

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

**1 CA-CR 22-0169 PRPC**

**STATE v. RUTLEDGE**

**Appellate Case Information**

Case Filed: 18-Apr-2022  
 Case Closed:

**Dept/Composition**

**Department D**  
 Hon. Samuel A Thumma  
 Hon. Jennifer B Campbell  
 Hon. Michael J Brown

**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)  
 Vince H Imbordino, Esq. (AZ Bar No. 4291)

**Side 2. JERMAINE LAMAR RUTLEDGE, Petitioner**

(Litigant Group) JERMAINE LAMAR RUTLEDGE

- Jermaine Lamar Rutledge

**Attorneys for: Petitioner**

Natalee E Segal, Esq. (AZ Bar No. 16775)

**CASE STATUS**

Jun 10, 2024....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR1997-005555			Geoffrey H Fish, Judge on PC		

DESCENDENT CASE(S)	
ASC CR-24-0141-PR	

**CASE DECISION**

16-May-2024 **MEMORANDUM DECISION**

**Percurium**

Samuel Thumma.....Concur  
 Jennifer Campbell.....Concur  
 Michael Brown.....Concur

Filed: **16-May-2024** Mandate:

Decision Disposition
<b>Review Granted</b>
<b>Relief Denied</b>

**36 PROCEEDING ENTRIES**

- 18-Apr-2022 FILED: Petition for Review; Certificate of Service; Trial Court Dismissal PCR; Certificate of Compliance (Petitioner)
- 19-Apr-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 06/03/2022. Amy M Wood - Author
- 18-May-2022 FILED: Notice of Appearance; Certificate of Service for Notice of Appearance (Respondent)
- 18-May-2022 FILED: Response to Petition for review From Dismissal of Jermaine Rutledge's successive Petition For postconviction Relief; Certificate of Service for Response to Petition for review From Dismissal of Jermaine Rutledge's successive Petition For postconviction Relief; Certificate of Compliance for Response to Petition for review From Dismissal of Jermaine Rutledge's successive Petition For postconviction Relief (Respondent)
- 1-Jun-2022 ORDERED: Staying this appeal until 7/25/22 and remanding this matter to the superior court to reconsider its decision in light of this court's recent opinion in State v Wagner. FURTHER ORDERED: The stay will be automatically lifted without further order on 7/26/22 unless before then petitioner files a notice of disposition, motion to dismiss this review proceeding, or motion to continue the stay. FURTHER ORDERED: Directing the clerk of the Maricopa County Superior Court to transmit a copy of any order entered within 5 days after entry. FURTHER ORDERED: any response [sic] to the petition for review shall be filed 8/25/22. Hon Kent E Cattani - Author
- 1-Jun-2022 ORDERED: Vacating the 8/25/22 due date for a response contained in this court's order filed 5/31/22. Benjamin A Armstrong ProTem Judge - Author

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7. 1-Jun-2022 FILED: State's Motion for Reconsideration, in Part, of this Court's Sua Sponte Order Remanding the Matter to the PCR Court for Reconsideration in Light of State v. Wagner; Certificate of Service for State's Motion for Reconsideration, in Part, of this Court's Sua Sponte Order Remanding the Matter to the PCR Court for Reconsideration in Light of State v. Wagner (Respondent)
8. 2-Jun-2022 FILED: e-Record on Appeal:  
Instruments/Minute Entries: Combined  
Disposition Report: 151, 439  
Exhibits: None sent with e-Record  
(Includes transcripts dated 11/19/1998, 11/17/1998, 11/17/1998, 11/18/1998, 11/16/1998, 11/23/1998, 11/20/1998, 02/12/1998, 11/09/1998, 11/10/1998, 11/12/1998, 11/10/1998, 06/02/1997, 02/20/2004, 09/09/1999, 01/24/2000, 09/08/1999, 09/09/1999, 09/14/1999, 04/05/2001, 09/16/1999, 09/07/1999, 09/13/1999, 09/20/1999, 11/02/1998, 06/25/1999, 12/01/2000, 04/10/2001, 04/12/2001, 03/01/2000, 07/14/1999, 09/10/1998, 09/03/1998, 02/13/1998, 08/10/1998, 01/13/1998, 11/17/1997, 09/15/1997, 03/29/2000, 09/13/2000, 04/13/2000, 12/07/2000, 12/13/2000, 03/21/2001, 01/11/2001, 07/21/1997, 02/02/2004, 06/02/1997, 04/21/1999, 12/17/1998, 12/10/1998, 09/21/1999, 11/04/1999, 12/17/1999, 02/04/2000, 09/07/1999)
9. 3-Jun-2022 FILED: Additional Record on Appeal  
Physical Exhibits:  
Hearing Date: 11/09/1998 List # 1 4 in manila envelope  
Hearing Date: 11/10/1998 List # 75 76 92 93 94 95 95.001 in manila envelope  
Hearing Date: 12/14/1998 List # 1 in manila envelope  
Hearing Date: 02/12/1999 List # 1 in manila envelope
10. 16-Jun-2022 ORDERED: State's Motion for Reconsideration, in Part, of this Court's Sua Sponte Order Remanding the Matter to the PCR Court for Reconsideration in Light of State v. Wagner (Respondent) = GRANTED. Vacating those portions of the order of 05/31/2022, remanding this matter to the superior court. FURTHER ORDERED: The provisions of the 05/21/2022 order regarding the stay of this matter remain in effect. FURTHER ORDERED: Directing respondent to provide this court a copy of any order filed in State v. Wagner, 1 CA-CR 21-0492 PRPC, marked for filing in this review proceeding, within five days of its entry. Hon Kent E Cattani - Author
11. 22-Jul-2022 FILED: Supplemented Superior Court e-Record with Revised Index of Record
12. 3-Oct-2022 FILED: State's Filing of Order Filed in State v. Wagner, 1 CA-CR-21-0492 PRPC, CR-22-0156-PR; Certificate of Service for State's Filing of Order Filed in State v. Wagner, 1 CA-CR-21-0492 PRPC, CR-22-0156-PR (Respondent)
13. 3-Nov-2022 ORDERED: Staying this review proceeding until 01/03/2023. FURTHER ORDERED: The stay will be automatically lifted without further order on 01/04/2023, unless before then petitioner or respondent files a notice of disposition, a motion to dismiss this review proceeding, or a motion to continue the stay. FURTHER ORDERED: Any response to the petition for review shall be filed by 02/03/2023. This deadline will be automatically extended if the stay is extended. Benjamin A Armstrong ProTem Judge - Author  
  
[amended per order filed 11/17/2022]
14. 5-Nov-2022 FILED: State's Filing of Arizona Supreme Court Minute Letter Filed in State V. Wanger, 1 CA-CR 21-0492 PRPC, CR-22-0156-PR and Request for Clarification of this Court's November 3, 2022, Order Sua Sponte Staying Review in this Case; Certificate of Service for State's Filing of Arizona Supreme Court Minute Letter Filed in State V. Wanger, 1 CA-CR 21-0492 PRPC, CR-22-0156-PR and Request for Clarification of this Court's November 3, 2022, Order Sua Sponte Staying Review in this Case (Respondent)
15. 17-Nov-2022 ORDERED: Staying this review proceeding until 01/03/2023. FURTHER ORDERED: The stay will be automatically lifted without further order on 01/04/2023, unless before then petitioner or respondent files a notice of disposition, a motion to dismiss this review proceeding, or a motion to continue the stay. FURTHER ORDERED: Vacating the 02/03/2023, due date for a response to the petition for review. Benjamin A Armstrong ProTem Judge - Author
16. 3-Jan-2023 FILED: State's Motion to Continue the Stay of Review Proceedings in this Case; Certificate of Service for State's Motion to Continue the Stay of Review Proceedings in this Case (Respondent)
17. 5-Jan-2023 ORDERED: State's Motion to Continue the Stay of Review Proceedings in this Case (Respondent) = GRANTED. Continuing the stay of this review proceeding until 03/06/2023. FURTHER ORDERED: The stay will be automatically lifted without further order on 03/07/2023, unless before then petitioner or respondent files a notice of disposition, a motion to dismiss this review proceeding, or a motion to continue the stay. Benjamin A Armstrong ProTem Judge - Author
18. 2-Mar-2023 FILED: State's Motion to Continue the Stay of the Review Proceedings in this Case; Certificate of Service for State's Motion to Continue the Stay of the Review Proceedings in this Case (Respondent)
19. 7-Mar-2023 ORDERED: State's Motion to Continue the Stay of the Review Proceedings in this Case (Respondent) = GRANTED continuing the stay of this review proceeding until 05/05/2023. FURTHER ORDERED the stay will be automatically lifted without further order on 05/08/2023, unless before then petitioner or respondent files a notice of disposition, a motion to dismiss this review proceeding, or a motion to continue the stay. Benjamin A Armstrong ProTem Judge - Author
20. 27-Apr-2023 FILED: State's Motion to Continue the Stay of the Review Proceedings; Certificate of Service for State's Motion to Continue the Stay of Review Proceedings in this Case (Respondent)

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21. 3-May-2023 ORDERED: State's Motion to Continue the Stay of the Review Proceedings (Respondent) = GRANTED and continuing the stay of this review proceeding until 07/05/2023. FURTHER ORDERED: Stay will be automatically lifted without further order on 07/06/2023, unless before then petitioner or respondent files a notice of disposition, a motion to dismiss this review proceeding, or a motion to continue the stay. Benjamin A Armstrong ProTem Judge - Author
22. 30-Jun-2023 FILED: State's Motion to Continue the Stay of Review Proceedings in this Case; Certificate of Service for State's Motion to Continue the Stay of Review Proceedings in this Case (Respondent)
23. 7-Jul-2023 ORDERED: State's Motion to Continue the Stay of Review Proceedings in this Case (Respondent) = GRANTED and continuing the stay of this review proceeding until 09/05/2023. FURTHER ORDERED: The stay will be automatically lifted without further order on 09/06/2023, unless before then petitioner or respondent files a notice of disposition, a motion to dismiss this review proceeding, or a motion to continue the stay. Benjamin A Armstrong ProTem Judge - Author
24. 31-Aug-2023 FILED: State's Motion to Continue the Stay of Review Proceedings in this Case; Certificate of Service for State's Motion to Continue the Stay of Review Proceedings in this Case (Respondent)
25. 5-Sep-2023 ORDERED: State's Motion to Continue the Stay of Review Proceedings in this Case (Respondent) = GRANTED and continuing the stay of this review proceeding until 11/06/2023. FURTHER ORDERED: The stay will be automatically lifted without further order on 11/07/2023, unless before then petitioner or respondent files a notice of disposition, a motion to dismiss this review proceeding, or a motion to continue the stay. Benjamin A Armstrong ProTem Judge - Author
26. 22-Sep-2023 FILED: State's Notice of Disposition in State ex rel. Mitchell V. Cooper (Bassett) and State V. Wagner, and Motion to Lift the Stay and Dismiss Rutledge's Petition for Review from the Denial of His Successive Petition for Postconviction Relief; Certificate of Service for State's Notice of Disposition in State ex rel. Mitchell V. Cooper (Bassett) and State V. Wagner, and Motion to Lift the Stay and Dismiss Rutledge's Petition for Review from the Denial of His Successive Petition for Postconviction (Respondent)
27. 3-Oct-2023 ORDERED: Lifting the stay effective immediately. FURTHER ORDERED: Deferring a ruling on the motion to dismiss to the panel that considers the petition for review. Benjamin A Armstrong ProTem Judge - Author
28. 4-Oct-2023 FILED: Motion for a Procedural Order to Allow Briefing on the Application of Mitchell v. Cooper (Bassett) to Rutledge Prior to a Dismissal in this Case; Motion for a Procedural Order to Allow Briefing on the Application of Mitchell v. Cooper (Bassett) to Rutledge Prior to a Dismissal in this Case (Certificate of Service) (Petitioner)
29. 12-Oct-2023 FILED: State's Response in Opposition to Rutledge's Motion for Briefing on Application of Mitchell V. Cooper (Bassett) to Rutledge Prior to Dismissal; Certificate of Service for State's Response in Opposition to Rutledge's Motion for Briefing on Application of Mitchell V. Cooper (Bassett) to Rutledge Prior to Dismissal (Respondent)
30. 17-Oct-2023 ORDERED: Granting the motion and permitting the parties to file simultaneous supplemental briefs regarding the application of Cooper to this matter. The briefs must not exceed 2,000 words and must be filed by 11/21/2023. Hon Randall M Howe - Author
31. 21-Nov-2023 FILED: State's Simultaneous Supplemental Brief Regarding the Application Of State Ex Rel. Mitchell V. Cooper/bassett, 535 P.3d 3 (2023) to This Matter.; Certificate of Compliance For State's Simultaneous Supplemental Brief Regarding the Application Of State Ex Rel. Mitchell V. Cooper/bassett, 535 P.3d 3 (2023) to This Matter.; Certificate of Service for State's Simultaneous Supplemental Brief Regarding the Application Of State Ex Rel. Mitchell V. Cooper/bassett, 535 P.3d 3 (2023) to This Matter. (Respondent)
32. 21-Nov-2023 FILED: Supplemental Brief Application of Mitchell V. Cooper (Bassett); Certificate of Service Supplemental Brief Application of Mitchell v. Cooper (Bassett); Certificate of Compliance Supplemental Brief Application of Mitchell v. Cooper (Bassett) (Petitioner)
33. 16-May-2024 MEMORANDUM DECISION (Review Granted, Relief Denied) Hon Samuel A Thumma - Concur; Hon Jennifer B Campbell - Concur; Hon Michael J Brown - Concur PERCURIUM
34. 16-May-2024 FILED: Decision Distribution Notification
35. 10-Jun-2024 FILED: Email Notice from ASC re: Petition for Review filed 06/10/24; request for partial record
36. 11-Jun-2024 FILED: Letter forwarding partial record to Arizona Supreme Court