

Arizona Supreme Court
Criminal Petition for Review-Post Conviction (ASC)

CR-23-0068-PR

STATE OF ARIZONA v BENNETT LAQUAN WILLIAMS

Appellate Case Information

Case Filed: **20-Mar-2023** Archive on: 21-Aug-2034 (planned)
 Case Closed: **21-Aug-2024**

Dept/Composition

En Banc
 Hon. Robert Brutinel
 Hon. Ann A. Scott Timmer
 Hon. Clint Bolick
 Hon. John R Lopez
 Hon. James P Beene
 Hon. Kathryn H. King
 Hon. John Pelander

Side 1. STATE OF ARIZONA, Respondent

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Respondent

Quinton S Gregory, Esq. (AZ Bar No. 35125)
 Rachel H Mitchell, Esq. (AZ Bar No. 14560)

Side 2. BENNETT LAQUAN WILLIAMS, Petitioner

(Litigant Group) BENNETT LAQUAN WILLIAMS

- Bennett Laquan Williams

Attorneys for: Petitioner

Randal Boyd McDonald, Esq. (AZ Bar No. 32008)
 Robert Joseph Dormady, Esq. (AZ Bar No. 31755)

Side 3. MARICOPA COUNTY OFFICE OF THE LEGAL ADVOCATE, Amicus Curiae

(Litigant Group) MARICOPA COUNTY OFFICE OF THE LEGAL ADVOCATE

- Maricopa County Office of the Legal Advocate

Attorneys for: Amicus Curiae

Daniel Fenzel, Esq. (AZ Bar No. 33263)

CASE STATUS

Aug 21, 2024...Case Closed

Aug 6, 2024.....Decision Rendered

Aug 22, 2023...Oral Argument Granted

PREDECESSOR CASE (S)

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-CR 22-0197 PRPC				
↪ MAR	CR2016-002220-001		Rosa Mroz, Judge on PC Comments: (none)		

CASE DECISION

06-Aug-2024 OPINION

We vacate paragraphs 14 through 17 of the court of appeals' opinion, affirm the remainder of the opinion, reverse the trial court's PCR order, and remand the case to that court for re-sentencing.

Filed: **06-Aug-2024** Mandate: **26-Aug-2024**

Decision Disposition

Vacated in Part
Reversed
Remanded

Robert Brutinel.....Author
Ann Timmer.....Concur
John Lopez.....Concur
Clint Bolick.....Concur
James Beene.....Concur
Kathryn King.....Concur
John Pelander.....Concur

20 PROCEEDING ENTRIES

- 20-Mar-2023 FILED: Petition for Review; Certificate of Service; Certificate of Compliance; Appendix (Respondent State)
- 20-Mar-2023 FILED: Motion for Procedural Order: Unopposed Motion to Accept Late Filing; Certificate of Service (Respondent State)

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3. 24-Mar-2023 A "Motion for Procedural Order: Unopposed Motion to Accept Late Filing" (Respondent State) having been filed on March 20, 2023,

IT IS ORDERED granting the motion.

IT IS FURTHER ORDERED that the Petition for Review filed by Respondent State on March 20, 2023, shall be deemed as timely filed. (Tracie K. Lindeman, Clerk)
4. 24-Mar-2023 FILED: Record From CofA: Electronic Record
5. 14-Apr-2023 FILED: Response to Petition for Review; Certificate of Service; Certificate of Compliance (Petitioner Williams)
6. 22-Aug-2023 ORDERED: Petition for Review = GRANTED. In addition, the Court asks the parties to address an additional issue. Therefore, the parties should address these issues:

1. Whether the Court of Appeals erred by finding that a plea agreement is void when a marijuana-related conviction that was used to enhance its sentence has been expunged pursuant to A.R.S. § 36-2862.

2. If so, may the State allege a different prior conviction to enhance the sentence?

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than September 20, 2023. Any amicus briefs are due on or before October 4, 2023 and any responses to amicus briefs are due on or before October 18, 2023. Any amicus briefs or responses may not exceed 20 pages in length.

Justice Montgomery did not participate in the determination of this matter.
7. 25-Aug-2023 FILED: Record from CofA: Electronic Record
8. 20-Sep-2023 FILED: State of Arizona's Supplemental Brief; Certificate of Service; Certificate of Compliance (Respondent State)
9. 20-Sep-2023 FILED: Supplemental Brief; Certificate of Service; Certificate of Compliance (Petitioner Williams)
10. 4-Oct-2023 FILED: Brief of Amicus Curiae Maricopa County Office of the Legal Advocate in Support of Respondent; Certificate of Service; Certificate of Compliance (Amicus Maricopa County Legal Advocate)
11. 4-Oct-2023 FILED: Motion for Leave to File Amicus Curiae Brief; Certificate of Service; Certificate of Compliance (Amicus Maricopa County Legal Advocate)
12. 4-Oct-2023 A "Motion for Leave to File Amicus Curiae Brief" (Amicus Maricopa County Legal Advocate) and the brief of amicus curiae were filed on October 4, 2023. Accordingly, and pursuant to Rule 16(1)(b)(B) of the Rules of Civil Appellate Procedure,

IT IS ORDERED the "Motion for Leave to File Amicus Curiae Brief" is granted. The brief shall be filed as of October 4, 2023. (Hon. Robert Brutinel)
13. 6-Oct-2023 Justice Montgomery is recused and will not participate in the above captioned matter. Therefore, pursuant to Article 6, Section 3 of the Arizona Constitution,

IT IS ORDERED that the Honorable John Pelander, Justice (Retired) of the Arizona Supreme Court is designated to sit on the case until it is finally determined. (Hon. Robert Brutinel)
14. 20-Oct-2023 NOTICE OF ORAL ARGUMENT: Set for Tuesday, January 16, 2023 at 9:30 A.M. [Twenty (20) minutes per side]
15. 24-Oct-2023 FILED: Notice of Acknowledgment of Oral Argument (Quinton S. Gregory will argue) (Petitioner)
16. 24-Oct-2023 FILED: Notice of Acknowledgment of Oral Argument (Randal McDonald will argue) (Petitioner Williams)
17. 16-Jan-2024 ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: Quiton S. Gregory and Randal Boyd McDonald)
18. 6-Aug-2024 OPINION - We vacate paragraphs 14 through 17 of the court of appeals' opinion, affirm the remainder of the opinion, reverse the trial court's PCR order, and remand the case to that court for re-sentencing. (Hon. Robert Brutinel - Author; Hon. Ann A. Scott Timmer - Concur; Hon. John R. Lopez IV - Concur; Hon. Clint Bolick - Concur; Hon James P. Beene - Concur; Hon. Kathryn H. King - Concur; Hon. John Pelander - Concur)
19. 21-Aug-2024 -----CASE STATISTICALLY TERMINATED-----

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20 PROCEEDING ENTRIES

20. 26-Aug-2024 MANDATE REMANDING TO SUPERIOR COURT

 Issued Mandate and copy of Opinion to the Trial Court.
