

SUPREME COURT OF ARIZONA

KRISTEN K. MAYES, ARIZONA)	Arizona Supreme Court
ATTORNEY GENERAL,)	No. CV-24-0127-SA
)	
Petitioner,)	
)	
v.)	
)	
RACHEL H. MITCHELL, MARICOPA)	
COUNTY ATTORNEY,)	
)	
Respondent,)	
)	
AARON BRIAN GUNCHES,)	
)	
Real Party in Interest.)	
)	FILED 06/24/2024

O R D E R

On June 20, 2024, on its own motion, the Court, in CR-13-0282-AP ordered that it would consider the issue presented by Petitioner Mayes' *State of Arizona's Motion to Strike Nonparty Maricopa County Attorney's Motion to Set Briefing Schedule for Motion for Warrant of Execution* filed in response to Respondent Mitchell's *Motion to Set Briefing Schedule for Motion for Warrant of Execution* as a separate standalone petition for special action relief.

In that same order, the Court further stated that in this special action it would consider:

Whether the constitutional and statutory authority, power, and duty to request a warrant of execution pursuant to A.R.S. § 13-759(A) and Ariz. R. Crim. P. 31.23(a) and (b) rests exclusively with the Arizona Attorney General.

Therefore,

IT IS ORDERED that Petitioner Mayes and Respondent Mitchell file simultaneous supplemental briefs on or before July 22, 2024, not to

exceed 5,000 words. Real Party in Interest Gunches may file a simultaneous brief addressing the above issue on or before July 22, 2024, not to exceed 5,000 words.

IT IS FURTHER ORDERED that any *amicus curiae* may file briefs pursuant to ARCAP 16 and in accordance with ARCAP 16(d)(2) on or before August 5, 2024.

IT IS FURTHER ORDERED that Petitioner and Respondent may file *omnibus* responses to any briefs of *amicus curiae* not to exceed 5,000 words on or before August 19, 2024.

IT IS FURTHER ORDERED that, although A.R.S. § 12-1841 does not explicitly apply to the issue before the Court in this matter, counsel for the Arizona Attorney General shall notify the Speaker of the House of Representative and the President of the Senate of this matter by serving copies of the pending pleadings and this order within five court days of this order and shall file an appropriate certificate of service with the Court.

DATED this 24th day of June 2024.

/s/
ROBERT BRUTINEL
Chief Justice

Justice Lopez, Justice Beene, and Justice Montgomery are recused and did not participate in the determination of this matter.

TO:

Kristin K Mayes

Alexander W Samuels

Emma H Mark

Joshua D Bendor

Rachel H Mitchell

Blaine D Gadow

Philip D Garrow

Emily Skinner

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

Eyman Complex-Rynning

Colleen Clase

Rep. Ben Toma

Sen. Warren Petersen

Alberto Rodriguez