

MINUTES
Arizona Supreme Court
Wednesday, May 29, 2013

No. 3886

CR-13-0005-PR

STATE OF ARIZONA v ORLANDO CAIN FEBLES

(1)

Court of Appeals Division One

1 CA-CR 11-0054 PRPC

ORDERED: Petition for Review = DENIED.

CR-13-0027-PR

STATE OF ARIZONA v ROBERT CONRAD SAINZ

(2)

Court of Appeals Division Two

2 CA-CR 11-0401

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

CR-13-0054-PR

STATE OF ARIZONA v GUILLERMO C BECERRA

(3)

Court of Appeals Division Two

2 CA-CR 12-0063

ORDERED: The State of Arizona's 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 20 days from the date of this Court's Minute Letter.

CV-12-0420-PR

RONALD/AUDREY STEARNS v AZ DEPT OF REVENUE

(4)

Court of Appeals Division One

1 CA-TX 11-0003

ORDERED: Petition for Review = DENIED.

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CR-12-0482-PR
(8)

STATE OF ARIZONA v JUAN ANGEL RUIZ
Court of Appeals Division Two *2 CA-CR 12-0265 PRPC*

ORDERED: Petition for Review = DENIED.

CR-12-0492-PR
(9)

STATE OF ARIZONA v ALBERT ROBERT GAXIOLA
Court of Appeals Division Two *2 CA-CR 11-0270*

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

CR-12-0496-PR
(10)

STATE OF ARIZONA v DAVID RALPH GARCIA JR
Court of Appeals Division One *1 CA-CR 10-0618*

ORDERED: Petition for Review = DENIED.

CR-12-0524-PR
(11)

STATE OF ARIZONA v SHAD KENDALL KNIGHT
Court of Appeals Division Two *2 CA-CR 12-0307 PRPC*

ORDERED: Petition for Further Review = DENIED.

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CV-12-0414-PR
(12)

STATE v HON. DUNCAN/JEFFREY R MARTINSON
Court of Appeals Division One *1 CA-SA 12-0217*

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

Justice Pelander voted to grant review.

CV-12-0427-PR
(13)

ALBERT DUNN v ICA/TUCSON MED CTR/CORVEL
Court of Appeals Division Two *2 CA-IC 11-0018*

ORDERED: Petition for Review = DENIED.

CV-13-0003-PR
(14)

HERMAN CHANEN v K&M WOODCRAFTS
Court of Appeals Division One *1 CA-CV 11-0287*

ORDERED: Petition for Review = DENIED.

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

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CV-13-0075-PR **PATRICK McMURTRY et al v WEATHERFORD HOTEL et al**
(15) *Court of Appeals Division One* *1 CA-CV 10-0863*

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

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

CR-12-0534-PR **STATE OF ARIZONA v JOSHUA ADAM YOUNG**
(16) *Court of Appeals Division Two* *2 CA-CR 12-0385 PRPC*

ORDERED: Petition for Review = DENIED.

CR-13-0009-PR **STATE OF ARIZONA v NELSON E NOTTINGHAM**
(17) *Court of Appeals Division Two* *2 CA-CR 11-0169*

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

CR-13-0039-PR **STATE OF ARIZONA v DANIEL R GUKISEN**
(18) *Court of Appeals Division One* *1 CA-CR 11-0401*

ORDERED: Appellant Daniel Gukeisen's Petition for Review = DENIED.

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CR-13-0040-PR
(19)

STATE OF ARIZONA v WHITNEY BROOKE DRUM
Court of Appeals Division Two *2 CA-CR 12-0187*

ORDERED: Petition for Review by Supreme Court = DENIED.

CV-12-0422-PR
(20)

ASPEN 528 LLC v CITY OF FLAGSTAFF
Court of Appeals Division One *1 CA-CV 11-0512*

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

CV-13-0006-PR
(21)

VIRGIN MOBILE USA v AZ DEPT OF REVENUE
Court of Appeals Division One *1 CA-TX 11-0005*

ORDERED: Petition for Review = DENIED.

CV-13-0015-PR
(22)

IN RE KATHY W.
Court of Appeals Division One *1 CA-MH 12-0060*

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

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CV-13-0020-PR
(23)

KUBICEK ARCHITECTS et al v BRUCE BOSLEY et al
Court of Appeals Division One *1 CA-CV 11-0416*

ORDERED: Petition for Review = DENIED.

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

FURTHER ORDERED: Request for Attorneys' Fees (Appellees/Cross-Appellants Bosley/Bosley Group) = GRANTED.

CV-13-0028-PR
(24)

PETER DAHL v HON. MORAN/PINE VIEW APT PARTNERS
Court of Appeals Division One *1 CA-SA 12-0278*

ORDERED: Request for Oral Argument = DENIED.

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

FURTHER ORDERED: Request for Attorneys' Fees (Real Party Pine View Apartment Partners) = DENIED.

CV-13-0036-PR
(25)

BRIMET II LLC v DESTINY HOMES MARKETING LLC
Court of Appeals Division One *1 CA-CV 11-0732*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Brimet II LLC) = DENIED.

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CV-13-0060-PR
(26)

SAMARITAN HEALTH SYSTEM et al v AHCCCS/BETLACH
Court of Appeals Division One *1 CA-CV 12-0031*

ORDERED: Petition for Review = DENIED.

CR-12-0529-PC
(27)

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

ORDERED: Petition for Review (On Denial of Post-Conviction Relief) = DENIED.

FURTHER ORDERED: The Warrant of Execution shall issue forthwith.

CR-13-0032-PR
(28)

STATE OF ARIZONA v MICHAEL ANTHONY HERNANDEZ
Court of Appeals Division Two *2 CA-CR 12-0055*

ORDERED: Petition for Review by Supreme Court = DENIED.

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CV-13-0016-PR
(29)

LONDON BRIDGE RESORT v ADVENTURE CENTER et al
Court of Appeals Division One *1 CA-CV 11-0208*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellees Adventure Center Inc., et al) = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant London Bridge Resort) = DENIED.

CV-13-0017-PR
(30)

KAREN HARKINS v DANIEL HARKINS
Court of Appeals Division One *1 CA-CV 12-0143*

ORDERED: Petition for Review = DENIED.

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

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

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

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Arizona Supreme Court
Wednesday, May 29, 2013

No. 3886

CV-13-0035-PR
(31)

In the Matter of the WILLIAM & LEOLA GOAR TRUST
Court of Appeals Division Two *2 CA-CV 12-0057*

ORDERED: Request Publication Order = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Bosse) = GRANTED.

CV-13-0039-PR
(32)

CAVE CREEK UNIFIED SCHOOL et al v DUCEY/STATE
Court of Appeals Division One *1 CA-CV 11-0256*

ORDERED: Petition for Review = GRANTED as to this Issue only: Does the Voter Protection Act authorize the voters to require the legislature to increase “the base level or other components of the revenue control limit” as provided in A.R.S. § 15-901.01?

FURTHER ORDERED: Oral argument will be expedited and set for 10 a.m. on Tuesday, July 23, 2013.

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.

FURTHER ORDERED: Request for Attorneys' Fees (Appellants Cave Creek Unified School et al) = CONTINUED.

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CV-13-0045-PR
(33)

DANNY MEYER et ux v ROBERT GUTIERREZ et ux
Court of Appeals Division One *1 CA-CV 12-0109*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellants Gutierrez) = DENIED.

CV-13-0057-PR
(34)

SOL JAFFE v GURSTEL CHARGO/CAPITAL ONE
Court of Appeals Division One *1 CA-CV 12-0840*

ORDERED: Extra-Ordinary Petition for Review = DENIED.

FURTHER ORDERED: Amended Extra-Ordinary Petition for Review = DENIED.

CV-13-0062-PR
(35)

PAWN 1ST LLC v CITY OF PHOENIX et al
Court of Appeals Division One *1 CA-CV 11-0791*

ORDERED: Petition for Review = DENIED.

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No. 3886

CV-13-0097-PR
(36)

MARIA MARQUEZ et al v ROSARIO ORTEGA et al
Court of Appeals Division One *1 CA-CV 12-0028*

ORDERED: Petition for Review = DENIED.

Justice Timmer voted to grant review.

CV-13-0107-PR
(37)

JAYNE FRIEDMAN/RICHARD BAIL v CAVE CREEK USD
Court of Appeals Division One *1 CA-CV 11-0828*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellees Friedman/Bail) = DENIED.



The foregoing action was taken by the Arizona Supreme Court on Wednesday, May 29, 2013.

_____ **Date:** _____
Rebecca White Berch, Chief Justice