

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,)
)
 Appellant.)
)
) **FILED 03/13/2023**

O R D E R

On March 10, 2023, Appellant Aaron Brian Gunches filed a *Motion: Communication, Participation/Self-Representation, Transfer* requesting that the Court: (1) "send all notifications, orders, filings, to his tablet/"emessaging" through: 'SecurusTech.net/Gunches #145371,' as an attachment"; (2) "strike from the record the briefs filed by: the FPD, [MCAO],¹ ACLU, ACLUAZ, and AACJ, as well as any of their future attempts at participation on his case"; and (3) "transfer him to the State of Texas, where the law is still followed and inmates can still get their sentences carried out."

Upon consideration by the Court, and GOOD CAUSE APPEARING,

IT IS ORDERED that Gunches' request the Court send orders, notifications, and filings through "SecurusTech.net" is DENIED.

The "SecurusTech.net" service is a private entity and is not a

¹ Gunches refers to Pima County Public Defender ("PCPD"), however, the Court presumes he was referring to the MCAO, because the PCPD has not filed any documents, including a brief of *amicus curiae*, with the Court in this matter.

contractor with the Supreme Court of Arizona. The Court, as it does with all parties in the custody of the Arizona Department of Corrections, Rehabilitation, and Reentry ("ADCRR"), sends orders, notifications, and filings through the United States Postal Service to self-represented parties and by email to a self-represented party's appointed advisory counsel – as the Court has done and will continue to do with Gunches' advisory counsel – to facilitate prompt receipt by self-represented parties in the custody of ADCRR. The Court sees no reason why Gunches' advisory counsel cannot send copies of court documents to him through the SecurusTech.net service.

IT IS FURTHER ORDERED that Gunches' request the Court strike the briefs of *amici curiae* accepted by the Court that were filed by the Federal Public Defender for the District of Arizona ("FPD"), Maricopa County Attorney's Office ("MCAO"), American Civil Liberties Union/ American Civil Liberties Union of Arizona ("ACLU" and "ACLUAZ"), and Arizona Attorneys for Criminal Justice ("AACJ") is DENIED.

Applicants are allowed, by Court rules, to submit briefs of *amicus curiae* on any matter before the Court, with or without the consent of the parties. Where briefs of *amicus curiae* are submitted without the consent of the parties, the party or entity seeking to file a brief of *amicus curiae* must file a request to appear and the

Court, in its sole discretion, determines if it wishes to hear from the entity as *amicus curiae* and accept the brief.²

IT IS FURTHER ORDERED that Gunches' request that the Court "transfer him to the State of Texas" is DENIED.

DATED this 13th day of March 2023.

/s/
ROBERT BRUTINEL
Chief Justice

Justice John R. Lopez IV, Justice James P. Beene, and Justice William G. Montgomery are recused and did not participate in the determination of this matter.

Pursuant to Article 6, Section 3 of the Arizona Constitution, by prior order of this Court, the Honorable John Pelander, Justice (Retired) of the Arizona Supreme Court, was designated to sit on this case until it is finally determined.

² The exception to filing a brief of *amicus curiae* with consent of the parties or permission from the Court is that the *amicus curiae* is the State of Arizona or an officer or agency of the State of Arizona, or is an Arizona county, city, or town that may file briefs of *amicus curiae* in any matter before the Court. See generally, Ariz. R. Crim. P. 31.15(b).

TO:

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