

MINUTES

No. 6767

En Banc

Arizona Supreme Court
Tuesday, March 31, 2020

CR-19-0282-PR

STATE OF ARIZONA v RUSS ALAN HILL

(1)

Court of Appeals, Division One

1 CA-CR 18-0866 PRPC

ORDERED: Petition for Review = DENIED.

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

CR-19-0286-PR

STATE OF ARIZONA v JAMES GODFREY MORPHIS III

(2)

Court of Appeals, Division One

1 CA-CR 18-0177

ORDERED: Petition for Review = DENIED.

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

CR-19-0299-PR

JOSE LUIS JIMENEZ v HON. GODOY/STATE

(3)

Court of Appeals, Division Two

2 CA-SA 19-0041

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

CR-19-0301-PR

STATE OF ARIZONA v BRADLEY BIEGANSKI

(4)

Court of Appeals, Division One

1 CA-CR 18-0093

ORDERED: Petition for Review = DENIED.

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Arizona Supreme Court
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CR-19-0367-PR
(5)

STATE OF ARIZONA v ROBERT JOE QUIMBY

Court of Appeals, Division Two

2 CA-CR 19-0134 PRPC

ORDERED: Petition for Review = DENIED.

CR-19-0369-PR
(6)

STATE OF ARIZONA v MATTHEW THOMAS MCCALL

Court of Appeals, Division One

1 CA-CR 19-0065 PRPC

ORDERED: Petition for Review = DENIED.

CR-19-0374-PR
(7)

STATE OF ARIZONA v JONATHAN LEIGH SOSNOWICZ

Court of Appeals, Division Two

2 CA-CR 18-0058 PRPC

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

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

CR-19-0398-PR
(8)

TYSON JAMES ROWNEY v HON. SIPE JR/STATE

Court of Appeals, Division One

1 CA-SA 19-0245

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

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CV-19-0224-PR
(9)

CINDY REYES et al v TOWN OF GILBERT

Court of Appeals, Division One

1 CA-CV 18-0359

ORDERED: Petition for Review = DENIED.

CV-19-0243-PR
(10)

SANDRA GILL COLOSI v VICTOR NACIM et al

Court of Appeals, Division One

1 CA-CV 18-0504

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees and Costs (Appellants Nacim) = DENIED.

CV-19-0284-PR
(11)

RAFAEL CEZAR DANAM v ARIZONA BOARD OF EDUCATION

Court of Appeals, Division One

1 CA-CV 18-0668

ORDERED: Motion to Present Witness List = DENIED.

FURTHER ORDERED: Petition for Review from Appeals Court of Arizona - Division One to Supreme Court of Arizona = DENIED.

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CV-19-0297-PR
(12)

MICHELLE ADAIR-LEE v HON. JOSHUA ROGERS/STACY LEE
Court of Appeals, Division One *1 CA-SA 19-0243*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees and Costs (Petitioner Adair-Lee) = DENIED.

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

CR-17-0567-PC
(13)

STATE OF ARIZONA v JOHN MONTENEGRO CRUZ
Pima County Superior Court *CR2003-1740*

ORDERED: John Montenegro Cruz's Petition for Review = GRANTED as to these issues as rephrased:

1. Was Lynch v. Arizona, 136 S. Ct. 1818 (2016) (Lynch II) a significant change in the law for purposes of Ariz. R. Cr. P. 32.1(g)?
2. Is Lynch II retroactively applicable to petitioner on collateral review?
3. If Lynch II applies retroactively, would its application have probably overturned petitioner's sentence per Rule 32.1(g)?

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 May 4, 2020, and any responses to amicus briefs are due on or before May 18, 2020. Any amicus briefs or responses may not exceed 20 pages in length.

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CR-19-0252-PR
(14)

STATE OF ARIZONA v JAMES A RUNNELS JR

Court of Appeals, Division One *1 CA-CR 18-0358*

ORDERED: Petition for Review = DENIED.

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

CR-19-0314-PR
(15)

STATE OF ARIZONA v DOUGLAS DONTAE SMITH

Court of Appeals, Division One *1 CA-CR 18-0897 PRPC*

ORDERED: Motion for Writ of Habeas Corpus to Provide the Mentioned Defendant With an Independent Review for Proper Representation of the Constitutional Law, Federal Rules of Evidence, Rules of Criminal Procedure (Treated as Petition for Review) = DENIED.

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

CR-19-0316-PR
(16)

STATE OF ARIZONA v DARNELL JOSEPH LEWIS

Court of Appeals, Division Two *2 CA-CR 19-0114*

ORDERED: Petition for Review = CONTINUED.

FURTHER ORDERED: Respondent State shall file a response to the petition for review on or before April 15, 2020.

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Arizona Supreme Court
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CV-19-0281-PR
(17)

KEVIN LOVETT et al v PAWAN K SINGH et al

Court of Appeals, Division One *1 CA-CV 18-0680*

ORDERED: Petition for Review = DENIED.

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

CV-19-0289-PR
(18)

NICOLE M. v HON. O'CONNOR/DCS/A.M./T.M./DEVONTE P.

Court of Appeals, Division One *1 CA-SA 19-0257*

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

CV-19-0318-PR
(19)

TUCSON ESTATES v ESTATE OF ROSS E JENKINS et al

Court of Appeals, Division Two *2 CA-CV 19-0023*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees and Costs (Appellant Tucson Estates Property Owners Association) = DENIED.

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No. 6767

En Banc

Arizona Supreme Court
Tuesday, March 31, 2020

CR-18-0489-PR
(20)

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 =
GRANTED as to this issue as restated:

Do sentences that exceed the petitioner's expected lifespan and are the equivalent of life without parole violate Eighth Amendment protections as articulated by *Graham v. Florida*, 560 U.S. 48 (2010), *Miller v. Alabama*, 567 U.S. 460 (2012), and *Montgomery v. Louisiana*, 136 S.Ct. 718 (2016)?

FURTHER ORDERED: Consolidating this case with CR-18-0595-PR and CR-19-0379-PR.

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 May 4, 2020, and any responses to amicus briefs are due on or before May 18, 2020. Any amicus briefs or responses may not exceed 20 pages in length.

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CR-18-0583-PR
(21)

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.

FURTHER ORDERED: Vacating the order consolidating this case with
CR-18-0595-PR.

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

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No. 6767

En Banc

Arizona Supreme Court
Tuesday, March 31, 2020

CR-18-0595-PR
(22)

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 = GRANTED as to this issue as restated:

Do sentences that exceed the petitioner's expected lifespan and are the equivalent of life without parole violate Eighth Amendment protections as articulated by *Graham v. Florida*, 560 U.S. 48 (2010), *Miller v. Alabama*, 567 U.S. 460 (2012), and *Montgomery v. Louisiana*, 136 S.Ct. 718 (2016)?

FURTHER ORDERED: Vacating the order consolidating this case with CR-18-0583-PR.

FURTHER ORDERED: Consolidating this case with CR-18-0489-PR and CR-19-0379-PR.

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 May 4, 2020, and any responses to amicus briefs are due on or before May 18, 2020. Any amicus briefs or responses may not exceed 20 pages in length.

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Arizona Supreme Court
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CV-19-0232-PR
(23)

JESSE JOHNSON v ADES/DDD

Court of Appeals, Division One

1 CA-UB 18-0105

ORDERED: Appellees' Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Johnson) = GRANTED.

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Arizona Supreme Court
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CR-19-0379-PR
(24)

STATE OF ARIZONA v MARK NORIKI KASIC JR

Court of Appeals, Division Two

2 CA-CR 19-0143 PRPC

ORDERED: Motion to Consolidate = GRANTED.

FURTHER ORDERED: Consolidating this case with CR-18-0489-PR and CR-18-0595-PR.

FURTHER ORDERED: Petition for Review = GRANTED as to this issue as restated:

Do sentences that exceed the petitioner's expected lifespan and are the equivalent of life without parole violate Eighth Amendment protections as articulated by *Graham v. Florida*, 560 U.S. 48 (2010), *Miller v. Alabama*, 567 U.S. 460 (2012), and *Montgomery v. Louisiana*, 136 S.Ct. 718 (2016)?

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 May 4, 2020, and any responses to amicus briefs are due on or before May 18, 2020. Any amicus briefs or responses may not exceed 20 pages in length.



The foregoing action was taken by the Arizona Supreme Court on Tuesday, March 31, 2020.

Robert Brutinel

Date: 3/31/2020

Robert Brutinel, Chief Justice