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*Attorneys for Arizona Attorneys for Criminal Justice*

**IN THE ARIZONA SUPREME COURT**

STATE OF ARIZONA,	)	No. CR-13-0282-AP
	)	
Appellee,	)	Maricopa County Superior Court
v.	)	No. CR2003-038541-001
	)	
AARON BRIAN GUNCHES,	)	<b>MOTION FOR LEAVE TO FILE</b>
	)	<b>AN <i>AMICUS CURIAE</i> BRIEF</b>
Appellant.	)	
_____	)	

*Amicus Curiae* Arizona Attorneys for Criminal Justice (AACJ) moves this Court for leave to file the accompanying lodged *amicus curiae* brief. Applicant has read the pleadings filed in this Court, and applicants' interest in this litigation is detailed below.

AACJ, the Arizona state affiliate of the National Association of Criminal Defense Lawyers, was founded in 1986 in order to give a voice to the rights of the criminally accused and to those attorneys who defend the accused. AACJ is a statewide not-for-profit membership organization of criminal defense lawyers, law

students, and associated professionals dedicated to protecting the rights of the accused in the courts and in the legislature, promoting excellence in the practice of criminal law through education, training and mutual assistance, and fostering public awareness of citizens’ rights, the criminal justice system, and the role of the defense lawyer.

AACJ offers this brief in part because it is concerned about the ramifications of a judicial encroachment into areas properly reserved for the executive branch. AACJ is also concerned with the prospect of perpetual litigation of an issue that distracts the Governor, Attorney General, and Director of ADCRR from its responsibilities to comply with the orders of the United States District Court in *Jensen v. Thornell*, No. CV-12-00601-PHX-ROS, related to the Eighth Amendment rights of all Arizona prisoners to minimally adequate health care. Had the new filings cited any new law or facts justifying the current motion—for example, how a victim and a county attorney have standing to file a motion in this warrant litigation beyond the abstract notion of “finality” in the Arizona Constitution, it would be a different story. But the time has come to put an end to this chapter of the Gunches story.

DATED: April 4, 2023.

By /s/ David J. Euchner  
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