

MINUTES

No. 6771

En Banc

Arizona Supreme Court
Wednesday, May 27, 2020

CR-19-0345-PR

STATE OF ARIZONA v ANDREW PAUL SCHAFFER

(1)

Court of Appeals, Division One

1 CA-CR 19-0106 PRPC

ORDERED: Petition for Review = DENIED.

CR-19-0386-PR

STATE OF ARIZONA v DAVID JOSEPH DUFFY

(2)

Court of Appeals, Division Two

2 CA-CR 18-0071

ORDERED: The State of Arizona's Petition for Review = GRANTED as to these issues, as rephrased:

1. Whether a claim that the trial court failed to adequately protect a defendant's Sixth Amendment right to conflict-free counsel can be raised for the first time on appeal or whether it must be raised in a petition for post-conviction relief.
2. Whether the court of appeals erred when it found that the trial court made an insufficient inquiry into the joint representation in this matter where, inter alia, defense counsel avowed that both defendants had signed a waiver of any conflict arising from the joint representation.

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 07/01/2020, and any responses to amicus briefs are due on or before 07/16/2020. Any amicus briefs or responses may not exceed 20 pages in length.

MINUTES

No. 6771

En Banc

Arizona Supreme Court
Wednesday, May 27, 2020

CR-19-0417-PR **STATE OF ARIZONA v SAED DARRELL PENNINGTON**
(3) *Court of Appeals, Division One* *1 CA-CR 18-0663*

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

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

CR-20-0021-PR **DAUNTORIAN SANDERS v HON. STARR et al**
(4) *Court of Appeals, Division One* *1 CA-SA 19-0283*

ORDERED: Petition for Review of Special Action = DENIED.

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

CR-20-0034-PR **STATE OF ARIZONA v LILLIAN MARGUERITE HESTER**
(5) *Court of Appeals, Division One* *1 CA-CR 18-0770*

ORDERED: Petition for Review = DENIED.

CV-19-0236-PR **THE LAN-DALE CO v JAMES SAKRISON et al**
(6) *Court of Appeals, Division Two* *2 CA-CV 18-0156*

ORDERED: Petition for Review of Plaintiff-Appellant The Lan-Dale Co = DENIED.

MINUTES

No. 6771

En Banc

Arizona Supreme Court
Wednesday, May 27, 2020

CV-19-0267-PR

(7)

JASON SIMPSON v HON. PAMELA GATES/A. D. DOE

Court of Appeals, Division One

1 CA-SA 19-0209

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

Chief Justice Brutinel, Justice Bolick, Justice Lopez and Justice Montgomery did not participate in the determination of this matter.

CV-19-0303-PR

(8)

BAPCO LLC v FIDELITY NATIONAL TITLE INSURANCE CO

Court of Appeals, Division One

1 CA-CV 18-0345

ORDERED: Appellant's Petition for Review = DENIED.

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

FURTHER ORDERED: Request for Attorneys' Fees and Costs (Appellee Fidelity National Title Insurance Company) = GRANTED.

MINUTES

No. 6771

En Banc

Arizona Supreme Court
Wednesday, May 27, 2020

CV-19-0321-PR
(9)

JESSIE D. v DCS/F.V./M.D./M.D./C.D.

Court of Appeals, Division One

1 CA-JV 19-0073

ORDERED: Appellant Father Jessie D.'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 07/01/2020, and any responses to amicus briefs are due on or before 07/16/2020. Any amicus briefs or responses may not exceed 20 pages in length.

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

CV-19-0329-PR
(10)

MAJID NAYERI et al v MOHAVE COUNTY et al

Court of Appeals, Division One

1 CA-TX 18-0009

ORDERED: Petition for Review = DENIED.

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

Justice Gould voted to grant review.

MINUTES

No. 6771

En Banc

Arizona Supreme Court
Wednesday, May 27, 2020

CV-19-0330-PR
(11)

LAWRENCE WARFIELD v THE LEDBETTER LAW FIRM et al
Court of Appeals, Division One *1 CA-CV 18-0636*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Trustee Lawrence Warfield's Cross-Petition for Review = DENIED.

FURTHER ORDERED: Request for Costs (Appellant Warfield) = DENIED.

CV-19-0337-PR
(12)

LEAH M. v DCS/K.M.
Court of Appeals, Division One *1 CA-JV 19-0114*

ORDERED: Petition for Review = DENIED.

CV-20-0002-PR
(13)

SAMANTHA A. v DCS/C.I./J.I./J.I./K.I./K.I.
Court of Appeals, Division One *1 CA-JV 19-0203*

ORDERED: Petition for Review = DENIED.

MINUTES

No. 6771

En Banc

Arizona Supreme Court
Wednesday, May 27, 2020

CV-20-0021-PR
(14)

THOMPSON/MCCARTHY COFFEE v REPUBLIC BANK AZ
Court of Appeals, Division One *1 CA-CV 18-0349*

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

FURTHER ORDERED: Request for Attorneys' Fees and Costs (Appellee-Cross Appellant Republic Bank AZ) = DENIED.

CV-20-0023-PR
(15)

ANGELA T. v DCS/A.M./W.M.
Court of Appeals, Division One *1 CA-JV 19-0168*

ORDERED: Petition for Review = DENIED.

CV-20-0029-PR
(16)

IN RE PIMA COUNTY MENTAL HEALTH NO A20170058
Court of Appeals, Division Two *2 CA-MH 19-0001 SP*

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

MINUTES

No. 6771

En Banc

Arizona Supreme Court
Wednesday, May 27, 2020

CR-17-0594-PC
(17)

STATE OF ARIZONA v SCOTT DOUGLAS NORDSTROM
Pima County Superior Court *CR55947*

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

FURTHER ORDERED: Petition for Review of Denial of Petition for Post-Conviction Relief = DENIED.

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

CR-19-0363-PR
(18)

IAN L MITCHAM v HON. CUNANAN/STATE
Court of Appeals, Division One *1 CA-SA 19-0198*

ORDERED: Petition for Review of Decision Accepting Jurisdiction but Denying Relief for Special Action Regarding Motion to Remand for a New Finding of Probable Cause = DENIED.

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

CR-20-0024-PR
(19)

STATE OF ARIZONA v STEPHEN PAUL BANKS
Court of Appeals, Division One *1 CA-CR 19-0155 PRPC*

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

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

MINUTES

No. 6771

En Banc

Arizona Supreme Court
Wednesday, May 27, 2020

CR-20-0052-PR
(20)

STATE OF ARIZONA v JUAN RAMON SAHAGUN-LLAMAS
Court of Appeals, Division Two *2 CA-CR 17-0103*

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

Justice Montgomery voted to grant review.

CR-20-0056-PR
(21)

ROBERT RUIZ v HON. FOX/STATE ex rel ALLISTER ADEL
Court of Appeals, Division One *1 CA-SA 20-0013*

ORDERED: Petition for Review = DENIED.

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

CR-20-0058-PR
(22)

JEFFREY MARTINSON v HON. ADLEMAN/STATE
Court of Appeals, Division One *1 CA-SA 19-0295*

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

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

MINUTES

No. 6771

En Banc

Arizona Supreme Court
Wednesday, May 27, 2020

CV-19-0305-PR
(23)

MICHELLE DELLINGER v BASAMI HOUSE LLC

Court of Appeals, Division One

1 CA-CV 18-0688

ORDERED: Petition for Review = DENIED.

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

CV-19-0320-PR
(24)

SHAWNA N./JOHN N. v DCS/H.N.

Court of Appeals, Division One

1 CA-JV 18-0255

ORDERED: Petition for a Writ of Certiorari (Treated as a Petition for Review) = DENIED.

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

MINUTES

No. 6771

En Banc

Arizona Supreme Court
Wednesday, May 27, 2020

CV-20-0003-PR
(25)

GEORGE T SIMMONS et al v ACC

Court of Appeals, Division One

1 CA-CV 19-0047

1 CA-CV 19-0048

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Appellants Bruce L. Orr and Susan S. Orr Petition for Review = DENIED.

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

FURTHER ORDERED: Request for Attorneys' Fees and Costs (Appellants Orr, Pro Se) = DENIED.

CR-18-0583-PR
(26)

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.

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

MINUTES

No. 6771

En Banc

Arizona Supreme Court
Wednesday, May 27, 2020

CV-19-0290-PR
(27)

TRUE NORTH COMPANIES LLC v JIA-YEE LAI

Court of Appeals, Division One

1 CA-CV 18-0528

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant True North Companies LLC) = DENIED.

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

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



The foregoing action was taken by the Arizona Supreme Court on Wednesday, May 27, 2020.

Robert Brutinel

Date: 5/27/2020

Robert Brutinel, Chief Justice