

# MINUTES

No. 6757

En Banc

*Arizona Supreme Court*  
Tuesday, October 29, 2019

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**CR-19-0071-PR**

**STATE OF ARIZONA v LUIS ARMANDO VARGAS**

(1)

*Court of Appeals, Division Two*

*2 CA-CR 16-0324*

ORDERED: Petition for Review to the Arizona Supreme Court = GRANTED as to Issue #2 only as rephrased:

Did petitioner preserve fundamental error review for individual claims of prosecutorial misconduct by arguing that cumulative instances of prosecutorial misconduct constituted fundamental error?

Did the court of appeals properly rely on *State v. Moreno-Medrano*, 218 Ariz. 349 (App. 2008)?

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 December 4, 2019, and any responses to amicus briefs are due on or before December 11, 2019. Any amicus briefs or responses may not exceed 20 pages in length.

**CR-19-0092-PR**

**PAUL PENZONE v HON. VIOLA/THOMAS ORVILLE BASTIAN**

(2)

*Court of Appeals, Division One*

*1 CA-SA 19-0039*

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

Justice Montgomery did not participate in this matter.

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**CR-19-0097-PR**

(3)

**STATE OF ARIZONA v JOHN JOSEPH MARTINEZ**

*Court of Appeals, Division Two*                      2 CA-CR 17-0120

ORDERED: Petition for Review = DENIED.

**CR-19-0129-PR**

(4)

**EDWARD LEWIS BROWN v HON. PINEDA/STATE**

*Court of Appeals, Division One*                      1 CA-SA 19-0060

ORDERED: Petition for Review = DENIED.

Justice Montgomery did not participate in this matter.

**CR-19-0177-PR**

(5)

**STATE OF ARIZONA v AARON MICHAEL ROSE**

*Court of Appeals, Division Two*                      2 CA-CR 18-0136

ORDERED: Petition for Review = DENIED.

**CR-19-0190-PR**

(6)

**STATE OF ARIZONA v CARL WAYNE PRICE**

*Court of Appeals, Division One*                      1 CA-CR 18-0421

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

Justice Beene and Justice Montgomery did not participate in this matter.



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**CV-19-0113-PR**  
(10)

**CARLOS CARRILLO et al v ROBERT URIBE et al**  
*Court of Appeals, Division One*                      *1 CA-CV 18-0157*

ORDERED: Petition for Review = DENIED.

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

**CV-19-0136-PR**  
(11)

**HESHMAT DOROSTI v RECOVERY INNOVATIONS et al**  
*Court of Appeals, Division One*                      *1 CA-CV 16-0617*

ORDERED: Recovery Innovations 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 the Court's Minute Letter. Any amicus briefs are due on or before December 4, 2019, and any responses to amicus briefs are due on or before December 11, 2019. Any amicus briefs or responses may not exceed 20 pages in length.

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---

**CV-19-0145-PR**  
(12)

**GOE3 LLC v BROADBAND TELCOM POWER INC**  
*Court of Appeals, Division One*                      *1 CA-CV 18-0355*

ORDERED: Appellant's Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Broadband Telecom Power Inc) = DENIED.

**CR-19-0115-PR**  
(13)

**STATE OF ARIZONA v DEMENT FRAZIER WEAVER**  
*Court of Appeals, Division Two*                      *2 CA-CR 19-0005 PRPC*

ORDERED: Petition for Review-Post Conviction = DENIED.

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**CV-19-0100-PR**  
(14)

**MARIA ROSAS et al v ADES/CHICANOS POR LA CAUSA INC**

*Court of Appeals, Division One*

*1 CA-UB 17-0385*

*1 CA-UB 17-0414*

*1 CA-UB 17-0415*

*1 CA-UB 17-0416*

ORDERED: Appellee Arizona Department of Economic Security's Petition for Review = GRANTED as to Issue #1 only, as rephrased:

Did the court of appeals misinterpret A.R.S. § 23-750(E), the agreements between the parties, and the Board's decisions?

Did the court of appeals ignore factual evidence that supported the Board's decisions?

FURTHER ORDERED: The case shall be set for oral argument. The parties should be prepared to address petitioner's motion to review its objection to the attorney fees award.

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 December 4, 2019, and any responses to amicus briefs are due on or before December 11, 2019. Any amicus briefs or responses may not exceed 20 pages in length.

FURTHER ORDERED: Arizona Department of Economic Security's Motion for Court to Review its Objection to Attorneys' Fees Award When Considering the Petition for Review = CONTINUED.

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

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**CV-19-0115-PR**  
(15)

**STEVEN GIBSON JR v PAUL J THEUT et al**

*Court of Appeals, Division One*

*1 CA-CV 17-0562*

ORDERED: Rick Kilfoy and Rick Kilfoy, PLC's Petition for Review = CONTINUED.

FURTHER ORDERED: Petition for Review = CONTINUED.

FURTHER ORDERED: Petition for Review by Defendants Paul J. Theut; Theut, Theut & Theut, PC; and Maricopa County = CONTINUED.

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

**CV-19-0140-PR**  
(16)

**TASNEEM HALLOUM v ADNAN HASASNEH**

*Court of Appeals, Division One*

*1 CA-CV 18-0353 FC*

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

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

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

**CR-18-0489-PR**  
(17)

**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.

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**CR-18-0583-PR**  
(18)

**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 this matter.

**CR-18-0595-PR**  
(19)

**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.

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**CR-19-0140-PR**  
(20)

**CHRISTOPHER MATTHEW CLEMENTS v HON. BERNINI/STATE**  
*Court of Appeals, Division Two*                      2 CA-SA 19-0013

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals (Oral Argument Requested) = 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 the Court's Minute Letter. Any amicus briefs are due on or before December 4, 2019, and any responses to amicus briefs are due on or before December 11, 2019. Any amicus briefs or responses may not exceed 20 pages in length.

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



The foregoing action was taken by the Arizona Supreme Court on Tuesday, October 29, 2019.

Robert Brutinel

Date: 10/29/2019

Robert Brutinel, Chief Justice