

**MINUTES**  
*Arizona Supreme Court*  
**Tuesday, May 24, 2011**

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No. 3161

**CR-11-0034-PR**

**STATE OF ARIZONA v JASON MARCHIONDO**

(1)

*Court of Appeals Division One*

*1 CA-CR 09-0762*

ORDERED: Petition for Review = DENIED.

**CV-10-0393-PR**

**CHRIS SINDLINGER v CO-SALES COMPANY**

(2)

*Court of Appeals Division One*

*1 CA-CV 10-0022*

ORDERED: Petition for Review = DENIED.

**CV-10-0400-PR**

**TINA PLACOURAKIS et al v CHARLES T DAVIS**

(3)

*Court of Appeals Division One*

*1 CA-CV 09-0112*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees = DENIED.

**CV-11-0005-PR**

**BARBARA MAVIS CRISTALL v ROBERT IVOR LEE CRISTALL**

(4)

*Court of Appeals Division One*

*1 CA-CV 09-0645*

ORDERED: Petition for Review = DENIED.

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No. 3161

**CR-10-0317-PC**  
(5)

**STATE OF ARIZONA v JOHN EDWARD SANSING**  
*Maricopa County Superior Court*                      *CR-98-003520*

ORDERED: Petition for Review [of Denial of Post-Conviction Relief] =  
DENIED.

FURTHER ORDERED: The Warrant of Execution shall be issued forthwith.

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

**CR-11-0002-PR**  
(6)

**STATE OF ARIZONA v ANGELA MONTENEGRO**  
*Court of Appeals Division Two*                      *2 CA-CR 10-0217 PRPC*

ORDERED: Petition for Review = DENIED.

**CR-11-0004-PR**  
(7)

**STATE OF ARIZONA v JAMES A ROGERS**  
*Court of Appeals Division Two*                      *2 CA-CR 09-0277*

ORDERED: Petition for Review = DENIED.

**CR-11-0012-PR**  
(8)

**STATE OF ARIZONA v JAMES CHARLES RAY**  
*Court of Appeals Division Two*                      *2 CA-CR 10-0052*

ORDERED: Petition for Review = DENIED.

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**CV-10-0388-PR**                    **JAMES L LEE et al v STATE OF ARIZONA**  
(9)                                    *Court of Appeals Division One*                    *1 CA-CV 09-0657*

ORDERED: Petition for Review = DENIED.

**CV-10-0390-PR**                    **JACK ALBERT MILLER v HON. BERNINI/STATE OF ARIZONA**  
(10)                                    *Court of Appeals Division Two*                    *2 CA-SA 10-0059*

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

**CV-10-0395-PR**                    **TAYLOR THOMPSON et al v PIMA COUNTY**  
(11)                                    *Court of Appeals Division Two*                    *2 CA-CV 10-0087*

ORDERED: Appellant's Petition for Review = DENIED.

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

**CR-10-0418-PR**                    **STATE OF ARIZONA v TERRY ALDAVA**  
(12)                                    *Court of Appeals Division One*                    *1 CA-CR 09-0659 PRPC*

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

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**CV-11-0013-PR**      **DEUTSCHE BANK NATIONAL TRUST v VELVIDA HINES**  
(13)                      *Court of Appeals Division One*                      *1 CA-CV 10-0140*

ORDERED: Appellant's Petition for Review = DENIED.

**CR-11-0005-PR**      **STATE OF ARIZONA v DAVID LEVI BOUCK**  
(14)                      *Court of Appeals Division One*                      *1 CA-CR 09-0938*

ORDERED: Petition for Review of a Direct Appeal to the Court of Appeals = DENIED.

**CR-11-0014-PR**      **STATE OF ARIZONA v CHRISTOPHER ALONSO**  
(15)                      *Court of Appeals Division One*                      *1 CA-CR 09-0887*

ORDERED: Appellant's Pro Se Request for Ariz. Supreme Court to Review Sealed Documents Revelant to Issue on Appeal = DENIED.

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

**CR-11-0045-PR**      **STATE OF ARIZONA v MICHAEL LORENZO RIVERA**  
(16)                      *Court of Appeals Division Two*                      *2 CA-CR 10-0176*

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

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**CV-11-0028-PR**  
(17)

**CLIFFORD J OCHSER v GERARD FUNK/ANTHONY CRUZ**  
*Court of Appeals Division One*                      *1 CA-CV 09-0141*

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, no later than 30 days from the date of this Court's Minute Letter.

**M-10-0035**  
(18)

**In re the Matter of CHRISTINA ACKER**

ORDERED: Application for Deferral or Waiver of [Previous] Appellate Court Fees and Costs and Consent to Entry of Judgment = DENIED.

FURTHER ORDERED: Request to Grant a Permanent Waiver of All Pass [sic] Fees = DENIED.

FURTHER ORDERED: Formal Request for Review of Pass [sic] Assessments Filed to the Az. Supreme Court = DENIED.

**CR-10-0417-PR**  
(19)

**STATE OF ARIZONA v CHARLES STEWART JOHNSTON**  
*Court of Appeals Division One*                      *1 CA-CR 10-0152 PRPC*

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

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**CV-10-0362-PR**  
(20)

**MARTIN RIVERA-LONGORIA v HON. SLAYTON/STATE/ROZEMA**  
*Court of Appeals Division One*                      *1 CA-SA 10-0068*

ORDERED: Petition for Review of Special Action Decision of the Court of Appeals = 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 30 days from the date of this Court's Minute Letter.

**CV-10-0379-PR**  
(21)

**FRED NACKARD LAND CO et al v CITY OF FLAGSTAFF**  
*Court of Appeals Division One*                      *1 CA-CV 08-0533*

ORDERED: Plaintiffs'/Appellants' Petition for Review by the Arizona Supreme Court = DENIED.

FURTHER ORDERED: Petition for Review by the Arizona Supreme Court [Appellee City of Flagstaff] = DENIED.

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

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**CV-10-0398-PR**  
(22)

**FOOTBRIDGE CAPITAL LLC v ALAN OTTO**

*Court of Appeals Division One*

*1 CA-CV 09-0777*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellant Otto] = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellee Footbridge Capital LLC] = GRANTED.

**CV-11-0003-PR**  
(23)

**COLLEGE BOOK CTRS et al v CAREFREE FOOTHILLS et al**

*Court of Appeals Division One*

*1 CA-CV 08-0450*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Appellant Carefree Foothills Homeowners' Association's Amended Cross-Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellees College Book Centers et al] = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellant Carefree Foothills et al] = DENIED.

**CV-11-0088-PR**  
(24)

**CHRISTINA ACKER LETTER DATED SEPTEMBER 29, 2010**

ORDERED: Petition for Review = DENIED.

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**CV-11-0090-PR**      **PATRICK DAVIS v HON. DUNCAN/STATE OF ARIZONA**  
(25)                      *Court of Appeals Division One*                      *1 CA-SA 11-0027*

ORDERED: Motion to Consolidate [with CV-11-0068-PR] = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

**CV-11-0099-PR**      **KRYSTLE T./DAVID T. v ADES/RYAN T.**  
(26)                      *Court of Appeals Division One*                      *1 CA-JV 10-0155*

Separate Order.

**CR-11-0013-PR**      **STATE OF ARIZONA v CARLOS JOSE SOTO**  
(27)                      *Court of Appeals Division Two*                      *2 CA-CR 10-0198 PRPC*

ORDERED: Petition for Review to the Supreme Court = DENIED.

**CV-11-0068-PR**      **NADIA H BASHIR v HON. PINEDA/STATE OF ARIZONA**  
(28)                      *Court of Appeals Division One*                      *1 CA-SA 10-0267*

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

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**CV-10-0391-PR**  
(29)

**DANIEL SABAN et ux v MARICOPA COUNTY et al**  
*Court of Appeals Division One*                      *1 CA-CV 08-0607*

ORDERED: Petition for Review = DENIED.

**CV-10-0399-PR**  
(30)

**SALVATORE SCARMARDO v CITY OF LAKE HAVASU et al**  
*Court of Appeals Division One*                      *1 CA-CV 10-0138*

ORDERED: Petition for Review = DENIED.

**CV-11-0097-PR**  
(31)

**GARY YODER v ST MARY'S HOSPITAL**  
*Court of Appeals Division One*                      *1 CA-CV 10-0537*

ORDERED: Appellee's Motion to Strike = DENIED.

FURTHER ORDERED: Appellant's Motion for 60 Day Extension of Time to File Reply for Cause Expedited = DENIED.

FURTHER ORDERED: Petition for Review Pursuant to Ariz Const Art II Sec 3, 4, 15, 24, 25, 32, 33; Art VI Sec 3, 5(5), (6) = DENIED.

FURTHER ORDERED: Request for Costs [Appellant Yoder, Pro Se] = DENIED.

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No. 3161

**CR-10-0414-PR**  
(32)

**STATE OF ARIZONA v BRIAN MANNIE BLAKLEY**  
*Court of Appeals Division Two*                      2 CA-CR 09-0176

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

**CR-11-0021-PR**  
(33)

**STATE OF ARIZONA v ADAM EDWARD FOX**  
*Court of Appeals Division Two*                      2 CA-CR 10-0249 PRPC

ORDERED: Petition for Review to the Arizona Supreme Court = DENIED.

**CR-11-0026-PR**  
(34)

**STATE OF ARIZONA v RENE TIBUCIO VALENZUELA**  
*Court of Appeals Division Two*                      2 CA-CR 10-0258 PRPC

ORDERED: Petition for Review to Supreme Court = DENIED.

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

**CR-11-0038-PR**  
(35)

**STATE OF ARIZONA v JOHN RICHARD EBY**  
*Court of Appeals Division Two*                      2 CA-CR 10-0141

ORDERED: Request for Oral Argument = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

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No. 3161

**CR-11-0048-PR**  
(36)

**STATE OF ARIZONA v LANDO ONASSIS AHUMADA**  
*Court of Appeals Division Two*                      *2 CA-CR 10-0093*

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

**CV-11-0014-PR**  
(37)

**PHELPS et ux v GILBRAITH/WYSTRACH**  
*Court of Appeals Division Two*                      *2 CA-CV 10-0052*

ORDERED: Appellants' Petition for Review = DENIED.

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

FURTHER ORDERED: Request for Attorneys' Fees [Appellants Phelps] = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellees Gilbraith/Wystrach] = DENIED.

**CV-11-0024-PR**  
(38)

**ESTATE FRANCES CORTEZ et al v AVALON CARE et al**  
*Court of Appeals Division Two*                      *2 CA-CV 10-0071*

ORDERED: Petition for Review = DENIED.

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**CV-11-0029-PR**  
(39)

**CENTEX HOMES et al v PINAL COUNTY**

*Court of Appeals Division Two*                      *2 CA-CV 10-0100*

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

FURTHER ORDERED: Request for Attorneys' Fees [Appellant Pinal County] = DENIED.

**CV-11-0040-PR**  
(40)

**SHERMAN & HOWARD v HON. GAMA/JAMES SELL et al**

*Court of Appeals Division One*                      *1 CA-SA 11-0005*  
*1 CA-SA 11-0015*

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

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

**CV-11-0087-PR**  
(41)

**GOVERNALE v LIEBERMAN/AZ CENTER FOR NEUROSURGERY**

*Court of Appeals Division One*                      *1 CA-CV 10-0195*

ORDERED: Petition for Review = DENIED.

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No. 3161

**CV-10-0371-PR**  
(42)

**GELB v DEPT OF FIRE BUILDING AND LIFE/SEDONA CASA**  
*Court of Appeals Division One*                      *1 CA-CV 09-0744*

ORDERED: Appellant's Petition for Review = DENIED.

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