

Joshua D. Bendor (No. 031908)
Alexander W. Samuels (No. 028926)
Emma H. Mark (No. 032249)
OFFICE OF THE ARIZONA
ATTORNEY GENERAL (Firm No. 14000)
2005 North Central Avenue
Phoenix, Arizona 85004-1592
(602) 542-3333
Joshua.Bendor@azag.gov
Alexander.Samuels@azag.gov
Emma.Mark@azag.gov
ACL@azag.gov

Attorneys for Petitioner
Arizona Attorney General Kristin K. Mayes

SUPREME COURT OF ARIZONA

KRISTIN K. MAYES, ARIZONA
ATTORNEY GENERAL,

Petitioner,

v.

RACHEL H. MITCHELL, MARICOPA
COUNTY ATTORNEY,

Respondent,

AARON BRIAN GUNCHES,

Real Party in Interest.

Arizona Supreme Court No.
CV-24-0127-SA

**MOTION FOR
PROCEDURAL ORDER
SETTING ORAL
ARGUMENT**

Pursuant to ARCAP 6(b), Attorney General Kristin Mayes respectfully requests that this Court set oral argument, should the Court deem it useful in resolving this matter.

On its own motion, the Court ordered that it would consider the Attorney General's Motion to Strike Nonparty Maricopa County Attorney's Motion to Set Briefing Schedule for Motion for Warrant of Execution as a separate standalone petition for special action relief. (Order dated June 24, 2024.) The Court then ordered supplemental briefing on the question at issue: 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.

For the reasons articulated in the Attorney General's briefing, a straightforward application of statutes and other law dictates that the answer to that question is yes—the authority rests exclusively with the Attorney General. The straightforwardness of the answer, however, does not diminish the importance of the issues presented by this case. The question framed by the Court implicates significant issues relating to the Legislature's delegation of authority, the scope of powers and duties of all prosecuting agencies throughout the state, and the Attorney General's ability to manage the duties

of her office and the department of law, as required by statute. Indeed, this Court seems to have recognized the significance (or at least unusualness) of this matter by ordering undersigned counsel to notify the Speaker of the House of Representatives and the President of the Senate of the matter being considered, even though A.R.S. § 12-1841 is not applicable here.¹

To ensure that the significant issues presented by this case—including potential legal and practical implications that extend well beyond this case—are adequately discussed, the Attorney General requests that the Court set this matter for oral argument.

Undersigned counsel has conferred with counsel for Respondent Maricopa County Attorney Rachel Mitchell, who objects to the Attorney General's request for oral argument.

Undersigned counsel has conferred with advisory counsel for Real Party in Interest Mr. Aaron Gunches, who was unable to contact Mr. Gunches in time to obtain his position.

¹ Neither the Speaker nor the President has filed any brief in the case.

RESPECTFULLY SUBMITTED this 19th day of August, 2024.

KRISTIN K. MAYES
ARIZONA ATTORNEY GENERAL

By /s/ Alexander W. Samuels

Joshua D. Bendor
Alexander W. Samuels
Emma H. Mark
2005 North Central Avenue
Phoenix, Arizona 85004-1592

*Attorneys for Petitioner
Arizona Attorney General Kristin K. Mayes*