

SUPREME COURT OF ARIZONA

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-13-0282-AP
 Appellee,)
) Maricopa County
 v.) Superior Court
) No. CR2003-038541-001
 AARON BRIAN GUNCHES,)
) **FILED 1/8/2024**
 Appellant.)
)
)

O R D E R

On December 6, 2024, the Appellee State of Arizona filed a *Motion to Set Briefing Schedule for Motion for Warrant of Execution* and attached exhibit.

On December 31, 2024, the Appellant Aaron Gunches filed his *Response + Motion*. Gunches' response and motion requests that the Court immediately issue a Warrant of Execution "on January 8, 2025," and requests that his execution "be conducted on February 14, 2025, where [he] may have his Long Overdue sentence carried out."

On January 3, 2025, the Appellee State of Arizona filed a *Reply Re: Motion to Set Briefing Schedule for Motion for Warrant of Execution*.

On January 6, 2025, the Court received the *Motion of Corrina Barrett Lain for Leave to File as Amicus Curiae* and a lodged *Brief of Amicus Curiae Professor Corinna Barrett Lain in Support of Neither Party*.

On January 7, 2025, the Court received the *Crime Victim's Notice of Support*.

Upon consideration by the Court,¹ and good cause appearing,

IT IS ORDERED that the *Motion to Set Briefing Schedule for Motion for Warrant of Execution* is granted.

The *Motion for Warrant of Execution* shall be filed no later than 3:00 p.m. on January 10, 2025. The response shall be filed no later than 3:00 p.m. on January 24, 2025.

A reply, if any, shall be filed on or before January 31, 2025. The response and reply shall not exceed 2,300 words.

Any requests for an extension of time or expansion of word limits will not be granted absent highly extraordinary circumstances.

The response (and reply, if any) should identify any litigation in state or federal court in which Appellant is a party which concerns the conviction or death sentence in this case and address the current status of that litigation.

A response to the State's *Motion for Warrant of Execution* is not an appropriate vehicle to challenge the Appellant's conviction or death sentence. Rather, such claims are appropriately raised in the superior court pursuant to Ariz. R. Crim. P. 32.

¹ Pursuant to the Court's order dated December 12, 2024, Vice Chief Justice John R. Lopez IV, Justice James P. Beene, and Justice William G. Montgomery are recused and have not participated in this matter. The Honorable David D. Weinzweig, Judge of the Arizona Court of Appeals, Division One, and the Honorable Peter Eckerstrom, Judge of the Arizona Court of Appeals, Division Two, are designated to sit on this case until it is finally determined.

IT IS FURTHER ORDERED that the Arizona Department of Corrections, Rehabilitation, and Reentry ("ADCRR") shall make necessary arrangements, to the extent logistically feasible within required security protocols, for Inmate Aaron Brian Gunches, ADCRR #145371, to meet with his advisory counsel, Emily Skinner, for a legal visit, either in-person or via telephone—Ms. Skinner's preference—for up to 3 hours, to allow Mr. Gunches to meet the Court's above deadline.

IT IS FURTHER ORDERED that in addition to filing with the Clerk of the Supreme Court (with filing and service through AZTurboCourt), all filings are to be sent by email to all parties and court staff upon filing (instructions will be provided for sending email copies to court staff).

The Court anticipates a conference date of February 11, 2025. If the motion is granted, the Court would issue a Warrant of Execution that day, with an execution date set pursuant to Ariz. R. Crim. P. 31.23(c).

IT IS FURTHER ORDERED denying Appellant's *Motion for Warrant of Execution = Expedited Issuance Requested* attached to Appellant's *Response + Motion* filed on December 31, 2024. See A.R.S. § 13-759(A); Ariz. R. Crim. P. 31.23(a).

IT IS FURTHER ORDERED denying the *Motion of Corrina Barrett Lain for Leave to File as Amicus Curiae* on the State's *Motion to Set Briefing Schedule for Motion for Warrant of Execution*. This denial is

without prejudice to *amicus curiae* filing a motion for leave to submit a brief as *amicus curiae* along with a lodged *amicus* brief that provides information, perspective, or argument on the narrow issues before the Court on a motion for warrant of execution pursuant to Ariz. R. Crim. P. 31.23(a).

DATED this 8th day of January, 2025.

_____/s/_____
ANN A. SCOTT TIMMER
Chief Justice

TO:

Kristin K Mayes

Alexander W Samuels

Emma H Mark

Joshua D Bendor

Rachel H Mitchell

Philip D Garrow

Blaine D Gadow

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

Emily Skinner

Jason Lewis

Jeffrey L Sparks

Colleen Clase

Therese Day

Jon M Sands

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