

Court of Appeals, Division One

Special Action

1 CA-SA 25-0062

CERVANTES v. STATE

Appellate Case Information

Case Filed: 24-Mar-2025

Case Closed:

Dept/Composition

Department A

Hon. Randall M Howe
Hon. Andrew M Jacobs
Hon. Samuel A Thumma

Side 1. ADRIAN CERVANTES, Petitioner

(Litigant Group) CERVANTES

- Adrian Cervantes

Attorney for: Petitioner

Catherine R Bradshaw, Esq. (AZ Bar No. 37780)

Side 2. STATE OF ARIZONA, Respondent

(Litigant Group) STATE

- State of Arizona

Attorneys for: Respondent

Quinton S Gregory, Esq. (AZ Bar No. 35125)

Heather N Coe-Smith, Esq. (AZ Bar No. 30689)

CASE STATUS

May 15, 2026... Decision Rendered

PREDECESSOR CASE(S)

Table with 6 columns: Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2024-117369-001, Travis C Marderosian, Authoring Judge of Order

DESCENDENT CASE(S)

ASC CR-25-0204-PR

2 OPEN DUE DATES

Motion for Reconsideration Due

Due By:

Monday, June 1, 2026

Re: OPINION (Jurisdiction Accepted, Relief Denied) Hon Samuel A Thumma - Author; Hon Randall M Howe - Concur; Hon Randall M Howe - Special Concurrence; Hon Andrew M Jacobs - Dissent

Petition for Review to ASC Due

Due By:

Monday, June 15, 2026

Re: OPINION (Jurisdiction Accepted, Relief Denied) Hon Samuel A Thumma - Author; Hon Randall M Howe - Concur; Hon Randall M Howe - Special Concurrence; Hon Andrew M Jacobs - Dissent

2 CASE DECISIONS

17-Jun-2025 ORDER

Vacated

Vacated per ASC Opinion filed on 11/26/2025.

Filed:

17-Jun-2025

Mandate:

Decision Disposition

Jurisdiction Declined

Randall Howe.....Author

15-May-2026 OPINION

Amended Per Order Filed 5-20-2026

Filed:

15-May-2026

Mandate:

Decision Disposition

Jurisdiction Accepted
Relief Denied

Samuel Thumma.....Author

Randall Howe.....Concur

Special Concurrence

Andrew Jacobs.....Dissent

24 PROCEEDING ENTRIES

- 1. 24-Mar-2025 FILED: Petition for Special Action; Petition for Special Action: Certificate of Compliance; Petition for Special Action: Party Contact Information; Petition for Special Action: Certificate of Service (Petitioner)
2. 24-Mar-2025 FILED: Courtesy Copy of Order Regarding Counsel (re: Indigence) (Petitioner)
3. 25-Mar-2025 FILED: Special Action Clerk Notice (Assigned to Dept A, Judges Bailey, Howe, Jacobs)

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24 PROCEEDING ENTRIES

4. 25-Mar-2025 FILED: Special Action Stay Hearing Scheduling Requirements
5. 25-Mar-2025 FILED: Memorandum: Judge Thumma for Judge Bailey (Chief Judge Gass)
6. 25-Mar-2025 FILED: Motion for Stay; Motion for Stay: Certificate of Service (Petitioner)
7. 27-Mar-2025 ORDERED: Petitioner shall file a transcript of the 02/13/2025 hearing no later than 04/03/2025. See ARCAP 14(e)(1). ORDERED: [sic] Respondent shall file a response no later than 04/10/2025. FURTHER ORDERED that a reply may be filed by Petitioner no later than 04/17/2025. Hon Randall M Howe - Author
8. 27-Mar-2025 ORDERED: Motion for Stay; Motion for Stay (Petitioner) = DENIED. Hon Randall M Howe - Author
9. 1-Apr-2025 FILED: Reporter's Transcript - 02/13/2025 - (Untitled Hearing) (Paul Briggs) (Petitioner)
10. 9-Apr-2025 FILED: State's Response to Petition for Special Action; Certificate of Compliance; Certificate of Service (Respondent)
11. 17-Apr-2025 FILED: Reply [sic] to State's Response to Petition for Special Action; Reply Certificate of Service; Reply Certificate of Compliance (Petitioner)
12. 17-Jun-2025 ORDERED: Petition for Special Action (Petitioner) = JURISDICTION DECLINED. Hon Randall M Howe - Author
[Vacated per ASC Order filed 11/26/2025]
13. 10-Jul-2025 FILED: ASC Order extending the time to file a Petition for Review to 08/18/25
14. 20-Aug-2025 FILED: Email Notice from ASC re: Petition for Review filed 08/18/2025; request for partial record
15. 20-Aug-2025 FILED: Letter forwarding partial record to Arizona Supreme Court
16. 26-Nov-2025 FILED: Letter from ASC, 11/26/2025, re: Petition for Review GRANTED on 11/25/2025. FURTHER ORDERED: Vacating the court of appeals' order declining special action jurisdiction. FURTHER ORDERED: Remanding this matter to the court of appeals to consider the merits of the special action.
17. 12-Dec-2025 FILED: Arizona Supreme Court Mandate, vacating court of appeals' order declining special action jurisdiction and remanding to the court of appeals to consider the merits of the special action
18. 3-Feb-2026 ORDERED: Setting Oral Argument in this matter on 2/24/2026 at 11:15 am in Courtroom 2. Hon Randall M Howe - Author
19. 12-Feb-2026 FILED: Return Receipt for Notice of Oral Argument, Signed by Heather Coe-Smith on 02/12/2026 (Respondent)
20. 12-Feb-2026 FILED: Return Receipt for Notice of Oral Argument, Signed by Catherine R. Bradshaw on 02/12/2026 (Petitioner)
21. 24-Feb-2026 FILED: Sign-in Sheet/Case is Under Advisement as of 2/24/26
22. 15-May-2026 OPINION (Jurisdiction Accepted, Relief Denied) Hon Samuel A Thumma - Author; Hon Randall M Howe - Concur; Hon Randall M Howe - Special Concurrence; Hon Andrew M Jacobs - Dissent
23. 15-May-2026 FILED: Decision Distribution Notification
24. 20-May-2026 ORDERED: The Clerk's Office, by interlineation, shall amend the dissent from the opinion filed 05/15/2026. (See Order) FURTHER ORDERED: Clerk's office shall distribute a copy of this order to all parties who received notification of the opinion. Hon Randall M Howe - Author