

**IN THE ARIZONA SUPREME COURT**

STATE OF ARIZONA, ) No. CR-13-0282-AP  
)  
Appellee, ) Maricopa County Superior Court  
) No. CR2003-038541  
v. )  
)  
AARON BRIAN GUNCHES, ) (Capital Case)  
)  
Appellant. )  
)  
\_\_\_\_\_ )

**AARON GUNCHES' OPPOSITION TO MOTION TO EXTEND  
WARRANT**

Aaron Gunches, *pro se*  
ADCRR #145371  
ASPC – Eyman – Rynning  
P.O. Box 3400  
Florence, AZ 85132

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Advisory Counsel for Mr. Gunches

Pursuant to this Court’s April 3, 2023 order, the Arizona Department of Corrections, Rehabilitation & Reentry allowed undersigned advisory counsel Emily Skinner to conduct a legal visit with Mr. Gunches on April 3. That visit was Mr. Gunches’ first opportunity to learn of the Motion to Extend the Execution Warrant and the related special action, filed on March 31, 2023. That visit provided him a very limited window of time, during which he had no access to his files or legal research, to consider and prepare a response.

Mr. Gunches has asserted his Sixth Amendment right to represent himself. *Faretta v. California*, 422 U.S. 806 (1975). In recognizing the constitutional right to self-representation, the Supreme Court looked to its earlier holding in *Adams v. United States ex rel. McCann*, 317, U.S. 269, 279 (1942) finding that “[t]he right to assistance of counsel and the correlative right to dispense with a lawyer’s help are not legal formalisms. They rest on considerations that go to the substance of an accused’s position before the law.” Mr. Gunches’ right to represent himself and his ability to present this Court with a substantive pleading has been stymied by the abbreviated deadlines in this case. The deadlines and lack of meaningful opportunity for Mr. Gunches to respond also violate his right to due process—a right which, due to the “qualitative difference” between death and any other sentence is more demanding in a capital case. *See Woodson v. North Carolina*, 428 U.S. 280 (1976).

Mr. Gunches has no legal training, no access to a law library, and only limited access to his advisory counsel. At his first opportunity to learn of the pleadings filed in his case, he must also process the information—which deals with his own execution—review the few materials that advisory counsel is able to prepare in advance and anticipate he may require, and draft a substantive pleading. This task is insurmountable for a pro se litigant.

Therefore, Mr. Gunches offers no substantive argument on the Victim's and MCAO's Motion to Extend the Warrant but does object under the Fifth, Sixth, and Fourteenth Amendments to the lack of adequate opportunity to review and respond to the pleadings filed in his case.

Respectfully submitted this 4<sup>th</sup> day of April, 2023 by:

*s/ Emily Skinner*

Emily Skinner

Advisory Counsel for Aaron Gunches