

# MINUTES

No. 6765

En Banc

*Arizona Supreme Court*  
Tuesday, March 3, 2020

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**CR-18-0069-PC**

**STATE OF ARIZONA v GILBERT MARTINEZ**

(1)

*Maricopa County Superior Court*

*CR2006-007790-001*

ORDERED: Petition for Review for Review of Dismissal of Post-Conviction Relief Petition = DENIED.

Justice Lopez, Justice Beene and Justice Montgomery did not participate in the determination of this matter.

**CR-19-0206-PR**

**STATE OF ARIZONA v ORESTES ROBERTO YBARRA**

(2)

*Court of Appeals, Division Two*

*2 CA-CR 17-0286*

ORDERED: Petition for Review = DENIED.

**CR-19-0242-PR**

**STATE OF ARIZONA v DON JACOB HAVATONE**

(3)

*Court of Appeals, Division One*

*1 CA-CR 17-0547*

ORDERED: Petition for Review = DENIED.

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

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**CR-19-0361-PR**

(4)

**ROBERT L HISKETT v HON. LAMBERT/STATE ex rel SMITH**

*Court of Appeals, Division One*

*1 CA-SA 19-0119*

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

**CV-19-0226-PR**

(5)

**MARK WILLIAMS v THOMAS FINK**

*Court of Appeals, Division Two*

*2 CA-CV 18-0200*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Costs (Appellant Williams) = DENIED.

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

**CV-19-0314-PR**

(6)

**ROSALYN ORTEGA v HON. MICHELE REAGAN/LS9 MASTER**

*Court of Appeals, Division One*

*1 CA-SA 19-0273*

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

FURTHER ORDERED: Request for Costs (Petitioner Ortega) = DENIED.

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**CR-19-0350-PR**  
(7)

**STATE OF ARIZONA v RALPH POPS CARTER**

*Court of Appeals, Division Two*                      2 CA-CR 18-0131

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

**CR-19-0366-PR**  
(8)

**STATE OF ARIZONA v VIVEK A PATEL**

*Court of Appeals, Division One*                      1 CA-CR 18-0774

ORDERED: Petition for Review of a Decision of the Court of Appeals = GRANTED as to this rephrased issue: Does A.R.S. § 28-672(G) violate the Victims' Bill of Rights, Ariz. Const. art. 2, § 2.1 (A)(8), by capping victim restitution?

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 the Court's Minute Letter. Any amicus briefs are due on or before April 7, 2020, and any responses to amicus briefs are due on or before April 22, 2020. Any amicus briefs or responses may not exceed 20 pages in length.

**CR-19-0377-PR**  
(9)

**GERALD VAUGHN GWEN v HON. BLUFF/STATE**

*Court of Appeals, Division One*                      1 CA-SA 19-0207

ORDERED: Expedited Petition for Review = DENIED.

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En Banc

## Arizona Supreme Court Tuesday, March 3, 2020

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**CV-19-0151-PR**  
(10)

**US BANK NATIONAL ASSOC et al v STARR PASS et al**  
*Court of Appeals, Division Two*                      2 CA-CV 18-0030

ORDERED: Petition for Review = DENIED.

**CR-18-0489-PR**  
(11)

**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-18-0583-PR**  
(12)

**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.

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

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**CR-18-0595-PR**  
(13)

**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.

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

**CR-19-0156-PR**  
(14)

**STATE OF ARIZONA v CHRISTOPHER AREVALO**

*Court of Appeals, Division One*

*1 CA-CR 18-0298*

*1 CA-CR 18-0299*

ORDERED: Petition for Review = GRANTED as to this issue as rephrased: Did the court of appeals correctly hold that A.R.S. § 13-1202(B)(2), a statute enhancing the penalty for threatening or intimidating committed by a member of a criminal street gang, is constitutional?

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 the Court's Minute Letter. Any amicus briefs are due on or before April 7, 2020, and any responses to amicus briefs are due on or before April 22, 2020. Any amicus briefs or responses may not exceed 20 pages in length.

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

