

Court of Appeals, Division One

Special Action

1 CA-SA 23-0219

MITCHELL v. HON BROWN NICHOLS/STATE

Appellate Case Information

Case Filed: 8-Nov-2023

Case Closed:

Dept/Composition

Department B

Hon. Michael J Brown
Hon. Andrew M Jacobs
Hon. Angela K Paton

Side 1. JAMES MARTIN MITCHELL, Petitioner

(Litigant Group) MITCHELL

- James Martin Mitchell PRO SE

Side 2. THE HONORABLE CATHLEEN BROWN NICHOLS, Judge of the SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of COCONINO,

Respondent Judge,

STATE OF ARIZONA ex rel. WILLIAM RING, Coconino County Attorney,

Real Party in Interest., Respondent

(Litigant Group) HON BROWN NICHOLS

- Hon. Cathleen Brown Nichols, Respondent Judge

(Litigant Group) STATE

- State of Arizona, Real Party in Interest

Attorneys for: Real Party in Interest

Ammon David Barker, Esq. (AZ Bar No. 28010)

Bryan F Shea, Esq. (AZ Bar No. 27631)

CASE STATUS

Feb 8, 2024.....Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: CON, CR2019-00239, Cathleen Brown Nichols, Authoring Judge of Order.

OPEN DUE DATE

Petition for Review to ASC due Due By: Monday, March 11, 2024

Re: * ORDERED: Petition for Special Action (Petitioner Pro Per) = Vacating the court's orders depublishing Mitchell's blog and remanding to the superior court to examine the blog in its entirety and make findings as to which entries must be removed such that

5 PENDING MATTERS

General Motion Filed: 30-Nov-2023

* Motion to Strike for Untimely Filing of Response and to Summarily Grant Requested Relief (Petitioner Pro Per)

General Motion Filed: 5-Dec-2023

* State's Procedural Motion For Continuance Of Oral Argument (Real Party in Interest)

General Motion Filed: 5-Dec-2023

STATE'S MOTION TO DECLINE/DISMISS SPECIAL ACTION AS MOOT & Response Regarding Timeliness (Real Party in Interest)

General Motion Filed: 6-Dec-2023

Motion to Strike for Untimely Filing of State's Motion to Decline/Dismiss Special Action as Moot and to Summarily Grant Requested Relief (Petitioner Pro Per)

General Motion Filed: 12-Dec-2023

Motion for Leave to Submit Brief as Amicus Curiae (Amicus Curiae McGhee)

Court of Appeals, Division One

Special Action

1 CA-SA 23-0219

MITCHELL v. HON BROWN NICHOLS/STATE

CASE DECISION

08-Feb-2024 ORDER

* ORDERED: Petition for Special Action (Petitioner Pro Per) = Vacating the court's orders depublishing Mitchell's blog and remanding to the superior court to examine the blog in its entirety and make findings as to which entries must be removed such that

Table with columns: Filed: 08-Feb-2024, Mandate: Decision Disposition, Jurisdiction Accepted, Relief Granted in Part

Andrew Jacobs.....Author

32 PROCEEDING ENTRIES

- 1. 8-Nov-2023 FILED: Petition for Special Action (Petitioner Pro Per)
2. 8-Nov-2023 FILED: Motion to Submit Sealed Documents (Petitioner Pro Per)
3. 8-Nov-2023 FILED: Appendix Under Seal (Petitioner Pro Per) (Filed Under Seal)
4. 8-Nov-2023 FILED: Application for Deferral or Waiver of Court Fees or Costs (Petitioner Pro Per)
5. 20-Nov-2023 ORDERED: Application for Deferral or Waiver of Court Fees or Costs (Petitioner) = DEFERRAL GRANTED. No payments due until further notice. Amy M Wood - Author
6. 21-Nov-2023 FILED: Order Setting Dates/petition set for am of 12/12/23 by Dept B, Judges Brown, Jacobs, Paton
7. 22-Nov-2023 ORDERED: Motion to Submit Sealed Documents (Petitioner Pro Per) = GRANTED. Hon Michael J Brown - Author
8. 29-Nov-2023 FILED: Response to Petition for Special Action; Certificate of Compliance; Certificate of Service (Real Party in Interest)
9. 30-Nov-2023 FILED: Motion to Strike for Untimely Filing of Response and to Summarily Grant Requested Relief; Certification of Service (Petitioner Pro Per)
10. 5-Dec-2023 FILED: State's Motion to Decline/Dismiss Special Action as Moot & Response Regarding Timeliness; Certificate of Service (Real Party in Interest)
11. 5-Dec-2023 FILED: State's Procedural Motion For Continuance Of Oral Argument; Certificate of Service (Real Party in Interest)
12. 6-Dec-2023 FILED: Motion to Strike for Untimely Filing of State's Motion to Decline/Dismiss Special Action as Moot and to Summarily Grant Requested Relief; Certification Of Service; (Untitled) Proof of Service (Petitioner Pro Per)
13. 6-Dec-2023 FILED: Motion to Deny Continuance and Summarily Grant Relief for Attorney Misconduct; Certification Of Service (Petitioner Pro Per)
14. 6-Dec-2023 FILED: Notice of Filing Transcript October 25th, 2023 Hearing; Reporter's Transcript - 10/25/2023 - Hearing On Pending Motions (Courtney Ingram); Certification of Service (Petitioner Pro Se)
15. 8-Dec-2023 ORDERED: Directing the State to file Orders (Supporting Motion to Decline/Dismiss) no later than 12/13/23. FURTHER ORDERED: Vacating the 12/12/23 conference date. Hon Michael J Brown - Author
16. 11-Dec-2023 FILED: Reply to State's Response to Special Action; Certification of Service; Certification of Compliance; (Untitled) Court Minute November 29th, 2023 Hearing (Petitioner Pro Se)
17. 11-Dec-2023 FILED: Notice of Filing; Certification of Service; State's Supplement to Petition to Revoke Probation (Petitioner Pro Se)
18. 11-Dec-2023 FILED: Amended Certification of Compliance for Reply to Special Action Response; Certification of Service (Petitioner Pro Se)
19. 12-Dec-2023 FILED: Motion for Leave to Submit Brief as Amicus Curiae; Certificate of Service (Amicus Curiae McGhee)
20. 12-Dec-2023 FILED: Brief of Amicus Curiae Joseph McGhee in Support of Petition for Special Action; Certification of Compliance; of Amicus Brief; (Untitled) Exhibit 1: Notice of Claim filed Dec. 1, 2023 (Amicus Curiae)
21. 12-Dec-2023 FILED: State's Response to Court's Order to Supplement the Record; Certificate of Service (Real Party in Interest)
22. 15-Dec-2023 FILED: Petition to Modify Conditions of Probation and Set Evidentiary Hearing (Courtesy Copy); Certification of Service; Petition to Modify Conditions of Probation and Set Evidentiary Hearing (Courtesy Copy) (Duplicate) (Petitioner Pro Se)

Court of Appeals, Division One

Special Action

1 CA-SA 23-0219

MITCHELL v. HON BROWN NICHOLS/STATE

32 PROCEEDING ENTRIES

23. 8-Feb-2024 ORDERED: Petition for Special Action (Petitioner Pro Per) = Vacating the court's orders depublishing Mitchell's blog and remanding to the superior court to examine the blog in its entirety and make findings as to which entries must be removed such that the resulting order is narrowly tailored to achieve a compelling state interest. FURTHER ORDERED: Any order prohibiting Mitchell in advance from publishing material on the internet must be narrowly tailored to proscribe only that speech which must be restrained to serve a compelling state interest the court identifies. Any such order must clearly state what subjects, or mentions of what people, may or may not constitutionally be proscribed consistent with that analysis. FURTHER ORDERED: This Court retains jurisdiction over the remaining matters before it in this special action and will issue appropriate orders concerning those matters in due course (Judges Brown, Jacobs, Paton)
24. 8-Feb-2024 ORDERED: The State obtain and lodge with this court no later than 2/29/24 the transcript of the 11/29/23 hearing. ORDERED: Within 20 days of the filing of this order, Attorney Mosher shall file a brief of up to 15 pages addressing why this court should not impose sanctions against him because of the misleading nature of the 12/5/23 motion and the incorrect statements within it. If the Coconino County Attorney's Office does not join Attorney Mosher's brief, it may file a separate brief of up to 15 pages on the issue. FURTHER ORDERED: After review of the briefing, this court will determine whether further action, including a show cause hearing, is necessary to determine the nature and scope of any sanctions that may be imposed. FURTHER ORDERED: There will be no additional filings in this matter other than those authorized in this order. Hon Andrew M Jacobs - Author
25. 9-Feb-2024 ORDERED: Petition to Modify Conditions of Probation and Set Evidentiary Hearing (Courtesy Copy) (Petitioner Pro Se) = DENIED. Hon Andrew M Jacobs - Author
26. 14-Feb-2024 FILED: Reporter's Transcript - 11/29/2023 - Probation Revocation Hearing, and Continuation of Motions Hearing (Melissa A. Lagies) (Real Party in Interest)
27. 21-Feb-2024 FILED: State's Brief Addressing This Court's February 8, 2024 Order; Certificate of Compliance; Certificate of Service (Real Party in Interest)
28. 28-Feb-2024 FILED: State's Notice of Filing Trial Court's February 22, 2024 Order and February 28, 2024 Amended Minute Entry; Certificate of Service (Real Party in Interest)
29. 22-Apr-2024 FILED: Motion For Leave To File Reply In Support Of Petition For Special Action; Certification of Service (Petitioner Pro Per)
30. 22-Apr-2024 FILED: Reply in Support of Petition for Special Action; Certification of Service (Petitioner Pro Per)
31. 30-Apr-2024 FILED: Notice of Substitution of Counsel; Certificate of Service (Appellee)
32. 30-Apr-2024 ORDERED: Motion For Leave To File Reply In Support Of Petition For Special Action (Petitioner Pro Per) = DENIED. Hon Andrew M Jacobs - Author