

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

**1 CA-CR 26-0068 PRPC**

**STATE v. GERDES**

**Appellate Case Information**

Case Filed: 9-Feb-2026  
Case Closed:

**Dept/Composition**

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

• State of Arizona

**Attorneys for: Respondent**

Philip D Garrow, Esq. (AZ Bar No. 22458)

**Side 2. LAY ALLEN GERDES, Petitioner**  
**(Litigant Group) LAY ALLEN GERDES**

• Lay Allen Gerdes

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PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CR2023-006228-001		Jeffrey A Rueter, Judge on PC		

**2 OPEN DUE DATES**

**Response to Petition (PCR) Due**

**Due By:** Wednesday, June 10, 2026

*Re: FILED: Petition for Review of Post-Conviction Relief (Petitioner Pro Per)*

**Record Due**

**Due By:** Thursday, July 2, 2026

*Re: FILED: Petition for Review of Post-Conviction Relief (Petitioner Pro Per)*

**18 PROCEEDING ENTRIES**

- 9-Feb-2026 FILED: Notice of Appeal Under Rule 33.15 (Petitioner Pro Per)
- 10-Feb-2026 ORDERED: Directing clerk of this court to refile notice of appeal as a petition for review to avoid a summary dismissal of the notice of appeal. FURTHER ORDERED: Directing clerk of this court to transfer all records in this appeal to new post-conviction relief case. FURTHER ORDERED: This matter be administratively closed. This administrative closure will have no effect on court's consideration of new post-conviction relief case. Denise McGimsey ProTem Judge - Author
- 10-Feb-2026 FILED: Letter, 02/10/2026, to Lay Allen Gerdes, Petitioner, from Court Re: non-compliant Petition for Review; allowing 30 days from date of this letter to file compliant petition for review
- 20-Feb-2026 FILED: Motion Requesting Stay in Petition for Review (Appellant Pro Per)
- 20-Feb-2026 FILED: Letter (Petitioner Pro Per)
- 24-Feb-2026 ORDERED: Advising petitioner of the following information in response to his questions: The court may not provide legal advice, but the court's website includes information for self-represented litigants in post-conviction relief proceedings. The court has previously provided petitioner a copy of Arizona Rule of Criminal Procedure 32.16, which sets forth the requirements for a petition for review and includes information about what requests associated with a petition for review must be sent to the superior court rather than this court. Because a petition for review from the denial of post-conviction relief proceedings is discretionary, petitioner has no right to appointed counsel. Ross v. Moffitt, 417 U.S. 600, 614-15 (1974); State v. Smith, 184 Ariz. 456, 459 (1996). This court will order the superior court to transmit the entire court record, including any transcripts, after petitioner files a timely, compliant petition for review. Denise McGimsey ProTem Judge - Author
- 24-Feb-2026 ORDERED: Motion Requesting Stay in Petition for Review (Appellant Pro Per) = DENIED. FURTHER ORDERED: That petitioner may file a petition for review in this court on or before 03/25/2026. Denise McGimsey ProTem Judge - Author
- 5-Mar-2026 FILED: Motion of Request to Exceed Page limit of Petition for Review (Petitioner Pro Per)
- 5-Mar-2026 FILED: Motion of Request for Counsel (Petitioner Pro Per)
- 5-Mar-2026 FILED: Motion Requesting Extension of Time to File Petition for Review (Petitioner Pro Per)
- 9-Mar-2026 ORDERED: Motion of Request for Counsel (Petitioner Pro Per) = DENIED. Denise McGimsey ProTem Judge - Author
- 9-Mar-2026 ORDERED: Motion of Request to Exceed Page limit of Petition for Review (Petitioner Pro Per) = DENIED. This order is without prejudice to petitioner filing a motion to exceed the page or word limit that is supported by specific information describing why the existing limit is insufficient and specifying how many additional words or pages are requested. Petitioner may file such motion with the petition for review if desired. Denise McGimsey ProTem Judge - Author
- 9-Mar-2026 ORDERED: Motion Requesting Extension of Time to File Petition for Review (Petitioner Pro Per) = GRANTED. Due date EXTENDED from Wednesday, 03-25-2026 to Monday, 05-11-2026 Denise McGimsey ProTem Judge - Author

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| 14. | 21-Apr-2026 | FILED: Request for Additional Time (to File Petition for Review) (Petitioner Pro Per)  |
| 15. | 28-Apr-2026 | ORDERED: Request for Additional Time (to File Petition for Review) (Petitioner Pro Per) = GRANTED in part. Due date EXTENDED from Monday, 05-11-2026 to Wednesday, 06-10-2026. FURTHER ORDERED: Denying all other relief requested in petitioner's motion. Denise McGimsey ProTem Judge - Author |
| 16. | 11-May-2026 | FILED: Petition for Review of Post-Conviction Relief (Petitioner Pro Per)  |
| 17. | 18-May-2026 | FILED: Certificate of Mailing re: Petition for Review Post-Conviction Under Ariz. R. Crim. P. Rule 33.16   |
| 18. | 18-May-2026 | 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 07/02/2026. Matthew J Martin - Author   |