

# MINUTES

No. 6432

En Banc

*Arizona Supreme Court*  
**Tuesday, May 28, 2019**

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**CR-18-0517-PR**

**STATE OF ARIZONA v ANGEL PETE RUIZ**

(1)

*Court of Appeals, Division Two*

*2 CA-CR 18-0147 PRPC*

ORDERED: Petition for Review = DENIED.

**CR-18-0537-PR**

**STATE OF ARIZONA v DAVID LEE GREEN**

(2)

*Court of Appeals, Division Two*

*2 CA-CR 17-0208 PRPC*

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

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

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.

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---

**CR-18-0554-PR**

**STATE OF ARIZONA v JEFFREY MATHEW ACKERMAN**

(3)

*Court of Appeals, Division One*

*1 CA-CR 16-0825*

ORDERED: (Motion) Order to STAY Appeal in this Court and Reinstatement to the Court of Appeals = DENIED.

FURTHER ORDERED: Motion for Reconsideration Pursuant to Rule 31.18 = DENIED.

FURTHER ORDERED: Appellant's Request for Disclosure By State = DENIED.

FURTHER ORDERED: Attachment to Motion for Reconsideration (Treated as a Second Motion for Reconsideration) = DENIED.

FURTHER ORDERED: Request for Transcripts = DENIED.

FURTHER ORDERED: Motion to Compell (sic) All Discovery = DENIED.

FURTHER ORDERED: Motion to Dismiss for Brady Violation = DENIED.

FURTHER ORDERED: Motion for Further Discovery = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

**CR-18-0572-PR**

**STATE OF ARIZONA v CODY MITCHELL LOHSE**

(4)

*Court of Appeals, Division Two*

*2 CA-CR 17-0244*

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

# MINUTES

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---

**CR-18-0589-PR**

(5)

**HOJAT FAHANDEJ-SAADY v HON. GRANVILLE/STATE**

*Court of Appeals, Division One*

*1 CA-SA 18-0238*

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

**CR-18-0593-PR**

(6)

**STATE OF ARIZONA v DAVID SANCHEZ GARZA**

*Court of Appeals, Division One*

*1 CA-CR 18-0527 PRPC*

ORDERED: Petition for Review = DENIED.

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

**CR-18-0606-PR**

(7)

**STATE OF ARIZONA v JORDAN MICHAEL HANSON**

*Court of Appeals, Division One*

*1 CA-CR 17-0350*

ORDERED: Motion to Supplement the Record = GRANTED.

FURTHER ORDERED: Petition for Review = DENIED.

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

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---

**CR-19-0019-PR**  
(8)

**STATE OF ARIZONA v JUDY MINLEY**

*Court of Appeals, Division Two*

*2 CA-CR 17-0173*

ORDERED: Petition for Review of Decision by the Arizona Court of Appeals = DENIED.

**CR-19-0037-PR**  
(9)

**BRYAN PATRICK MILLER v HON. KEMP/STATE**

*Court of Appeals, Division One*

*1 CA-SA 18-0273*

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

**CV-18-0303-PR**  
(10)

**HSBC BANK USA v JOSHUA CLUFF et al**

*Court of Appeals, Division One*

*1 CA-CV 17-0627*

ORDERED: Motion for Review of Objections to Award of Attorney's Fees = DENIED.

FURTHER ORDERED: Joshua and Jennifer Cluff's Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellants Joshua Cluff/Jennifer Cluff) = DENIED.

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---

**CV-18-0306-PR**  
(11)

**MARK KRIG v BOULDER CITY AERO CLUB**

*Court of Appeals, Division One*

*1 CA-CV 17-0382*

ORDERED: Appellee Boulder City Aero Club, Inc.'s Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Boulder City Aero Club Inc.) = DENIED.

**CV-19-0028-PR**  
(12)

**DAN ROE/MYRIAM ROE v AUSTIN et al**

*Court of Appeals, Division Two*

*2 CA-CV 17-0194*

ORDERED: Petition for Review (Appellees Roe) = DENIED.

FURTHER ORDERED: Petition for Review (Oral Argument) (Appellee J. Austin) = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellees Roe) = DENIED.

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

**CV-19-0029-PR**  
(13)

**MARIA MIRANDA v ICA/ALVARENGA DE PEREZ et al**

*Court of Appeals, Division One*

*1 CA-IC 18-0025*

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

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**CR-18-0544-PR**  
(14)

**STATE OF ARIZONA v TONY PEREZ MARQUEZ**  
*Court of Appeals, Division One*                      *1 CA-CR 17-0619*

ORDERED: Petition for Review Oral Argument Requested = DENIED.

**CR-18-0609-PR**  
(15)

**STATE OF ARIZONA v JESSE VALENTINE SANCHEZ**  
*Court of Appeals, Division One*                      *1 CA-CR 17-0710*

ORDERED: Petition for Review Oral Argument Requested = DENIED.

**CR-19-0030-PR**  
(16)

**STATE OF ARIZONA v DONALD DWAYNE LATHAM**  
*Court of Appeals, Division One*                      *1 CA-CR 18-0850*

ORDERED: Petition for Review = DENIED.

**CV-18-0201-PR**  
(17)

**PALOMA IRRIGATION et al v SALT RIVER VALLEY et al**  
*Court of Appeals, Division One*                      *1 CA-CV 17-0215*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellants/Cross-Appellees Paloma Irrigation et al) = DENIED.

# MINUTES

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---

**CV-18-0251-PR**  
(18)

**CURTIS LEE v ING INVESTMENT/BEUS GILBERT PLLC**  
*Court of Appeals, Division One*                      *1 CA-CV 17-0609*

ORDERED: Petition for Review = DENIED.

**CV-18-0305-PR**  
(19)

**JEFFREY STROBEL v GAIL ROSIER/STATE ex rel DES**  
*Court of Appeals, Division One*                      *1 CA-CV 16-0644 FC*

ORDERED: Petition for Review = DENIED.

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

**CV-18-0313-PR**  
(20)

**STATECRAFT PLLC et al v SNOWFLAKE/COPPERSTATE**  
*Court of Appeals, Division One*                      *1 CA-CV 17-0691*

ORDERED: Petition for Review = DENIED.

Vice Chief Justice Brutinel and Justice Lopez did not participate in the determination of this matter.

Justices Bolick and Gould voted to grant review.

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**CV-18-0317-PR**  
(21)

**STATE OF ARIZONA/DES v JOSE TORRES**

*Court of Appeals, Division One*

*1 CA-CV 17-0695 FC*

ORDERED: Appellant's Opening Brief (Treated as Petition for Review) = DENIED.

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

**CV-18-0327-PR**  
(22)

**FUNDING METRICS LLC v TIMOTHY MARK OWENS**

*Court of Appeals, Division One*

*1 CA-CV 18-0092*

ORDERED: Petition for Review = DENIED.

**CV-19-0023-PR**  
(23)

**HOLLY C. v TOHONO O'ODHAM NATION/BRIAN S./G.C.**

*Court of Appeals, Division Two*

*2 CA-JV 18-0101*

Separate Order.

**CV-19-0041-PR**  
(24)

**JARVIS D./JERIALE T. v DCS et al**

*Court of Appeals, Division One*

*1 CA-JV 18-0174*

ORDERED: Petition for Review = DENIED.

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

# MINUTES

No. 6432

En Banc

## Arizona Supreme Court Tuesday, May 28, 2019

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**CV-19-0045-PR**  
(25)

**DCS v HON. PADILLA/JUAN P./S.P.**

*Court of Appeals, Division One*

*1 CA-SA 18-0285*

ORDERED: Appellee's Petition for Review = DENIED.

**CR-18-0489-PR**  
(26)

**STATE OF ARIZONA v WADE NOLAN CLAY**

*Court of Appeals, Division One*

*1 CA-CR 18-0463 PRPC*

ORDERED: Petition for Review of a Decision of the Court of Appeals = CONTINUED.

**CR-18-0531-PR**  
(27)

**STATE OF ARIZONA v OSCAR PENA TRUJILLO**

*Court of Appeals, Division Two*

*2 CA-CR 17-0241*

ORDERED: Petition for Review to Arizona Supreme Court = GRANTED as to the following issues:

1. Was Trujillo entitled to a jury finding on M.A.C.'s age when that fact increased the mandatory minimum sentence affecting sex-offender registration?
2. Was the error harmless?
3. Should this Court reconsider the opinion in *State v. Noble*, 171 Ariz. 171, (1992)

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.

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---

**CR-18-0583-PR**  
(28)

**STATE OF ARIZONA v ROGER SCOTT HELM JR**

*Court of Appeals, Division Two*                      2 CA-CR 18-0062 PRPC

***Consolidated with:***

CR-18-0595-PR                      STATE OF ARIZONA v MARTIN RAUL SOTO-FONG

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

**CR-18-0595-PR**  
(29)

**STATE OF ARIZONA v MARTIN RAUL SOTO-FONG**

*Court of Appeals, Division Two*                      2 CA-CR 18-0181 PRPC

***Consolidated with:***

CR-18-0583-PR                      STATE OF ARIZONA v ROGER SCOTT HELM JR

ORDERED: Petition for Review = CONTINUED.

**CR-18-0611-PR**  
(30)

**STATE OF ARIZONA v ALEJANDRO RAY DUARTE**

*Court of Appeals, Division Two*                      2 CA-CR 17-0349

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



The foregoing action was taken by the Arizona Supreme Court on Tuesday, May 28, 2019.

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Scott Bales

Date: 5/28/2019

Scott Bales, Chief Justice