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## SUPREME COURT OF ARIZONA

STATE OF ARIZONA,

Appellee,

v.

AARON BRIAN GUNCHES,

Appellant.

Arizona Supreme Court No.  
CR-13-0282-AP

Maricopa County  
Superior Court  
No. CR2003-038541

**MOTION TO WITHDRAW  
STATE OF ARIZONA'S  
MOTION TO STRIKE NON-  
PARTY MARICOPA  
COUNTY ATTORNEY'S  
MOTION TO SET  
BRIEFING SCHEDULE FOR  
MOTION FOR WARRANT  
OF EXECUTION**

On June 5, 2024, in CR-13-0282-AP, Maricopa County Attorney Rachel Mitchell filed a Motion to Set Briefing Schedule for Motion for Warrant of Execution in this matter. Because the County Attorney does not have authority to seek warrants of execution from this Court, Attorney General Mayes filed a Motion to Strike Non-Party Maricopa County Attorney's Motion to Set Briefing Schedule for Motion for Warrant of Execution, on June 19, 2024.

Yesterday, County Attorney Mitchell filed a motion to withdraw her June 5 motion. That motion to withdraw should be granted. And assuming that the motion to withdraw is granted, the Attorney General would have no objection to having her June 19 motion to strike denied as moot. Alternatively, this Court may consider this filing a conditional withdrawal of the June 19 motion to strike.

Whatever the procedural mechanism, the Attorney General believes that further litigation about the County Attorney's authority is no longer necessary. For that reason, the Attorney General also moves to dismiss the separate matter of CV-24-0127-SA, so long as the County Attorney's motion to withdraw in CR-13-0282-AP is granted.

RESPECTFULLY SUBMITTED this 10th day of December, 2024.

KRISTIN K. MAYES, ARIZONA  
ATTORNEY GENERAL

By /s/ Alexander W. Samuels

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