

Court of Appeals, Division One

Special Action

1 CA-SA 26-0222

POTEAT v. STATE

Appellate Case Information

Case Filed: 15-Jun-2026
Case Closed:

Dept/Composition

Department F

Hon. David B Gass
Hon. Anni Hill Foster
Hon. D Andrew Gaona

Side 1. WAYNE POTEAT, Petitioner

(Litigant Group) WAYNE POTEAT

- Wayne Poteat

Attorney for: Petitioner

Troy A Luster, Esq. (AZ Bar No. 34074)

Side 2. STATE OF ARIZONA ex rel., RACHEL MITCHELL, Maricopa County Attorney, Respondent

(Litigant Group) STATE OF ARIZONA ex rel., RACHEL MITCHELL, Maricopa County Attorney

- State of Arizona
- Rachel H Mitchell, Maricopa County Attorney's Office

Attorney for: Respondent

Johnny Jacquez, Esq. (AZ Bar No. 37963)

CASE STATUS

Jul 8, 2026.....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CR2026-006326-001		Margaret LaBianca, Authoring Judge of Order		

OPEN DUE DATE

Petition for Review to ASC Due

Due By:

Friday, August 7, 2026

Re: * ORDERED: Petition for Special Action (Petitioner) = JURISDICTION DECLINED without prejudice to Poteat refiling if the state fails to re-present the case to the grand jury. See RPSA 12(a), (c)(5). FURTHER ORDERED: Motion for Procedural Order Staying Spec

CASE DECISION

08-Jul-2026 ORDER

ORDERED: Petition for Special Action (Petitioner) = JURISDICTION DECLINED without prejudice to Poteat refiling if the state fails to re-present the case to the grand jury. See RPSA 12(a), (c)(5).

Filed: 08-Jul-2026

Mandate:

Decision Disposition

Jurisdiction Declined

David Gass.....Author

16 PROCEEDING ENTRIES

1.	15-Jun-2026	FILED: Petition for Special Action; Certificate of Compliance; Contact Sheet; Cover sheet (Petitioner)
2.	15-Jun-2026	FILED: Motion to Accept Exhibits Filed Under Seal for Petition for Special Action; Certificate of Service (Petitioner)
3.	15-Jun-2026	FILED: Final Release Order and Order Regarding Counsel (re: Indigence) (Petitioner)
4.	16-Jun-2026	FILED: Special Action Clerk Notice Assigned to Dept C, Judges Jacobs, Furuya, and Morse Jr.
5.	16-Jun-2026	FILED: Special Action Stay Hearing Scheduling Requirements
6.	16-Jun-2026	FILED: Amended Special Action Clerk Notice Assigned to Dept F Judges Gass, Foster, and Gaona
7.	16-Jun-2026	FILED: Amended Special Action Stay Hearing Scheduling Requirements
8.	16-Jun-2026	FILED: Appendix (FILED UNDER SEAL) (Petitioner)
9.	18-Jun-2026	ORDERED: Respondent shall file response by 6/25/26. FURTHER ORDERED: Petitioner shall file reply 5 days after response. FURTHER ORDERED: Motion to Accept Exhibits Filed Under Seal for Petition for Special Action (Petitioner) = GRANTED. Hon David B Gass - Author
10.	23-Jun-2026	FILED: Notice of Petitioner Email Change; Certificate of Service (Petitioner)
11.	24-Jun-2026	FILED: Notice of Errata; Certificate of Service (Petitioner)

Court of Appeals, Division One

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POTEAT v. STATE

16 PROCEEDING ENTRIES

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| 12. | 25-Jun-2026 | FILED: State's Response to the Petition for Special Action; Certificate of Compliance; Certificate of Service; Appendix A: State's Response to Motion to Remand, filed 5/12/26 (Respondent) |
| 13. | 26-Jun-2026 | FILED: Reply to State's Response to Petition for Special Action; Certificate of Service; Certificate of Compliance (Petitioner) |
| 14. | 2-Jul-2026 | FILED: Notice; Certificate of Service (Respondent) |
| 15. | 7-Jul-2026 | FILED: Motion for Procedural Order Staying Special Action Proceedings and Trial; Certificate of Service (Respondent) |
| 16. | 8-Jul-2026 | ORDERED: Petition for Special Action (Petitioner) = JURISDICTION DECLINED without prejudice to Poteat refiling if the state fails to re-present the case to the grand jury. See RPSA 12(a), (c)(5). FURTHER ORDERED: Motion for Procedural Order Staying Special Action Proceedings and Trial (Respondent) = DENIED as moot. Hon David B Gass - Author |