

MINUTES

No. 6431

En Banc

Arizona Supreme Court
Tuesday, April 30, 2019

CR-17-0225-PC

STATE OF ARIZONA v CODY JAMES MARTINEZ

(1) *Pima County Superior Court* *CR20031993*

ORDERED: Petition for Review from Partial Denial of Rule 32 Petition for Post Conviction Relief = GRANTED only as to the superior court's rulings that nine claims of guilt phase and aggravation phase ineffective assistance of counsel are "precluded for various reasons" (the State correctly concedes that these claims are not precluded); vacating the superior court's preclusion rulings as to these claims; and remanding to the superior court to consider the claims on the merits.

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

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

CR-18-0102-PR

STATE OF ARIZONA v MICHAEL P THIEME

(2) *Court of Appeals, Division One* *1 CA-CR 16-0767*

ORDERED: Petition for Review = DENIED.

CR-18-0578-PR

STATE ex rel MONTGOMERY v HON. HANNAH/POSTON

(3) *Court of Appeals, Division One* *1 CA-SA 18-0220*

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

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En Banc

Arizona Supreme Court
Tuesday, April 30, 2019

CV-18-0296-PR

(4)

FAULKNER v LABORATORY CORP OF AMERICA et al

Court of Appeals, Division One

1 CA-CV 17-0787

ORDERED: Appellant's Petition for Review = DENIED.

CV-18-0310-PR

(5)

WELSH-ALEXIS et al v STATE/FUNERAL DIRECTORS

Court of Appeals, Division One

1 CA-CV 17-0768

ORDERED: Plaintiffs/Appellants' Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellants Welsh-Alexis et al) = DENIED.

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

CR-18-0416-PR

(6)

STATE OF ARIZONA v FOX JOSEPH SALERNO

Court of Appeals, Division One

1 CA-CR 18-0063 PRPC

ORDERED: Amended Petition for Review = DENIED.

CR-18-0550-PR

(7)

STATE OF ARIZONA v ROLAND DEWAYNE MCDONALD

Court of Appeals, Division One

1 CA-CR 17-0445

ORDERED: Appellant's Petition for Review = DENIED.

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En Banc

Arizona Supreme Court Tuesday, April 30, 2019

CV-19-0001-PR
(12)

GILBERT AGUIRRE JR v ICA/CITY OF GOODYEAR et al
Court of Appeals, Division One *1 CA-IC 17-0017*

ORDERED: Petition for Review = GRANTED only as to the issue rephrased as follows: Did the court of appeals err in holding that Aguirre was not required to challenge the sufficiency of the findings in the ICA proceedings to preserve it for appeal?

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.

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

CR-18-0489-PR
(13)

STATE OF ARIZONA v WADE NOLAN CLAY
Court of Appeals, Division One *1 CA-CR 18-0463 PRPC*

Consolidated with:

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

CR-19-0379-PR STATE OF ARIZONA v MARK NORIKI KASIC JR

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

CR-18-0501-PR
(14)

STATE OF ARIZONA v JAMES MICHAEL LANTZ
Court of Appeals, Division One *1 CA-CR 17-0607*

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

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No. 6431

En Banc

Arizona Supreme Court Tuesday, April 30, 2019

CR-18-0508-PR
(15)

STATE OF ARIZONA v BOBBY RAY CARTER JR

Court of Appeals, Division Two

2 CA-CR 17-0149

ORDERED: The State of Arizona's Petition for Review = GRANTED only as to the issues rephrased as follows: Did the Court of Appeals err in holding that (1) theft is a lesser-included offense of theft as a means of transportation, thus giving rise to impermissible double punishments; (2) theft is a lesser-included offense of robbery, thus giving rise to impermissible multiple punishments; and (3) a more severely-penalized offense can be a lesser-included offense of a less-severely-penalized offense for multiple-punishment purposes?

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 40 days from the date of this Court's Minute Letter.

CR-18-0583-PR
(16)

STATE OF ARIZONA v ROGER SCOTT HELM JR

Court of Appeals, Division Two

2 CA-CR 18-0062 PRPC

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

CR-18-0595-PR
(17)

STATE OF ARIZONA v MARTIN RAUL SOTO-FONG

Court of Appeals, Division Two

2 CA-CR 18-0181 PRPC

Consolidated with:

CR-18-0489-PR

STATE OF ARIZONA v WADE NOLAN CLAY

CR-19-0379-PR

STATE OF ARIZONA v MARK NORIKI KASIC JR

ORDERED: Petition for Review = CONTINUED.

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No. 6431

En Banc

Arizona Supreme Court
Tuesday, April 30, 2019

CV-18-0292-PR
(18)

J BALL REVOCABLE TRUST v PHX ORCHARD GROUP et al
Court of Appeals, Division One *1 CA-CV 17-0642*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant J Ball Revocable Trust) =DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellees Phoenix Orchard Group I LP et al) = GRANTED.



The foregoing action was taken by the Arizona Supreme Court on Tuesday, April 30, 2019.

Robert Brutinel

Date: 4/30/19

Robert Brutinel, Chief Justice