

Arizona Supreme Court
Criminal Petition for Review - Appeal

CR-23-0215-PR

STATE OF ARIZONA v GIOVANI FUSTER MELENDEZ

Appellate Case Information

Case Filed: 24-Aug-2023
 Case Closed:

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. Rebecca White Berch

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Eric Knobloch, Esq. (AZ Bar No. 30269)
 Alice Jones, Esq. (AZ Bar No. 28062)
 Kristin K Mayes, Esq. (AZ Bar No. 22584)
 Joshua D Bendor, Esq. (AZ Bar No. 31908)

Side 2. GIOVANI FUSTER MELENDEZ, Appellant

(Litigant Group) GIOVANI FUSTER MELENDEZ

- Giovanni Fuster Melendez

Attorneys for: Appellant

Dawnese Hustad, Esq. (AZ Bar No. 25002)

Side 3. ARIZONA ATTORNEYS FOR CRIMINAL JUSTICE, Amicus Curiae

(Litigant Group) ARIZONA ATTORNEYS FOR CRIMINAL JUSTICE

- Arizona Attorneys for Criminal Justice

Attorneys for: Amicus Curiae

Molly Patricia Brizgys, Esq. (AZ Bar No. 29216)

CASE STATUS

May 7, 2024.....At Issue

May 7, 2024.....Oral Argument Granted

Aug 24, 2023.....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA 1 CA-CR 20-0066					
↪ MAR CR2019-104831-001	See File	See File	Stephen M Hopkins, Sentencing Comments: (none)	JURY	

22 PROCEEDING ENTRIES

- 24-Aug-2023 FILED: State of Arizona's Petition for Review; Certificate of Service; Certificate of Compliance; Opinion (Appellee State)
- 25-Aug-2023 FILED: Record from CofA: Electronic Record
- 25-Sep-2023 FILED: Appellant's Response to State's Petition for Review; Certificate of Service; Certificate of Compliance (Appellant Melendez)
- 18-Mar-2024 FILED: Record from CofA: Hearing Date 12/03/2019 - CD Exhibit 174
- 7-May-2024 ORDERED: State of Arizona's Petition for Review = GRANTED.

 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 May 28, 2024. Any amicus briefs are due on or before June 11, 2024 and any responses to amicus briefs are due on or before July 1, 2024. Any amicus briefs or responses may not exceed 20 pages in length.

 Justice Montgomery did not participate in the determination of this matter.
- 10-May-2024 Record from CofA: CD Submitted with Joint Motion to Supplement/Expand the Record (Filed August 3, 2022)

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22 PROCEEDING ENTRIES

7. 10-May-2024 FILED: Record from CofA: Entire Electronic and Physical Record

Physical Exhibits:

Hearing Date 12/03/2019 - List # 1 2 2.001 3 6 7 8 9 10 10.001 11 12 13 15 16 17 19 20 21 22 23 25 26 27 28 34 35 37 38 42 43 44 45 47 49 54 56 57 59 62 64 66 74 76 80 83 84 85 88 89 98 103 104 106 110 117 118 120 122 123 124 125 126 127 129 134 134.001 154 157 158 159 170 171 173 174.001 175 176 in a manila envelope

Confidential Criminal History Report in Sealed Manila Envelope
8. 15-May-2024 NOTICE OF ORAL ARGUMENT: Set for Tuesday, September 24, 2024 at 9:30 A.M. (twenty {20} minutes per side).
9. 17-May-2024 FILED: Notice of Acknowledgment of Oral Argument (Dawnese C. Hustad will argue) (Appellant Melendez)
10. 20-May-2024 FILED: Notice of Appearance of Additional Counsel (Joshua Bendor Attorney of Record); Certificate of Service (Appellee State)
11. 20-May-2024 FILED: Motion for a Procedural Order: Motion to Extend Time to File Supplemental Brief Until June 11, 2024; Certificate of Service (Appellant Melendez)
12. 21-May-2024 On May 20, 2024, Appellant filed a "Motion for a Procedural Order: Motion to Extend Time to File Supplemental Brief Until June 11, 2024." Appellant submits that Appellee has no objection to a fourteen-day extension. After consideration,

IT IS ORDERED granting Appellant's motion. Simultaneous supplemental briefs are due on or before June 11, 2024. No further extensions of time shall be granted absent extraordinary circumstances. (Hon. Robert Brutinel)
13. 20-May-2024 FILED: Notice of Acknowledgment of Oral Argument (Joshua D. Bendor will argue) (Appellee)
14. 7-Jun-2024 FILED: Motion for Procedural Order for Extension of Time to File Amicus Brief; Certificate of Service (Amicus Curiae AACJ)
15. 7-Jun-2024 FILED: Consent of the Parties (Amicus Curiae AACJ)
16. 10-Jun-2024 On June 7, 2024, Arizona Attorneys for Criminal Justice (AACJ) filed a Motion for Procedural Order for Extension of Time to File Amicus Brief. AACJ's motion advises that the Appellant and Appellee both have no objection to the requested extension.

Previously, on May 21, 2024, the Court granted Appellant Melendez's motion for extension of time to file the simultaneous supplemental briefs and extended the due date for the simultaneous supplemental briefs until on or before June 11, 2024.

Upon consideration, and good cause appearing,

IT IS ORDERED granting AACJ's Motion for Procedural Order for Extension of Time to File Amicus Brief. Amicus briefs are due on or before June 21, 2024.

IT IS FURTHER ORDERED extending the time to file responses to amicus briefs. Any responses to amicus brief are due on or before July 11, 2024.

The parties' simultaneous supplemental briefs and any amicus briefs or responses to amicus briefs may not exceed 20 pages in length.

No further extensions of time shall be granted absent extraordinary circumstances. (Hon. Robert Brutinel)
17. 11-Jun-2024 FILED: State of Arizona's Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellee State)
18. 11-Jun-2024 FILED: Simultaneous Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellant Melendez)
19. 11-Jun-2024 FILED: Appendix; Certificate of Service (Appellant Melendez)
20. 21-Jun-2024 FILED: Brief of Amicus Curiae Arizona Attorneys for Criminal Justice ("AACJ"); Certificate of Service; Certificate of Compliance (Amicus Curiae AACJ)
21. 10-Jul-2024 Justice William G. 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 Rebecca White Berch, Justice (Retired) of the Arizona Supreme Court is designated to sit on the case until it is finally determined. (Hon. Ann A. Scott Timmer)
22. 11-Jul-2024 FILED: State of Arizona's Response to Brief of Amicus Curiae Arizona Attorneys for Criminal Justice; Certificate of Service; Certificate of Compliance (Appellee State)