

MINUTES

No. 5367

En Banc

Arizona Supreme Court
Tuesday, December 13, 2016

CR-16-0197-PR

EMILY ANN McGUIRE v HON. LEE/STATE

(1)

Court of Appeals, Division Two

2 CA-SA 16-0012

ORDERED: Request to Vacate and Depublish Opinion of the Court of Appeals = DENIED.

FURTHER ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals (Oral Argument Requested) = DENIED.

CR-16-0212-PR

LaMONT DESMOND RIDER v HON. BODOW/STATE

(2)

Court of Appeals, Division One

1 CA-SA 16-0088

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

CR-16-0224-PR

STATE OF ARIZONA v RAMON JUAN ESCARENO-MERAZ

(3)

Court of Appeals, Division Two

2 CA-CR 16-0014 PRPC

ORDERED: Petition for Further Review (Denial of Post-Conviction Relief) = DENIED.

CR-16-0244-PR

STATE OF ARIZONA v ALFRED MORONES CANO

(4)

Court of Appeals, Division Two

2 CA-CR 16-0004 PRPC

ORDERED: Petition for Review = DENIED.

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CR-16-0284-PR
(5)

STATE OF ARIZONA v HECTOR JESUS ESPINOZA BELTRAN
Court of Appeals, Division One *1 CA-CR 14-0494 PRPC*

ORDERED: Petition for Review = DENIED.

CV-16-0107-PR
(6)

PAWN 1ST LLC v CITY OF PHOENIX/WILLIAM JACHIMEK
Court of Appeals, Division One *1 CA-CV 14-0500*

ORDERED: Petition for Review = GRANTED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, on or before January 13, 2017.

FURTHER ORDERED: Appellant's Cross-Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Pawn 1st LLC) = CONTINUED.

CV-16-0136-PR
(7)

MICHAEL SOTO et al v ANTHONY M SACCO et al
Court of Appeals, Division One *1 CA-CV 15-0092*

ORDERED: Petition for Review = GRANTED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, on or before January 10, 2017.

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CV-16-0182-PR
(8)

MARK E SCHLUSSEL v HON. GERLACH/DILLARD

Court of Appeals, Division One *1 CA-SA 16-0064*

ORDERED: Petition for Review = DENIED.

CV-16-0190-PR
(9)

KELLI RENEE BLANTON v TODD JAMIESON WILSON II

Court of Appeals, Division One *1 CA-CV 16-0371 FC*

ORDERED: Petition for Review = DENIED.

CR-16-0221-PR
(10)

STATE OF ARIZONA v DANIEL LEROY PHIFER

Court of Appeals, Division Two *2 CA-CR 16-0100 PRPC*

ORDERED: Petition for Review from the Court of Appeals = DENIED.

CR-16-0270-PR
(11)

STATE OF ARIZONA v AMANDA KATHLEEN TURNER

Court of Appeals, Division One *1 CA-CR 14-0841*
1 CA-SA 15-0121

ORDERED: Petition for Review = CONTINUED.

FURTHER ORDERED: The State shall file a Response to the Petition for Review, including petitioner's argument that the State waived the good-faith exception to the exclusionary rule by failing to raise it in the trial court, superior court, or court of appeals. See *State v. Brita*, 158 Ariz. 121 (1988); *State v. Brown*, 239 Ariz. 521 (2016).

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CV-16-0150-PR
(12)

LANCE MICHAEL BERSCH et al v STATE/NEUBERT/PRENY
Court of Appeals, Division One *1 CA-CV 15-0340*

ORDERED: Petition for Review of Lance Michael Berch (sic), David John Wanzak and Linda Wanzek = DENIED.

CV-16-0163-PR
(13)

DENISE ANTHONY/ARIEL ANTHONY v DAVID MORGAN
Court of Appeals, Division Two *2 CA-CV 15-0071*

ORDERED: Petition for Review Public Records Matter = DENIED.

CV-16-0191-PR
(14)

KIMBERLEY MCDANIEL v GREGORY SCOTT SUNDBERG
Court of Appeals, Division One *1 CA-CV 15-0335 FC*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee McDaniel) = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Sundberg) = DENIED.

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CR-16-0274-PR
(19)

STATE OF ARIZONA v RODNEY WAYNE ARNOLD

Court of Appeals, Division One *1 CA-CR 15-0705*

ORDERED: Notice of Filing Appellant's Pro Per Petition for Review = DENIED.

CV-16-0126-PR
(20)

CITY OF PHOENIX v GLENAYRE ELECTRONICS et al

Court of Appeals, Division One *1 CA-CV 14-0739*

ORDERED: Petition for Review = GRANTED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, on or before January 6, 2017.

FURTHER ORDERED: Request for Attorneys' Fees (Appellees CHI Construction Co/Continental Homes Inc.) = CONTINUED.

Justice Timmer did not participate in the determination of this matter.

CV-16-0167-PR
(21)

LADIEN STEELMAN v US BANK NATIONAL ASSOC et al

Court of Appeals, Division One *1 CA-CV 15-0208*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Steelman) = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee US Bank National Association) = GRANTED.

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CV-16-0206-PR
(22)

MARIA LUIS AGUINIGA v MIGUEL AGUINIGA

Court of Appeals, Division One

1 CA-CV 16-0339 FC

ORDERED: Petition for Review = The Court treats the petition for review as a petition for special action, accepts jurisdiction, and remands the case to the family court for that court to enter a final decree from which petitioner may timely appeal.

CR-16-0205-PR
(23)

STATE OF ARIZONA v ANTHONY BENARD PRIMOUS

Court of Appeals, Division One

1 CA-CR 15-0181

ORDERED: Petition for Review = GRANTED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, on or before January 6, 2017.

Justice Timmer did not participate in the determination of this matter.

CR-16-0217-PR
(24)

STATE OF ARIZONA v MANUEL CONTRERAS VILLELA

Court of Appeals, Division One

1 CA-CR 15-0103

ORDERED: Petition for Review = DENIED.

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CR-16-0266-PR
(25)

STATE OF ARIZONA v JORGE ESPINOZA

Court of Appeals, Division One

1 CA-CR 15-0472

ORDERED: Petition for Review = DENIED.

CR-16-0327-PR
(26)

STATE OF ARIZONA v MARK HASKIE JR

Court of Appeals, Division One

1 CA-CR 15-0251

ORDERED: Petition for Review to Arizona Supreme Court = GRANTED as to Issue 1 only.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, on or before January 6, 2017.

CR-16-0350-PR
(27)

STATE OF ARIZONA v JOSHUA ADAM MARSHALL

Court of Appeals, Division One

1 CA-CR 14-0501 PRPC

ORDERED: Petition for Review = DENIED.

CR-16-0364-PR
(28)

STATE OF ARIZONA v TASHA R FINLEY

Court of Appeals, Division One

1 CA-CR 14-0499 PRPC

ORDERED: Petition for Review = DENIED.

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CR-16-0366-PR
(29)

STATE OF ARIZONA v OTTO LARON HUTCHINSON
Court of Appeals, Division Two *2 CA-CR 16-0150 PRPC*

ORDERED: Petition for Review = DENIED.

CR-16-0371-PR
(30)

PHX NEWSPAPERS/D'ANNA v HON. REINSTEIN/STATE/MORAN
Court of Appeals, Division One *1 CA-SA 16-0096*

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals (Oral Argument Requested) (Capital Case) = GRANTED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, on or before January 13, 2017.

CR-16-0378-PR
(31)

STATE OF ARIZONA v BENJAMIN BRUCE CANNON
Court of Appeals, Division One *1 CA-CR 14-0498 PRPC*

ORDERED: Petition for Review = DENIED.

CR-16-0396-PR
(32)

STATE OF ARIZONA v LOREN LEE HOOKS
Court of Appeals, Division One *1 CA-CR 14-0500 PRPC*

ORDERED: Petition for Review = DENIED.

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CR-16-0418-PR
(33)

STATE OF ARIZONA v THOMAS NOUAN

Court of Appeals, Division One

1 CA-CR 14-0503 PRPC

ORDERED: Petition for Review = DENIED.

CV-16-0166-PR
(34)

HOWARD STEVENSON v JOHN M HARMON et ux

Court of Appeals, Division One

1 CA-CV 15-0329

ORDERED: Oral Argument Requested = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

CV-16-0178-PR
(35)

MARIKA DELGADO et al v MANOR CARE OF TUCSON et al

Court of Appeals, Division Two

2 CA-CV 15-0187

ORDERED: Petition for Review = GRANTED as to Issue 1 only.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, on or before January 10, 2017.

CV-16-0202-PR
(36)

MARIBEL SILVESTRE v MUNDALL TRUCKING CO/CONTRERAS

Court of Appeals, Division One

1 CA-CV 15-0768

ORDERED: Plaintiff/Appellant's Petition for Review = DENIED.

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Arizona Supreme Court
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CV-16-0033-PR
(37)

JESSYKA MURRAY et al v FARMERS INSURANCE CO et al
Court of Appeals, Division Two *2 CA-CV 14-0123*

ORDERED: Contingent Motion of Amicus Curiae Habaz to Depublish Court of Appeals Opinion = DENIED.

FURTHER ORDERED: Defendants/Appellees/Cross-Appellants' Petition for Review = DISMISSED on stipulation of the parties pursuant to their settlement.

FURTHER ORDERED: Cross-Petition for Review = DISMISSED on stipulation of the parties pursuant to their settlement.

FURTHER ORDERED: The Court of Appeals' Opinion shall not be published, pursuant to Rule 28(e), Ariz. R. Civ. App. P.

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CV-16-0052-PR
(38)

THOMAS HORNE/KATHLEEN WINN v SHEILA POLK
Court of Appeals, Division One *1 CA-CV 14-0837*

ORDERED: Petition for Review = GRANTED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, on or before January 13, 2017.

FURTHER ORDERED: Amended Request for Attorneys' Fees (Appellants Horne/Winn) = CONTINUED.

Justice Timmer did not participate in the determination of this matter.



The foregoing action was taken by the Arizona Supreme Court on Tuesday, December 13, 2016.

_____ **Date:** _____
Scott Bales, Chief Justice