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**IN THE SUPREME COURT OF ARIZONA**

STATE OF ARIZONA,	) Arizona Supreme Court
	) CR-13-0282-AP
	)
Appellee,	)
vs.	) Maricopa County Superior Court
	) No. CR2003-038541-001
AARON BRIAN GUNCHES,	)
	)
Appellant.	)
	)

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**MOTION FOR LEAVE TO FILE BRIEF OF AMICUS CURIAE PHILLIPS BLACK, INC. IN SUPPORT OF APPELLANT**

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Attorneys for Amicus

Counsel for amicus has read the briefs of the parties, and amicus has a unique perspective as discussed in the statement of amicus's interest, below. Amicus, therefore, moves this Court for leave to file the simultaneously submitted brief.

Attorneys with amicus, Phillips Black, Inc., represent sixteen persons facing execution in Arizona. Additionally, attorneys at Phillips Black represented Frank Atwood related to his execution in 2022. In the course of that representation, amicus gained extensive experience examining the execution processes in Arizona.

More broadly, amicus is a national non-profit organization dedicated to providing the highest quality of legal representation to prisoners in the United States sentenced to the severest penalties under law. Phillips Black further contributes to the rule of law by consulting with capital counsel conducting death penalty clinical training and developing research on the administration of criminal justice. Phillips Black attorneys frequently publish scholarship and teach courses on capital punishment. Additionally, Phillips Black attorneys represent persons in state and federal post-conviction proceedings and have extensive experience litigating cases facing imminent execution, including in Arizona.

Phillips Black, Inc. attorneys' deep knowledge of Arizona's warrant practices provide them with a unique perspective on how the State's proposed execution of Mr. Gunches relates to the State's execution protocols.

Amicus offers this brief to highlight how the State's proposed undertaking in

this case is likely to short-circuit the normal adversary process that would accompany an execution. That is, amicus contends, particularly concerning because the State itself had previously identified grave concerns around the administration of lethal injection, concerns left unaddressed by the new director of the Arizona Department of Corrections, Rehabilitation, and Reentry.

For the foregoing reasons, Amici request leave to file the submitted Amicus Brief.

RESPECTFULLY SUBMITTED this 31st day of January 2025.

By: /s/John R. Mills  
John R. Mills  
Attorney for Amicus Curiae  
PHILLIPS BLACK, INC.