

SUPREME COURT OF ARIZONA

KRISTEN K. MAYES, ARIZONA) Arizona Supreme Court
ATTORNEY GENERAL,) No. CV-24-0127-SA
)
Petitioner,) **FILED 12/6/2024**
)
v.)
)
RACHEL H. MITCHELL, MARICOPA)
COUNTY ATTORNEY,)
)
Respondent,)
)
AARON BRIAN GUNCHES,)
)
Real Party in Interest.)
_____)

O R D E R

On June 5, 2024, in CR-13-0282-AP, the Maricopa County Attorney Rachel H. Mitchell filed a *Motion to Set Briefing Schedule for Motion for Warrant of Execution* ("MCAO Motion"). On June 19, 2024, in CR-13-0282-AP, the Arizona Attorney General Kristin K. Mayes filed *State of Arizona's Motion to Strike Nonparty Maricopa County Attorney's Motion to Set Briefing Schedule for Motion for Warrant of Execution* ("AG Motion to Strike").

On June 24, 2024, on its own motion in CR-13-0282-AP, the Court ordered that the issue presented by the *AG Motion to Strike* filed in response to the *MCAO Motion* would be treated as a separate standalone petition for special action relief in this matter (i.e., CV-24-0127-SA) and the Court 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.

On December 6, 2024, while CV-24-0127-SA remained pending before the Court, the Arizona Attorney General on behalf of the Appellee State of Arizona filed a *Motion to Set Briefing Schedule for Motion for Warrant of Execution* in CR-13-0282-AP, requesting that this Court “establish a firm briefing schedule in advance of the motion’s filing to ensure that it will be decided by this Court on a date certain and the Arizona Department of Corrections, Rehabilitation, and Reentry (ADCRR) can accordingly comply with its testing and disclosure obligations regarding the compounded pentobarbital to be used in the execution.”

Sua Sponte,

IT IS ORDERED that Maricopa County Attorney Rachel H. Mitchell shall file, in CR-13-0282-AP, no later than 4:00 p.m. on December 9, 2024, either a supplemental pleading withdrawing the *Motion to Set Briefing Schedule for Motion for Warrant of Execution* filed in CR-13-0282-AP on June 5, 2024, or explaining why it should not be dismissed.

IT IS FURTHER ORDERED that the Arizona Attorney General shall file, in CR-13-0282-AP, no later than 4:00 p.m. on December 10, 2024, either a supplemental pleading withdrawing the *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 CR-13-0282-AP on June 19, 2024, or explaining why it is not moot.

TO:

Kristin K Mayes

Alexander W Samuels

Emma H Mark

Joshua D Bendor

Jason Lewis

Jeffrey L Sparks

Aaron Brian Gunches, ADOC 145371, Arizona State Prison, Tucson -
Rincon Unit

Emily Skinner

Rachel H Mitchell

Blaine D Gadow

Philip D Garrow

Colleen Clase

Warren Petersen

Ben Toma

Andrew C Stone

Seth Goertz

Amy Armstrong

Therese Day

Alberto Rodriguez