

Court of Appeals, Division One
Criminal Petition Review Post Conviction Relief

1 CA-CR 21-0534 PRPC

STATE v. CABANAS

Appellate Case Information

Case Filed: 23-Nov-2021
 Case Closed:

Dept/Composition

Department D
 Hon. David D Weinzweig
 Hon. Brian Y Furuya
 Hon. Jennifer M Perkins

Side 1. STATE OF ARIZONA, Respondent
 (Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Respondent

Julie A Done, Esq. (AZ Bar No. 24370)
 John N Schneider, Esq. (AZ Bar No. 26365)

Side 2. FELIPE PETRONE CABANAS, Petitioner
 (Litigant Group) FELIPE PETRONE CABANAS

- Felipe Petrone Cabanas

Attorneys for: Petitioner

Mikel Steinfeld, Esq. (AZ Bar No. 24996)

Side 3. ARIZONA JUSTICE PROJECT, Amicus Curiae
 (Litigant Group) ARIZONA JUSTICE PROJECT

- Arizona Justice Project

Attorneys for: Amicus Curiae

Karen Smith, Esq. (AZ Bar No. 33494)
 Randal Boyd McDonald, Esq. (AZ Bar No. 32008)

CASE STATUS

Jun 3, 2024.....Pending Closure

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR1999-006656			Patricia A Starr, Judge on PC		

DESCENDENT CASE(S)

ASC CR-22-0185-PR
 ASC CR-23-0331-PR

PENDING MATTER

General Motion

Filed: 20-Jun-2024

Motion to Stay the Issuance of the Mandate Pending Petition for Writ of Certiorari (Petitioner)

2 CASE DECISIONS

21-Jun-2022 MEMORANDUM DECISION

Vacated
 Vacated by ASC 09/19/2023

Filed: 21-Jun-2022 Mandate:

Decision Disposition
Review Granted
Relief Granted

Jennifer Perkins.....Author
 David Weinzweig.....Concur
 Brian Furuya.....Concur

06-Dec-2023 ORDER

ORDERED: Granting review of the petition and denying relief.

Filed: 06-Dec-2023 Mandate:

Decision Disposition
Review Granted
Relief Denied

Jennifer Perkins.....Author

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50 PROCEEDING ENTRIES

1. 23-Nov-2021 FILED: Petition for Review to the Arizona Court of Appeals; Certificate of Service; Certificate of Compliance with Rule 33.16(c)(1), ARCP (Petitioner)
2. 23-Nov-2021 FILED: Appendix to Petition for Review to the Arizona Court of Appeals; Certificate of Service (Petitioner)
3. 1-Dec-2021 ORDERED: Clerk of Maricopa County Superior Court to transmit record on appeal, including but not limited to reporter's transcripts and exhibits, to clerk, Court of Appeals, on/before 01/18/2022. Amy M Wood - Author
4. 23-Dec-2021 FILED: Response to Petition for Review from Dismissal of Petrone-Cabanas's Successive Petition for Postconviction Relief; Certificate of Service for Response to Petition for Review from Dismissal of Petrone-Cabanas's Successive Petition for Postconviction Relief; Certificate of Compliance for Response to Petition for Review from Dismissal of Petrone-Cabanas's Successive Petition for Postconviction Relief (Respondent)
5. 28-Dec-2021 FILED: Motion to Extend Deadline to File Reply to Petition for Review; Certificate of Service (Petitioner)
6. 29-Dec-2021 ORDERED: Motion to Extend Deadline to File Reply to Petition for Review (Petitioner) = GRANTED. Due date EXTENDED from Monday, 01-10-2022 to Thursday, 01-20-2022 Benjamin A Armstrong ProTem Judge - Author
7. 14-Jan-2022 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 10/06/2000 List # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 in manila envelope
Hearing Date: 06/27/2001 - List # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 17 18 19 20 22 23 24 25 26 27 28 29 30 31 32 33 34 in manila envelope
Hearing Date: 01/18/2002 - List # 1 2 3 4 5 6 7 8 9 10 11 11.001 12 12.001 13 13.001 14 14.001 15 16 17 18 19 20 21 22 23 in manila envelope
8. 14-Jan-2022 FILED: Reply; Certificate of Service; Certificate of Compliance with Rule 33.16(f)(3), ARCP (Petitioner)
9. 14-Jan-2022 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: 162
Exhibits: None sent with e-Record
(Includes transcripts dated 08/15/2001, 08/20/2001, 08/06/2001, 08/01/2001, 08/13/2001, 08/22/2001, 10/06/2000, 08/08/2001, 08/21/2001, 10/19/1999, 11/16/2017, 11/01/2017, 05/24/2018, 01/23/2020, 05/08/2020, 05/21/2020)
10. 27-Jan-2022 FILED: Request for Oral Argument; Certificate of Service (Petitioner)
11. 4-Feb-2022 FILED: Brief of Amicus Curiae Arizona Justice Project in Support of Defendant/Petitioner Felipe Petrone-Cabanas's Petition for Review; Certificate of Compliance; Certificate of Service (Amicus Curiae)
12. 4-Feb-2022 FILED: Motion for Leave to File Amicus Curiae Brief of the Arizona Justice Project in Support of Petition for Review; Certificate of Service (Amicus Curiae)
13. 10-Feb-2022 FILED: Notice of Appearance; Certificate of Service for Notice of Appearance (Respondent)
14. 15-Feb-2022 ORDERED: Motion for Leave to File Amicus Curiae Brief of the Arizona Justice Project in Support of Petition for Review (Amicus Curiae) = GRANTED. Accepting The Arizona Justice Project's amicus curiae brief filed on 02/04/2022. FURTHER ORDERED: That any party may file a response to the brief by 03/16/2022.
15. 15-Feb-2022 ORDERED: Request for Oral Argument (Petitioner) = GRANTED. Hon Kent E Cattani - Author
16. 16-Mar-2022 FILED: State's Response to Brief of Amicus Curiae Arizona justice Project in Support of Petrone-Cabanas's petition for Review From dismissal of Successive petition for postconviction Relief; Certificate of Compliance for State's Response to Brief of Amicus Curiae Arizona Justice Project in Support of Petrone?cabanas's Petition for Review From Dismissal of Successive Petition for Postconviction Relief; Certificate of Service for State's Response to Brief of Amicus Curiae Arizona Justice Project in Support of Petrone-Cabanas's Petition for Review From Dismissal of Successive petition for Postconviction Relief (Respondent)
17. 27-Mar-2022 CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 5-25-22, 09:30 am, COURTROOM 1.
18. 31-Mar-2022 FILED: Notice of Oral Argument
19. 1-Apr-2022 FILED: Return Receipt For Notice of Oral Argument (Petitioner)
20. 28-Apr-2022 FILED: Return Receipt for Notice of Oral Argument (Respondent)
21. 29-Apr-2022 FILED: Notice of Supplemental Authority; Certificate of Service (Petitioner)
22. 2-May-2022 FILED: Motion for Leave to Participate in Oral Argument as Amicus Curiae; Certificate of Service (Amicus Curiae)

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23. 3-May-2022 ORDERED: Motion for Leave to Participate in Oral Argument as Amicus Curiae (Amicus Curiae) = DENIED as moot. FURTHER ORDERED: Vacating oral argument scheduled for 05/25/2022, at 9:30 a.m. in Courtroom 1. FURTHER ORDERED: Affirming the conference scheduled for 05/25/2022. Hon David D Weinzweig - Author
24. 4-May-2022 FILED: State's Notice of supplemental Citation of legal Authority in Support of State's Response to petition for Review From dismissal of Petrone-Cabanass's Successive petition for postconviction Relief and state's Response to Ajp' amicus Brief; Certificate of Service for state's Notice of supplemental Citation of legal Authority in Support of State's Response to petition for Review From dismissal of Petrone-Cabanass's Successive petition for postconviction Relief and state's Response to Ajp'sami (Respondent)
25. 5-May-2022 FILED: Corrected Notice of Supplemental Authority; Certificate of Service (Petitioner)
26. 20-May-2022 FILED: Second Notice of Supplemental Authority; Certificate of Service (Petitioner)
27. 20-Jun-2022 FILED: Courtesy copy of Defendant's Petition for Post-Conviction Relief and Request to Exceed Page Limits, filed 06/14/2022 in Maricopa County Superior Court
28. 21-Jun-2022 MEMORANDUM DECISION (Review Granted, Relief Granted) Hon Jennifer M Perkins - Author; Hon David D Weinzweig - Concur; Hon Brian Y Furuya - Concur
29. 21-Jun-2022 FILED: Memorandum Decision Distribution List
30. 26-Jul-2022 FILED: Email Notice from ASC re: Petition for Review filed 7/21/22; request for partial record
31. 26-Jul-2022 FILED: Letter forwarding partial record to Arizona Supreme Court
32. 27-Jul-2022 FILED: ASC Order filed 07/27/2022 re: granting respondent's motion to exceed the word count limit on the petition for review by 2,547 words for a total of 6,047 words. The petition for review shall be filed as of 07/21/2022.
33. 1-Nov-2022 FILED: Letter from ASC, 11/01/2022, re: Petition for Review CONTINUED on 11/01/2022.
34. 7-Dec-2022 FILED: Letter from ASC, 12/07/2022, re: Petition for Review CONTINUED on 12/06/2022.
35. 23-Mar-2023 FILED: Notice of Reassignment Within Public Defender's Office; Certificate of Service (Petitioner)
36. 19-Sep-2023 FILED: Order from ASC, 09/19/2023, re: ORDERED: Granting the State's Petition for Review. FURTHER ORDERED: Vacating the court of appeals' memorandum decision issued in this matter on 06/21/2022. FURTHER ORDERED: Remanding this matter to the court of appeals for further proceedings on Cabanas' petition for review consistent with this Court's opinion in State v. Hon. Cooper/Bassett (CR-22-0227-PR) filed on 09/18/2023.
37. 25-Sep-2023 FILED: Motion for Procedural Order: Opposed Motion for Supplemental Briefing; Certificate of Service (Petitioner)
38. 27-Sep-2023 FILED: State's Response in Opposition to Cabanas's Motion for Procedural Order: Opposed Motion for Supplemental Briefing; Certificate of Service for State's Response in Opposition to Cabanas's Motion for Procedural Order: Opposed Motion for Supplemental Briefing (Respondent)
39. 28-Sep-2023 FILED: Motion for Procedural Order: Reply: Opposed Motion for Supplemental Briefing; Certificate of Service (Petitioner)
40. 2-Oct-2023 ORDERED: The parties are invited to file simultaneous briefs of no more than 7,000 words addressing the legality of Cabanas' sentence under State v. Hon. Cooper/Bassett, CR-22-0227-PR (Ariz. Sep. 18, 2023). FURTHER ORDERED: Briefs may be filed no later than 10/31/2023, by close of business. FURTHER ORDERED: Upon completion of briefing, the court may take further action deemed appropriate, including resolution of the issue. Hon Jennifer M Perkins - Author
41. 5-Oct-2023 FILED: Arizona Supreme Court Mandate - COA1 Decision Vacated - Remanded to COA1
42. 31-Oct-2023 FILED: State's Simultaneous Brief Re: Legality of Cabanas's Natural Life Sentence Under State V. Hon. Cooper/Bassett, 535 P.3d 3 (Ariz. 2023); Certificate of Compliance for State's Simultaneous Brief Re: Legality of Cabanas's Natural Life Sentence Under State V. Hon. Cooper/Bassett, 535 P.3d 3 (Ariz. 2023); Certificate of Service for State's Simultaneous Brief Re: Legality of Cabanas's Natural Life Sentence Under State V. Hon. Cooper/Bassett, 535 P.3d 3 (Ariz. 2023) (Respondent)
43. 31-Oct-2023 FILED: Petitioner's Supplemental Brief; Certificate of Compliance; Certificate of Service (Petitioner)
44. 6-Dec-2023 ORDERED: Granting review of the petition and denying relief. Hon Jennifer M Perkins - Author
45. 2-Jan-2024 FILED: ASC Order filed 01/02/2024 re: extending time for filing Petition for Review to 02/05/2024; matter subject to dismissal if the petition for review is not filed by 02/05/2024.
46. 5-Feb-2024 FILED: Email Notice from ASC re: Petition for Review filed 02/05/2024; request for partial record
47. 3-Jun-2024 FILED: Letter from ASC, 06/03/2024, re: Petition for Review DENIED on 06/03/2024

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- 48. 19-Jun-2024 FILED: ASC Order filed 06/19/2024 re: The motion is denied, without prejudice to Petitioner's ability to seek a stay of the mandate in the Court of Appeals.
- 49. 20-Jun-2024 FILED: Motion to Stay the Issuance of the Mandate Pending Petition for Writ of Certiorari; Certificate of Service (Petitioner)
- 50. 31-Jul-2024 FILED: Notice re: Petition for Writ of Certiorari; Certificate of Service (Petitioner)