

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

**1 CA-CR 25-0347 PRPC**

**STATE v. BENITEZ**

**Appellate Case Information**

Case Filed: 15-Aug-2025  
 Case Closed:

**Dept/Composition**

**Department D**  
 Hon. Daniel J Kiley  
 Hon. D Steven Williams  
 Hon. Cynthia J Bailey

**Side 1. STATE OF ARIZONA, Respondent**

(Litigant Group) STATE OF ARIZONA

- State of Arizona

**Attorneys for: Respondent**

Faith Cheree Klepper, Esq. (AZ Bar No. 18444)

**Side 2. BENNETT FRANCISCO BENITEZ, Petitioner**

(Litigant Group) BENNETT FRANCISCO BENITEZ

- Bennett Francisco Benitez

**Attorneys for: Petitioner**

Stephen M Johnson, Esq. (AZ Bar No. 15831)

**CASE STATUS**

May 1, 2026..... Pending in ASC

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2016-143212-001			Joseph P Mikitish, Judge on PC		

**DESCENDENT CASE(S)**

ASC CR-26-0132-PR

**CASE DECISION**

**01-Apr-2026 MEMORANDUM DECISION**

Cynthia Bailey.....Author  
 Daniel Kiley.....Concur  
 D Williams.....Concur

Filed: **01-Apr-2026** Mandate:

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

**15 PROCEEDING ENTRIES**

- 15-Aug-2025 FILED: Petition for Review; Certificate of Service - Petition for Review; Maricopa County Superior Court minute entry filed 07/22/2025 re: Minute Entry (Denial of PCR) (Petitioner)
- 18-Aug-2025 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 10/02/2025. Matthew J Martin - Author
- 15-Sep-2025 FILED: State's Response to Defendant's Petition for Review; Certificate of Service (Respondent)
- 17-Sep-2025 FILED: Motion to Withdraw and Substitute Counsel; Certificate of Service - Motion to Withdraw (Petitioner)
- 18-Sep-2025 FILED: Letter, dated 09/14/2025 from petitioner's counsel re: suspension of practice and reassignment of counsel
- 22-Sep-2025 ORDERED: Motion to Withdraw and Substitute Counsel (Petitioner) = GRANTED effective 10/03/2025. FURTHER ORDERED: Substituting attorney Dan Raynak as counsel for petitioner in place of Stephen Johnson as of 10/03/2025. Denise McGimsey ProTem Judge - Author
- 28-Sep-2025 FILED: Reply Brief; Certificate of Compliance- Reply Brief; Certificate of Service - Reply Brief (Petitioner)
- 1-Oct-2025 FILED: Additional Record on Appeal  
Physical Exhibits:  
Hearing Date: 04/08/2019 List # 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 25 26 27 30 31 32 34 35 37 39 40 41 42 43 46 47 48 53 54 60 61 62 63 64 70 71 in manila envelope
- 1-Oct-2025 FILED: e-Record on Appeal:  
Instruments/Minute Entries: Combined  
Disposition Report: 187  
Digital Exhibits: None sent with e-Record
- 12-Jan-2026 FILED: Stipulated Motion for Substitution of Counsel; Certificate of Service - Substitution of Counsel (Petitioner)
- 13-Jan-2026 ORDERED: Stipulated Motion for Substitution of Counsel (Petitioner) = GRANTED the substitution of Stephen M. Johnson as attorney of record for the Petitioner in place of Daniel R. Raynak. Hon Daniel J Kiley - Author

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| 12. | 1-Apr-2026 | MEMORANDUM DECISION (Review Granted, Relief Denied) Hon Cynthia J Bailey - Author; Hon Daniel J Kiley - Concur; Hon D Steven Williams - Concur |
| 13. | 1-Apr-2026 | FILED: Decision Distribution Notification  |
| 14. | 6-May-2026 | FILED: Email Notice from ASC re: Petition for Review filed 05/01/2026; request for partial record  |
| 15. | 6-May-2026 | FILED: Letter forwarding partial record to Arizona Supreme Court   |