDUCT AN EXECUTION. RECOGNISING THAT, THIS COURT'S STAFF ATTORNEYS OFFICE PETITIONED THE COURT (R-13-0050, PETITION TO AMEND RULE 31.17 (c)(1), ARCP). THE RULE CHANGE PETITION STATES, "THE PROPOSED AMENDMENT WOULD AVOID THE UNNECESSARY ISSUANCE OF A WARRANT OF EXECUTION FOR THOSE PETITIONERS WHO PROMPTLY INITIATE HABEAS CORPUS PROCEEDINGS IN FEDERAL DISTRICT COURT. IN LIGHT OF THE SIGNIFICANT ADMINISTRATION COSTS THAT ARE ASSOCIATED WITH ISSUANCE OF EXECUTION WARRANTS, THIS WILL CONSERVE JUDICIAL RESOURCES IN BOTH STATE AND FEDERAL COURTS." WHILE SLIGHTLY DIFFERENT CIRCUMSTANCES, THIS AMENDMENT STILL APPLIES TO GUNCHES AND, THIS COURT PREVIOUSLY RECOGNISED THAT THE ISSUANCE OF A WARRANT FOR THE EXECUTION OF A PRISONER THAT IS NOT GOING TO TAKE PLACE AND BE EXECUTED IS A WASTE OF RESOURCES AND UNDERMINES THE COURT'S INTEREST IN JUDICIAL ECONOMY. NO WARRANT SHOULD BE ISSUED ON GUNCHES.

FACT: THIS COURT HAS REGULARLY EXERCISED ITS INHERENT AUTHORITY TO DENY A WARRANT OF EXECUTION AND HAS DONE SO RECENTLY ON INMATES ATWOOD AND DIXON, AS WELL AS PREVIOUSLY ON INMATES COOK, KING, AND BEATY, BECAUSE THE CONDITIONS WERE NOT RIPE TO ISSUE A WARRANT, AND IS EVEN MORE SO CONCERNING GUNCHES, AT THIS TIME.

DUE TO THESE FACTS, IT WOULD BE INAPPROPRIATE FOR THIS COURT TO ISSUE A WARRANT OF EXECUTION ON GUNCHES, AT THIS TIME

RESPECTFULLY SUBMITTED, FEBRUARY 15, 2023.

Amendes