

Court of Appeals, Division One

Special Action

1 CA-SA 24-0089

STATE v. HON LEMAIRE/CARSON

Appellate Case Information

Case Filed: 2-May-2024

Case Closed:

Dept/Composition

Department D

Hon. Samuel A Thumma
Hon. Jennifer B Campbell
Hon. Michael J Brown

Side 1. STATE OF ARIZONA, Petitioner

(Litigant Group) STATE

- State of Arizona

Attorney for: Petitioner

Christine A Davis, Esq. (AZ Bar No. 21046)

Bradley F Perry, Esq. (AZ Bar No. 25682)

Side 2. THE HONORABLE KERSTIN LEMAIRE, Judge of the SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of MARICOPA,

Respondent Judge,

JOEL MCCLAIN CARSON,

Real Party in Interest., Respondent

(Litigant Group) HON LEMAIRE

- Hon. Kerstin G LeMaire, Respondent Judge

(Litigant Group) CARSON

- Joel McClain Carson, Real Party in Interest

Attorneys for: Real Party in Interest

Kush Govani, Esq. (AZ Bar No. 32425)

John Champagne, Esq. (AZ Bar No. 29720)

CASE STATUS

Jul 29, 2024.....Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2023-000872-001, Kerstin G LeMaire, Authoring Judge of Order.

Table with 2 columns: DESCENDENT CASE(S), Cause/Charge/Class. Row 1: ASC, CR-24-0207-PR.

2 OPEN DUE DATES

Response to Motion to Consolidate Due Due By: Friday, August 23, 2024

Re: FILED: Motion for Procedural Order to Consolidate Petitions for Review or Align Dates; Certificate of Service (Petitioner)

Petition for Review to ASC due Due By: Monday, September 9, 2024

Re: ORDERED: Motion to Dismiss as Moot (Real Party in Interest) = GRANTED. Hon Samuel A Thumma - Author [1 extension]

CASE DECISION

29-Jul-2024 ORDER

ORDERED: Motion to Dismiss as Moot (Real Party in Interest) = GRANTED.

Filed: 29-Jul-2024

Mandate:

Samuel Thumma.....Author

Decision Disposition

Dismissed

25 PROCEEDING ENTRIES

- 1. 2-May-2024 FILED: State's Emergency Petition For Special Action; Certificate of Compliance; Party Contact Sheet: Petition for Special Action (Petitioner)
2. 2-May-2024 FILED: Notice Of Related Cases In Special Action; Certificate of Service (Petitioner)

**Court of Appeals, Division One****Special Action****1 CA-SA 24-0089****STATE v. HON LEMAIRE/CARSON****25 PROCEEDING ENTRIES**

3. 2-May-2024 FILED: Special Action Clerk Notice (Assigned to Dept D, Judges Thumma, Campbell, Brown)
4. 2-May-2024 FILED: Special Action Stay Hearing Scheduling Requirements
5. 10-May-2024 FILED: Appendices (to Response) Filed Under Seal (Filed Under Seal)
6. 10-May-2024 FILED: Response State's Petition for Special Action; Word Count Certificate of Compliance; Certificate of Service (Real Party in Interest)
7. 10-May-2024 FILED: Appendix (Real Party in Interest)
8. 10-May-2024 FILED: Motion to Seal; Certificate of Service (Real Party in Interest)
9. 14-May-2024 FILED: Reply In Support Of State's Emergency Petition For Special Action; Certificate of Service; Certificate of Compliance (Petitioner)
10. 22-May-2024 ORDERED: Motion to Seal (Real Party in Interest) = GRANTED. FURTHER ORDERED: directing the Clerk of this court to seal the documents noted in the motion to seal, subject to access by court personnel as needed for processing this special action. FURTHER ORDERED: supplemental briefing may be helpful for the resolution of this special action. FURTHER ORDERED: State's supplemental opening brief must be filed no later than seven calendar days from the date of this order and shall not exceed 2,000 words. Carson's supplemental answering brief, not to exceed 2,000 words, must be filed no later than seven calendar days after the state files its supplemental opening brief. State may file a reply not to exceed 1,000 words within four calendar days after Carson files his supplemental answering brief. FURTHER ORDERED: absent extraordinary circumstances, motions for extension of time will not be entertained. Hon Samuel A Thumma - Author
11. 23-May-2024 ORDERED: setting oral argument in this matter on 6/12/24 at 2:00 pm in Courtroom 1. Hon Samuel A Thumma - Author
12. 28-May-2024 FILED: Return Receipt Re Oral Argument, signed by Kush Govani, on 5/23/24 (Real Party in Interest)
13. 29-May-2024 FILED: Supplemental Opening Brief in Support of State's Petition for Special Action; Certificate of Compliance; Certificate of Service (Petitioner)
14. 29-May-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Christine Davis on 05/29/2024 (Petitioner)
15. 5-Jun-2024 FILED: Supplemental Briefing (Supplemental Answering Brief); Word Count Certificate of Compliance; Certificate of Service (Real Party in Interest)
16. 5-Jun-2024 FILED: Supplemental Brief Appendix (Real Party in Interest)
17. 11-Jun-2024 FILED: Appendix Filed Under Seal (Filed Under Seal) (Real Party in Interest)
18. 11-Jun-2024 FILED: Motion to Seal (Appendix); Certificate of Service (Real Party in Interest)
19. 12-Jun-2024 FILED: Sign-in Sheet/Case is Under Advisement as of 06/12/2024
20. 17-Jun-2024 ORDERED: Motion to Seal (Appendix) (Real Party in Interest) = GRANTED. FURTHER ORDERED: directing the Clerk of this court to seal the documents noted in the motion to seal, subject to access by court personnel as needed for processing this special action. Hon Samuel A Thumma - Author
21. 9-Jul-2024 FILED: Motion to Dismiss as Moot; Certificate of Service (Real Party in Interest)
22. 29-Jul-2024 FILED: Notice of Dismissal; Certificate of Service (Real Party in Interest)
23. 29-Jul-2024 ORDERED: Motion to Dismiss as Moot (Real Party in Interest) = GRANTED. Hon Samuel A Thumma - Author
24. 9-Aug-2024 FILED: Motion for Procedural Order to Consolidate Petitions for Review or Align Dates; Certificate of Service (Petitioner)
25. 14-Aug-2024 FILED: ASC Order filed 08/14/2024 re: extending time for filing Petition for Review to 09/09/2024.