

# MINUTES

No. 3880

*Arizona Supreme Court*  
Tuesday, February 12, 2013

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**CR-12-0324-PR**

**STATE OF ARIZONA v RANDALL MARK KORELC**

(1)

*Court of Appeals Division One*

*1 CA-CR 11-0184*

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

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

**CR-12-0337-PR**

**STATE OF ARIZONA v STEVE GERALD BARGER**

(2)

*Court of Appeals Division One*

*1 CA-CR 10-0940*

ORDERED: Petition for Review = DENIED.

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

**CR-12-0360-PR**

**STATE OF ARIZONA v ANTHONY JESUS MOLINA**

(3)

*Court of Appeals Division One*

*1 CA-CR 10-0931 PRPC*

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

**CR-12-0402-PR**

**STATE OF ARIZONA v THOMAS JAMES ODOM**

(4)

*Court of Appeals Division One*

*1 CA-CR 11-0609*

ORDERED: Petition for Review = DENIED.

Chief Justice Berch voted to grant review.

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**CR-12-0409-PR**  
(5)

**STATE OF ARIZONA v RICHARD MARTINEZ**  
*Court of Appeals Division Two*                      2 CA-CR 12-0235 PRPC

ORDERED: Petition for Review by Supreme Court = DENIED.

**CR-12-0413-PR**  
(6)

**STATE OF ARIZONA v MARCUS DAVID JARRELL**  
*Court of Appeals Division Two*                      2 CA-CR 11-0348

ORDERED: Petition for Review = DENIED.

**CR-12-0414-PR**  
(7)

**STATE OF ARIZONA v JOSE OMAR VASQUEZ**  
*Court of Appeals Division One*                      1 CA-CR 10-0971 PRPC

ORDERED: Petition for Review = DENIED.

**CV-12-0317-PR**  
(8)

**CHARLES STRUEBING v HON. HOLDING/STATE**  
*Court of Appeals Division One*                      1 CA-SA 12-0156

ORDERED: Motion to Strike a Portion of the Real Party in Interest's Notice of Acknowledgment of Petition for Review = DENIED.

FURTHER ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals (Filed Under Seal) = DENIED.

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**CV-12-0327-PR**  
(9)

**IN RE JEREMY S.**

*Court of Appeals Division One*

*1 CA-MH 12-0025*

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

**CV-12-0334-PR**  
(10)

**RESORT FUNDING v CANYONVIEW DEVELOPMENT/GOODMAN**

*Court of Appeals Division One*

*1 CA-CV 11-0069*

ORDERED: Defendant/Appellant's Petition for Review = DENIED.

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

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Resort Funding LLC) = DENIED.

**CV-12-0338-PR**  
(11)

**IN RE MH2011-002474**

*Court of Appeals Division One*

*1 CA-MH 11-0098*

ORDERED: Untitled Document (Treated as Motion for Permission to File Reply) = DENIED.

FURTHER ORDERED: Untitled Document (Treated as Motion for Fee Deferral) = GRANTED.

FURTHER ORDERED: Petition for Review = DENIED.

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**CV-12-0346-PR**  
(12)

**JOHN ROGONE et al v ROSIRA CORREIA et al**  
*Court of Appeals Division One*                      *1 CA-CV 11-0057*

ORDERED: Petition for Review = DENIED.

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

**CV-12-0364-PR**  
(13)

**TR WORLD GYM et al v BRUNSWICK CORPORATION**  
*Court of Appeals Division One*                      *1 CA-CV 11-0742*

ORDERED: Petition for Review by Appellants/Cross-Claimants T.R. World Gym, LLC and Brown & Recker, LLC = DENIED.

**CR-12-0393-PR**  
(14)

**STATE OF ARIZONA v LEONEL MARTINEZ**  
*Court of Appeals Division One*                      *1 CA-CR 11-0296*

ORDERED: Petition for Review = DENIED.

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

**CR-12-0441-PR**  
(15)

**STATE OF ARIZONA v RUSSELL LEE GARCIA**  
*Court of Appeals Division Two*                      *2 CA-CR 12-0251 PRPC*

ORDERED: Request for Oral Argument = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

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**CR-12-0468-PR**  
(16)

**STATE OF ARIZONA v CHARLES HENRY TODD**  
*Court of Appeals Division One*                      *1 CA-CR 11-0842*

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

**CR-12-0495-PR**  
(17)

**STATE OF ARIZONA v GLEN ALAN HUGGINS**  
*Court of Appeals Division Two*                      *2 CA-CR 12-0360 PRPC*

ORDERED: Petition for Review = DENIED.

**CR-12-0499-PR**  
(18)

**STATE OF ARIZONA v JACOB MAGALLANES**  
*Court of Appeals Division Two*                      *2 CA-CR 11-0246*

ORDERED: Petition for Review = DENIED.

**CV-12-0312-PR**  
(19)

**MICHAEL FRANKLIN v HON. BRNOVICH/STATE**  
*Court of Appeals Division One*                      *1 CA-SA 12-0148*

ORDERED: Petition for Review From Petition for Special Action (Capital Case) = DENIED.

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**CV-12-0330-PR**  
(20)

**JOSE ESCOBAR v ICA/MARSHALL et al**  
*Court of Appeals Division Two*                      *2 CA-IC 12-0001*

ORDERED: Petition for Review = DENIED.

**CV-12-0343-PR**  
(21)

**RAIN MORGAN v HON. JONES/LISA DELFINI**  
*Court of Appeals Division One*                      *1 CA-SA 12-0180*

ORDERED: Defendant/Petitioner's Petition for Review = DENIED.

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

**CV-12-0368-PR**  
(22)

**DAVID M. MORGAN v JILL ADAMS/CITY OF SIERRA VISTA**  
*Court of Appeals Division Two*                      *2 CA-CV 12-0041*

ORDERED: Petition for Review = DENIED.

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

**CR-12-0379-PR**  
(23)

**STATE OF ARIZONA v OTIS EUGENE BUNN**  
*Court of Appeals Division One*                      *1 CA-CR 11-0105*

ORDERED: Petition for Review = DENIED.

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**CR-12-0405-PR**  
(24)

**STATE OF ARIZONA v ROLAND JAMES SALISBURY**  
*Court of Appeals Division Two*                      *2 CA-CR 11-0143*

ORDERED: Petition for Review = DENIED.

**CR-12-0420-PR**  
(25)

**STATE OF ARIZONA v PAUL ANDREW PEREZ**  
*Court of Appeals Division One*                      *1 CA-CR 12-0082*

ORDERED: Petition For Review = DENIED.

**CR-12-0470-PR**  
(26)

**STATE OF ARIZONA v CARLOS BARRERAS-RATCLIFF**  
*Court of Appeals Division One*                      *1 CA-CR 11-0669*

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

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

**CV-12-0302-PR**  
(27)

**DELARNDRUS SHABAZZ v HON. McCLENNEN et al**  
*Court of Appeals Division One*                      *1 CA-SA 12-0169*

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

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**CV-12-0349-PR**  
(28)

**BRADFORD LUND et al v HON. MYERS et al**  
*Court of Appeals Division One*                      *1 CA-SA 12-0027*

ORDERED: 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-12-0350-PR**  
(29)

**BELLE WHITNEY et al v HON. OBERBILLIG et al**  
*Court of Appeals Division One*                      *1 CA-SA 12-0171*

ORDERED: Petition for Review = DENIED.

**CV-12-0356-PR**  
(30)

**QUINTARIUS ROZIER v HON. BERGIN/STATE**  
*Court of Appeals Division One*                      *1 CA-SA 12-0184*

ORDERED: Petitioner's Motion for Stay of Trial Court Proceedings Pending Resolution of Petition for Review of the Appellate Court's Special Action Decision = DENIED.

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

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**CV-12-0360-PR**  
(31)

**TONY ABBOTT et al v HON. PLANTE/YUMA COUNTY et al**  
*Court of Appeals Division One*                      *1 CA-SA 12-0228*

ORDERED: Petition for Review = DENIED.

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

**CV-12-0402-PR**  
(32)

**STATE v HON. BUTLER/TYLER B.**  
*Court of Appeals Division Two*                      *2 CA-SA 12-0065*

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = GRANTED as to the following issue only:

Did the court of appeals err in ruling that the trial court abused its discretion in granting the motion to suppress the blood draw taken from the juvenile? The parties are specifically asked to address these questions:

1. Notwithstanding the implied consent law, must consent be voluntary under the 4th Amendment for the blood draw to be admissible;
2. Are the age or other circumstances of the juvenile relevant to the voluntariness of the consent;
3. Was the blood draw taken in violation of the Parents' Bill of Rights and, if so, what is the consequence?

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.

FURTHER ORDERED: Amicus briefs, and any accompanying motions for leave to file, shall be submitted no later than March 15, 2013.

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**CV-13-0010-PR**  
(33)

**BRYAN WAYNE HULSEY v HON. RAYES/STATE**  
*Court of Appeals Division One*                      *1 CA-SA 13-0002*

ORDERED: Request for Oral Argument (Filed Ex Parte and Under Seal) = DENIED.

FURTHER ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals (Filed Ex Parte and Under Seal) = DENIED.



The foregoing action was taken by the Arizona Supreme Court on Tuesday, February 12, 2013.

\_\_\_\_\_ Date: \_\_\_\_\_  
**Rebecca White Berch, Chief Justice**