

# MINUTES

No. 2367

En Banc

*Arizona Supreme Court*  
**Monday, April 20, 2009**

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**CR-08-0322-PC**

**STATE OF ARIZONA v MICHAEL JOE MURDAUGH**

(1)

*Maricopa County Superior Court*

*CR1995-006472*

ORDERED: Petition for Review of Denial of PCR Capital Case PCR = DENIED.

The Warrant of Execution shall be issued forthwith.

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

**CR-08-0364-PR**

**STATE OF ARIZONA v RUSSELL PAUL DAVIES**

(2)

*Court of Appeals Division One*

*1 CA-CR 07-0931*

ORDERED: The State of Arizona's Petition for Review = DENIED.

**CR-08-0373-PR**

**STATE OF ARIZONA v MICHAEL WESLEY BARBER**

(3)

*Court of Appeals Division Two*

*2 CA-CR 08-0017*

ORDERED: Petition for Review Arizona Supreme Court = DENIED.

**CR-09-0009-PR**

**STATE OF ARIZONA v ABRAAN RENE ORTIZ**

(4)

*Court of Appeals Division Two*

*2 CA-CR 07-0375*

ORDERED: Petition for Review = DENIED.

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**CV-08-0331-PR**  
(5)

**STEPHANIE MARIE LYON v HON. FELL/STATE OF ARIZONA**  
*Court of Appeals Division Two*                      *2 CA-SA 08-0015*

ORDERED: Petition for Review (Oral Argument Requested) = DENIED.

FURTHER ORDERED: The Court of Appeals' Opinion shall not be published, pursuant to Rule 111(g), Arizona Rules of the Supreme Court.

**CV-08-0400-PR**  
(6)

**SHERRY SKLAR v TOWN OF FOUNTAIN HILLS/BENDER et al**  
*Court of Appeals Division One*                      *1 CA-CV 08-0519 EL*

ORDERED: Motion to Strike Intervenors' Petition for Review = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

**CV-08-0414-PR**  
(7)

**JENNIFER BEAVER MILLER v KRISTI YOUTSEY RUIZ**  
*Court of Appeals Division One*                      *1 CA-CV 08-0054*

ORDERED: Petition for Review = DENIED.

**CV-09-0014-PR**  
(8)

**MIDTOWN MEDICAL v STATE FARM/STEVEN D SMITH**  
*Court of Appeals Division One*                      *1 CA-CV 07-0501*

ORDERED: Defendant's Petition for Review (Oral Argument Requested) = DENIED.

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**CR-08-0362-PR**  
(9)

**STATE OF ARIZONA v DAMIEN AUGUSTA COLLINS**  
*Court of Appeals Division Two*                      2 CA-CR 07-0045

ORDERED: Petition for Review = DENIED.

**CR-09-0031-PR**  
(10)

**STATE OF ARIZONA v RAFAEL CARRISOZA RIVERA**  
*Court of Appeals Division Two*                      2 CA-CR 08-0143 PRPC

ORDERED: Petition for Review from Denial of Post Conviction Relief = DENIED.

**CV-08-0407-PR**  
(11)

**SIMON D CHALPIN et al v J KEVIN SNYDER ESQ et al**  
*Court of Appeals Division One*                      1 CA-CV 06-0371

ORDERED: Petition for Review = DENIED.

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

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**CV-08-0423-PR**  
(12)

**JOSEPH ROCCO/ROCCO PC et al v KING et ux/KING PC**  
*Court of Appeals Division One*                      *1 CA-CV 07-0512*

ORDERED: Appellants'/Cross-Appellees' Petition for Review = DENIED.

FURTHER ORDERED: Cross-Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellees/Cross-Appellants Rocco et al] = DENIED.

**CV-09-0010-PR**  
(13)

**FARMERS INSURANCE v HONS. VILLARREAL/BERNINI et al**  
*Court of Appeals Division Two*                      *2 CA-SA 08-0064*

ORDERED: Petition for Review = DISMISSED, per ASC Order filed 3/24/2009.

**CV-09-0037-PR**  
(14)

**SHELLY L. v ADES/NETERU A./YAZMEEN A.**  
*Court of Appeals Division Two*                      *2 CA-JV 08-0090*

ORDERED: Appellant Mother's Petition for Review to the Supreme Court of Arizona = DENIED.

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**CR-08-0342-PR**  
(15)

**STATE OF ARIZONA v RENE BALLESTEROS JR**  
*Court of Appeals Division One*                      *1 CA-CR 06-0265*

ORDERED: Petition for Review = DENIED.

Chief Justice McGregor and Justice Hurwitz voted to grant review of Issue 2.

**CR-08-0357-PR**  
(16)

**STATE OF ARIZONA v JOSEPH NELSON**  
*Court of Appeals Division One*                      *1 CA-CR 07-0621*

ORDERED: Petition for Review = DENIED.

**CR-09-0021-PR**  
(17)

**STATE OF ARIZONA v ARMANDO GALAVIZ FIERRO**  
*Court of Appeals Division Two*                      *2 CA-CR 07-0369*

ORDERED: Petition for Review = DENIED.

**CR-08-0351-PR**  
(18)

**STATE OF ARIZONA v MICHAEL ZAPUTIL**  
*Court of Appeals Division One*                      *1 CA-CR 07-0644*

ORDERED: Petition for Review by Arizona Supreme Court = DENIED.

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**CR-08-0369-PR**  
(19)

**STATE OF ARIZONA v VICTOR TERESA-MOLINA**  
*Court of Appeals Division One*                      *1 CA-CR 08-0121*

ORDERED: Petition for Review by Arizona Supreme Court = DENIED.

**CR-09-0017-PR**  
(20)

**STATE OF ARIZONA v LUIS ENRIQUE ORTEGA**  
*Court of Appeals Division Two*                      *2 CA-CR 07-0403*

ORDERED: The State of Arizona's Petition for Review = DENIED.

**CV-08-0377-PR**  
(21)

**STRAWBERRY WATER CO v RANDALL D PAULSEN et ux**  
*Court of Appeals Division One*                      *1 CA-CV 06-0442*

ORDERED: Petition for Review = DENIED.

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

Vice Chief Justice Berch and Justice Hurwitz voted to grant review of Issue 3 of the Cross-Petition for Review.



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**CV-08-0425-PR**  
(25)

**TAUREAN ROYAL BURSEY v HON. NICHOLS/STATE**  
*Court of Appeals Division Two*                      2 CA-SA 08-0070

ORDERED: Petition for Review by Arizona Supreme Court = DENIED.

**CV-09-0026-PR**  
(26)

**BUEHLER v ICA/ACE HARDWARE/FIDELITY**  
*Court of Appeals Division One*                      1 CA-IC 08-0014

ORDERED: Petition for Review = DENIED.

**CR-08-0361-PR**  
(27)

**STATE OF ARIZONA v ALVIN EDWARD WILLIAMS**  
*Court of Appeals Division Two*                      2 CA-CR 08-0037

ORDERED: Petition for Review = DENIED.

**CR-08-0366-PR**  
(28)

**STATE OF ARIZONA v JASON EDWARD DEAN**  
*Court of Appeals Division Two*                      2 CA-CR 08-0084 PRPC

ORDERED: Petition for Review = DENIED.

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**CR-08-0368-PR**  
(29)

**STATE OF ARIZONA v ROBERT EUGENE ALLEN**  
*Court of Appeals Division One*                      *1 CA-CR 07-0803*

ORDERED: The State of Arizona's Petition for Review = CONTINUED.

**CR-09-0042-PR**  
(30)

**STATE OF ARIZONA v LELAND WARREN BURMAN**  
*Court of Appeals Division One*                      *1 CA-CR 08-0096*

ORDERED: Petition for Review Arizona Supreme Court = DENIED.

**CV-08-0385-PR**  
(31)

**DANIEL WILLIAM PARTIN v ADOT**  
*Court of Appeals Division Two*                      *2 CA-CV 08-0067*

ORDERED: Petition for Review = DENIED.

**CV-08-0426-PR**  
(32)

**HARVEY ABRAMS v HON. GENTRY-LEWIS/GEORGINA ABRAMS**  
*Court of Appeals Division One*                      *1 CA-SA 08-0276*

ORDERED: Petition for Review of Court of Appeals Decision Denying Review = DENIED.

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**CV-09-0007-PR**  
(33)

**HAVASUPAI TRIBE v ABOR et al**  
*Court of Appeals Division One*

*1 CA-CV 07-0454*  
*1 CA-CV 07-0801*

ORDERED: Arizona Board of Regents' Petition for Review = DENIED.

FURTHER ORDERED: State Defendant-Appellee Therese Ann Markow's Separate Petition for Review and Joinder in Separate Petitions for Review filed by Arizona Board of Regents and Martin/Benyshek = DENIED.

FURTHER ORDERED: Separate Petition for Review of John Martin and Daniel Benyshek = 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, no later than 20 days from the date of this Court's Minute Letter.

Justice Hurwitz and Justice Bales did not participate in the determination of this matter.

**CV-09-0020-PR**  
(34)

**THOMPSON v HON. CONLOGUE/UNITED PARCEL SERVICES**  
*Court of Appeals Division Two*

*2 CA-SA 08-0081*

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

FURTHER ORDERED: Request for Attorneys' Fees [Real Party UPS] = DENIED.

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## Arizona Supreme Court Monday, April 20, 2009

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**CR-08-0062-PR**  
(35)

**STATE OF ARIZONA v JOHN MICHAEL CRAVEN**  
*Court of Appeals Division One*                      *1 CA-CR 06-0800*

ORDERED: State of Arizona's Petition for Review = CONTINUED.

**CR-08-0293-PR**  
(36)

**STATE OF ARIZONA v DOUGLAS SCOTT PERRIN**  
*Court of Appeals Division Two*                      *2 CA-CR 07-0401 PRPC*

ORDERED: Petition for Review = CONTINUED.

**CR-08-0326-PR**  
(37)

**STATE OF ARIZONA v PHUC PHAM**  
*Court of Appeals Division One*                      *1 CA-CR 08-0591 PRPC*

ORDERED: Petition for Review = GRANTED.

FURTHER ORDERED: Remanding this case to the Court of Appeals for reconsideration in light of State v. Shrum, 2009 WL 702784.

**CR-08-0354-PR**  
(38)

**STATE OF ARIZONA v BRUCE ALAN WILSON**  
*Court of Appeals Division One*                      *1 CA-CR 08-0456 PRPC*

ORDERED: Petition for Review by the Supreme Court = GRANTED.

FURTHER ORDERED: Remanding this case to the Court of Appeals for reconsideration in light of State v. Shrum, 2009 WL 702784.

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**CV-08-0344-PR**  
(39)

**PIMA COUNTY v HON. KELLY/GARDELLA**  
*Court of Appeals Division Two*                      2 CA-SA 08-0061

ORDERED: Petition for Review = DENIED.

**CV-08-0363-PR**  
(40)

**GLORIA R VASQUEZ v STATE OF AZ/DPS/COCHISE COUNTY**  
*Court of Appeals Division Two*                      2 CA-CV 07-0148

ORDERED: Petition for Review = DENIED.