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ARIZONA SUPREME COURT

KRISTIN K. MAYES, ARIZONA
ATTORNEY GENERAL,

Petitioner,

v.

RACHEL H. MITCHELL,
MARICOPA COUNTY ATTORNEY,

Respondent,

AARON BRIAN GUNCHES,

Real Party in Interest.

No. CV-24-0127-SA

Maricopa County Superior Court
No. CR2003-038541-001SE

**MOTION TO DISMISS SPECIAL
ACTION PROCEEDING**

(Capital Case)

Having moved to withdraw MCAO's request for a briefing schedule in CR-13-0282-AP, County Attorney Mitchell agrees that upon the granting of MCAO's motion, the issues in this special-action proceeding will become moot. This Court has long recognized that "Arizona courts . . . exercise restraint to ensure they refrain

from issuing advisory opinions, that cases be ripe for decision and not moot, and that issues be fully developed between true adversaries.” *Welch v. Cochise Cnty. Bd. of Supervisors*, 251 Ariz. 519, 523, ¶ 12 (2021) (quotation omitted); *but cf. In re Pima Cnty. Mental Health No. 20200860221*, 255 Ariz. 519, 523-24, ¶ 9 (2023) (noting that although courts “refrain from considering moot or abstract questions,” they may do so when presented with questions “of great public importance or ones . . . likely to recur even though the question is presented in a moot case”) (quotation omitted). Under these circumstances—where added delay will only frustrate the Victims’ right to justice and finality—County Attorney Mitchell thus moves to dismiss the special-action proceeding, pursuant to this Court’s December 6 Order.

Submitted December 10, 2024.

RACHEL H. MITCHELL
MARICOPA COUNTY ATTORNEY

By /s/ Philip D. Garrow
Philip D. Garrow
Deputy County Attorney