

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

1 CA-CR 22-0064 PRPC

STATE v. ARIAS

Appellate Case Information

Case Filed: 10-Feb-2022
 Case Closed:

Dept/Composition

Department B
 Hon. Paul J McMurdie
 Hon. David B Gass
 Hon. Angela K Paton

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)
 Ellen M Dahl, Esq. (AZ Bar No. 22405)

Side 2. JONATHAN ANDREW ARIAS, Petitioner
 (Litigant Group) JONATHAN ANDREW ARIAS

- Jonathan Andrew Arias

Attorneys for: Petitioner

Mikel Steinfeld, Esq. (AZ Bar No. 24996)
 Brittany Nicole Lamb, Esq. (AZ Bar No. 29108)

Side 3. ARIZONA JUSTICE PROJECT/JUVENILE LAW CENTER, Amicus Curiae
 (Litigant Group) ARIZONA JUSTICE PROJECT/JUVENILE LAW CENTER

- Arizona Justice Project
- Juvenile Law Center

Attorneys for: Amicus Curiae AZ Justice/JV Law

Scott M Bennett, Esq. (AZ Bar No. 22350)
 Andrew Fox, Esq. (AZ Bar No. 34581)

CASE STATUS

Jun 3, 2024.....Pending Closure

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR1999-012663-002			Patricia A Starr, Judge on PC		

DESCENDENT CASE(S)

ASC CR-22-0237-PR
 ASC CR-24-0020-PR

2 CASE DECISIONS

01-Sep-2022 MEMORANDUM DECISION

Vacated
 Vacated by ASC 09/19/2023

Filed: **01-Sep-2022** Mandate:



David Gass.....Author
 Paul McMurdie.....Concur
 Angela Paton.....Concur

Decision Disposition
Review Granted
Relief Granted

25-Sep-2023 ORDER

ORDERED: Upon reconsideration granting review and denying relief.

Filed: **25-Sep-2023** Mandate:

David Gass.....Author

Decision Disposition
Review Granted
Relief Denied

43 PROCEEDING ENTRIES

1. 10-Feb-2022 FILED: Petition for Review to the Arizona Court of Appeals; Certificate of Service; Certificate of Compliance with Rule 33.16(c)(1), ARCP (Petitioner)

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2. 10-Feb-2022 FILED: Appendix to Petition for Review to the Arizona Court of Appeals; Certificate of Service (Petitioner)
3. 11-Feb-2022 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 03/28/2022. Amy M Wood - Author
4. 15-Feb-2022 FILED: Notice of Appearance; Certificate of Service for Notice of Appearance (Respondent)
5. 14-Mar-2022 FILED: Response to Petition for Review From Dismissal of Jonathan Arias's Successive Petition for Postconviction Relief; Certificate of Service for Response to Petition for Review From Dismissal of Jonathan Arias's Successive Petition for Postconviction Relief; Certificate of Compliance for Response to Petition for Review From Dismissal of Jonathan Arias's Successive Petition for Postconviction Relief (Respondent)
6. 16-Mar-2022 FILED: State's Notice of Errata Correcting Two Citation Errors in Its Response to Petition for Review From Dismissal of Jonathan Arias's Successive Petition for Postconviction Relief; Certificate of Service for State's Notice of Errata Correcting Two Citation Errors in Its Response to Petition for Review From Dismissal of Jonathan Arias's Successive Petition for Postconviction Relief (Respondent)
7. 24-Mar-2022 FILED: Petitioner's Reply; Certificate of Service (Petitioner)
8. 25-Mar-2022 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 04/18/2003 List # 1 2 3 in manila envelope
Sealed Exhibit: Hearing Date: 04/30/2019 - Flash Drive
Sealed Exhibit: Hearing Date: 05/07/2019 - Flash Drive
9. 25-Mar-2022 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: 863, 864, 865
Exhibits: None sent with e-Record
(Includes Transcripts dated 09/19/2002, 08/07/2002, 01/30/2001, 01/29/2001, 01/25/2001, 01/22/2001, 01/23/2001, 01/24/2001, 11/12/1999, 02/18/2000, 09/29/2000, 01/10/2001, 01/18/2001, 01/31/2001, 02/01/2001, 02/05/2001, 02/06/2001, 05/04/2001, 01/22/2002, 02/20/2001, 03/12/2001, 03/14/2001, 02/18/2000, 01/13/2003, 10/04/2002, 02/14/2001, 02/15/2001, 02/12/2001, 01/10/2001, 09/29/2000, 07/07/2000, 03/08/2001, 03/09/2001, 02/13/2001, 01/14/2002, 03/21/2002, 01/22/2002, 12/12/2001, 09/07/2001, 03/13/2001, 03/15/2001, 03/05/2001, 03/07/2001, 03/06/2001, 03/16/2001, 03/26/2001, 03/05/2001, 03/06/2001, 03/02/2001, 03/01/2001, 02/28/2001, 02/27/2001, 02/26/2001, 02/21/2001, 02/22/2001, 08/09/2002)
10. 14-Apr-2022 FILED: Motion for Leave to File Brief of Amici Curiae Arizona Justice Project and Juvenile Law Center; Certificate of Service (Amicus Curiae)
11. 14-Apr-2022 FILED: Brief of Amici Curiae Arizona Justice Project and Juvenile Law Center; Certificate of Compliance; Certificate of Service (Amicus Curiae)
12. 19-Apr-2022 ORDERED: Motion for Leave to File Brief of Amici Curiae Arizona Justice Project and Juvenile Law Center (Amicus Curiae) = GRANTED. Accepting the amici curiae brief filed on 04/14/2022. FURTHER ORDERED: That any party may file a response to the brief by 05/19/2022. Hon Kent E Cattani - Author
13. 29-Apr-2022 FILED: Notice of Supplemental Authority; Certificate of Service (Petitioner)
14. 4-May-2022 FILED: State's Notice of supplemental Citation of legal Authority in Support of State's Response to Arias's Petition for Review from Dismissal of His successive Petition for postconviction Relief; Certificate of Service for State's Notice of supplemental Citation of legal Authority in Support of State's Response to Arias's Petition for Review from Dismissal of His successive Petition for postconviction Relief (Respondent)
15. 5-May-2022 FILED: Corrected Notice of Supplemental Authority; Certificate of Service (Petitioner)
16. 19-May-2022 FILED: Response to Arizona Justice Project and Juvenile Law Center's Amicus Brief Filed in Support of Jonathan Arias's Petition for Review from Dismissal of His Successive Petition for Postconviction Relief; Certificate of Compliance for Response to Arizona Justice Project and Juvenile Law Center's Amicus Brief Filed in Support of Jonathan Arias's Petition for Review from Dismissal of His Successive Petition for Postconviction Relief; Certificate of Service for Response to Arizona Justice Project and Juvenile Law Center's Amicus Brief Filed in Support of Jonathan Arias's Petition for Review from Dismissal of His Successive Petition for Postconviction Relief (Respondent)
17. 20-May-2022 FILED: Second Notice of Supplemental Authority; Certificate of Service (Petitioner)
18. 1-Sep-2022 MEMORANDUM DECISION (Review Granted, Relief Granted) Hon David B Gass - Author; Hon Paul J McMurdie - Concur; Hon Angela K Paton - Concur
19. 1-Sep-2022 FILED: Memorandum Decision Distribution List
20. 4-Oct-2022 FILED: Email Notice from ASC re: Petition for Review filed 10/3/22; request for partial record

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21. 4-Oct-2022 FILED: Letter forwarding partial record to Arizona Supreme Court
22. 4-Oct-2022 FILED: ASC Order filed 10/04/2022 re: Granting Respondent's request to exceed the thirty-five-hundred-word count stated in Rules 1.6(b)(1)(E) and 31.21(g)(2), Arizona Rules of Criminal Procedure by 2,837 words. The petition for review is deemed filed as of 10/03/2022.
23. 13-Oct-2022 FILED: ASC Order filed 10/13/2022 re: setting an expedited briefing schedule on the State's Petition for Review. FURTHER ORDERED: That Petitioner Jonathan Arias ("Defendant") shall file a response to the Petition for Review, that shall be filed on or before 10/28/2022, at 3:00 p.m. that complies with Ariz. R. Crim. Pro. 31.16(f). FURTHER ORDERED: That the State may file a reply to Defendant's response on or before 11/04/2022, at 3:00 p.m. that complies with Ariz. R. Crim. Pro. 31.16(f). FURTHER ORDERED: That any amicus briefs to the Petition for Review pursuant to Ariz. R. Crim. P. 32.16(h), 31.13(a)(7), 31.15 generally, 31.15(d)(1), and 31.21(g) shall be filed on or before 11/14/2022, at 2:00 p.m. FURTHER ORDERED: That any responses to amicus briefs may be filed on or before 11/23/2022, at 12:00 p.m., and must comply with Ariz. R. Crim. P. 32.16(h), 31.13(a)(7), 31.15 generally, 31.15(d)(1), and 31.21(g). Each party may file a single response to amicus briefs. FURTHER ORDERED: That in addition to filing with the Clerk of the Supreme Court (with filing and service through AZTurboCourt) all filings are also to be sent by email to all the parties and court staff when filed. Court staff will advise the parties how to submit copies by email.
24. 31-Mar-2023 FILED: Notice of Appearance; Certificate of Service (Respondent)
25. 19-Sep-2023 FILED: Letter from ASC, 09/19/2023, re: FURTHER ORDERED: Granting the State's Petition for Review. FURTHER ORDERED: Vacating the court of appeals' memorandum decision issued in this matter on 09/01/2022. FURTHER ORDERED: Remanding this matter to the court of appeals for further proceedings on Arias' petition for review consistent with this Court's opinion in State v. Hon. Cooper/Bassett (CR-22-0227-PR) filed on 09/18/2023.
26. 25-Sep-2023 ORDERED: Upon reconsideration granting review and denying relief. Hon David B Gass - Author
27. 5-Oct-2023 FILED: Arizona Supreme Court Mandate - COA1 Decision Vacated - Remanded to COA1
28. 6-Oct-2023 FILED: Motion for Reconsideration; Certificate of Service (Petitioner)
29. 12-Oct-2023 ORDERED: Setting a briefing schedule (for Motion for Reconsideration) as follows: response is due by 11/01/2023 and reply is due by 11/08/2023. The court will rule after the deadline for the reply. Hon David B Gass - Author
30. 1-Nov-2023 FILED: Response in Opposition to Arias's Motion for Reconsideration of This Court's Order Granting Review but Denying Relief Upon Reconsideration of Its 9/1/22 Ruling Based on The Arizona Supreme Court's Opinion in State V. Cooper/Bassett, Cr-22-0227-pr, 535 P.3; Order For State's Response To Arias's Motion For Reconsideration; Certificate Of Service For Response In Opposition To Arias's Motion For Reconsideration Of This Court's Order Granting Review But Denying Relief Upon Reconsideration Of Its 9/1/22 Ruling Based On The Arizona Supreme Court's Opinion In State V. Cooper/Bass (Respondent)
31. 8-Nov-2023 FILED: Reply Re: Motion for Reconsideration; Order Setting Briefing Schedule for Motion for Reconsideration; Certificate of Service (Petitioner)
32. 8-Nov-2023 FILED: Notice of Reassignment; Certificate of Service (Petitioner)
33. 5-Jan-2024 FILED: Notice of Supplemental Authority; Notice of Supplemental Authority-Certificate of Service (Respondent)
34. 9-Jan-2024 ORDERED: Motion for Reconsideration (Petitioner) = DENIED. Hon David B Gass - Author
35. 19-Jan-2024 FILED: ASC Order filed 01/19/2024 re: extending time for filing Petition for Review to 02/20/2024; matter subject to dismissal if the petition for review is not filed by 02/20/2024.
36. 20-Feb-2024 FILED: Email Notice from ASC re: Petition for Review filed 02/20/2024; request for partial record
37. 21-Feb-2024 FILED: Letter forwarding partial record to Arizona Supreme Court
38. 21-Feb-2024 FILED: Amended Letter forwarding partial record to Arizona Supreme Court
39. 3-Jun-2024 FILED: Letter from ASC, 06/03/2024, re: Petition for Review DENIED on 06/03/2024
40. 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.
41. 20-Jun-2024 FILED: Motion to Stay the Issuance of the Mandate Pending Petition for Writ of Certiorari; Certificate of Service (Petitioner)
42. 24-Jun-2024 ORDERED: Motion to Stay the Issuance of the Mandate Pending Petition for Writ of Certiorari (Petitioner) = GRANTED. Hon David B Gass - Author
43. 31-Jul-2024 FILED: Notice re: Petition for Writ of Certiorari; Certificate of Service (Petitioner)