

Arizona Supreme Court
Criminal Petition for Review - Special Action

CR-23-0252-PR

LISA GILPIN v HON. HARRIS/MARCOS MARTINEZ

Appellate Case Information

Case Filed: 27-Sep-2023 Archive on: 22-Aug-2034 (planned)
 Case Closed: 22-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. William G Montgomery
 Hon. Kathryn H. King

Side 1. LISA GILPIN, Petitioner

(Litigant Group) LISA GILPIN

- Lisa Gilpin

Attorneys for: Petitioner

Colleen Clase, Esq. (AZ Bar No. 29360)

Side 2. HON. DANIELLE HARRIS, JUDGE OF THE SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of Pinal, Respondent Judge

(Litigant Group) HON. DANIELLE HARRIS, JUDGE OF THE SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of Pinal

- Danielle Harris, Maricopa County Attorney's Office

Side 3. MARCOS JERELL MARTINEZ, Real Party in Interest

(Litigant Group) MARCOS JERELL MARTINEZ

- Marcos Jerell Martinez

Attorneys for: Real Party in Interest

Kevin D Heade, Esq. (AZ Bar No. 29909)
 Kate Milewski, Esq. (AZ Bar No. 24877)

Side 4. NATIONAL CRIME VICTIM LAW INSTITUTE, et al., Amicus Curiae

(Litigant Group) NATIONAL CRIME VICTIM LAW INSTITUTE, et al.

- National Crime Victim Law Institute
- Valley of the Sun Chapter Parents of Murdered Children
- Navajo County Attorney's Office
- Arizona Crime Victim Rights Law Group

Attorneys for: Amicus Curiae

Randall S Udelman, Esq. (AZ Bar No. 14685)

CASE STATUS

Aug 22, 2024....Case Closed

Aug 7, 2024.....Decision Rendered

Apr 2, 2024.....Oral Argument Granted

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
2 CA	2 CA-SA 23-0067				
↪ PIN	CR201800324		Danielle Harris, Authoring Judge of Order Comments: (none)		

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CASE DECISION

07-Aug-2024 **OPINION**

* For the foregoing reasons, we hold that victim restitution is available from defendants adjudged GEI when the defendants' actions caused or threatened death or serious injury. We remand to the superior court to determine whether Gilpin is eligible for

Filed:	07-Aug-2024	Mandate:	23-Aug-2024
Decision Disposition			
Remanded			

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

26 PROCEEDING ENTRIES

1. 27-Sep-2023 FILED: Petition for Review of a Special Action Decision of the Court of Appeals; Certificate of Service; Certificate of Compliance; Order Declining Jurisdiction; Order (PinCSC) Filed 8/14/23 (Petitioner Gilpin)
2. 27-Sep-2023 FILED: Appendix to Petition for Review of a Special Action Decision of the Court of Appeals; Certificate of Service (Petitioner Gilpin)
3. 28-Sep-2023 FILED: Record from CofA: Link to Electronic Record
4. 2-Oct-2023 FILED: Notice of Acknowledgment; Certificate of Service (Real Party in Interest Martinez)
5. 14-Dec-2023 FILED: Notice of Withdrawal of Co-Counsel for Petitioner; Certificate of Service (Petitioner Gilpin)
6. 18-Dec-2023 FILED: Notice of Withdrawal of Co-Counsel for Real Party in Interest; Certificate of Service (Real Party in Interest Martinez)
7. 5-Jan-2024 The Clerk of the Supreme Court having been authorized by the Supreme Court to order any party to file a response to a petition for review at the direction of a Supreme Court staff attorney,

IT IS ORDERED that Real Party in Interest Martinez shall file a response to the petition for review on or before February 5, 2024.

IT IS FURTHER ORDERED no extensions of time shall be granted absent extraordinary circumstances. (Tracie K. Lindeman, Clerk)
8. 29-Jan-2024 FILED: Real Party in Interest's Response to Petition for Review; Certificate of Service; Certificate of Compliance (Real Party in Interest Martinez)
9. 5-Mar-2024 ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = CONTINUED.
10. 2-Apr-2024 ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = GRANTED as to this rephrased issue:

"Is a victim entitled to restitution when a defendant is adjudged guilty except insane?"

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 April 22, 2024. Any amicus briefs are due on or before May 6, 2024 and any responses to amicus briefs are due on or before May 28, 2024. Any amicus briefs or responses may not exceed 20 pages in length.
11. 3-Apr-2024 FILED: Notice of Counsel's Unavailability for Oral Argument from May 29, 2024 through June 06, 2024; Certificate of Service (Real Party in Interest Martinez)
12. 8-Apr-2024 NOTICE OF ORAL ARGUMENT: Set for Thursday, June 13, 2024 (twenty [20] minutes per side)
13. 8-Apr-2024 FILED: Notice of Acknowledgment of Oral Argument (Colleen Clase to Argue)
14. 9-Apr-2024 FILED: Notice of Acknowledgment of Oral Argument (Kevin D. Heade will argue) (Real Party Martinez)

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26 PROCEEDING ENTRIES

15. 15-Apr-2024 FILED: Motion for Procedural Order to Extend Time for Filing of Supplemental Briefs; Certificate of Service (Petitioner Gilpin)
16. 19-Apr-2024 On April 15, 2024, Petitioner filed a "Motion for Procedural Order to Extend Time for Filing of Supplemental Briefs." Petitioner submits that Real Party has no objection to a four-day extension. After consideration,

IT IS ORDERED granting Petitioner's motion. Simultaneous supplemental briefs are due on or before April 26, 2024. No further extensions of time shall be granted absent extraordinary circumstances. (Hon. Robert Brutinel)
17. 26-Apr-2024 FILED: Real Party in Interest's Supplemental Brief; Certificate of Service; Certificate of Compliance (Real Party in Interest Martinez)
18. 26-Apr-2024 FILED: Petitioner's Supplemental Brief; Certificate of Service; Certificate of Compliance (Petitioner Gilpin)
19. 6-May-2024 FILED: National Crime Victim Law Institute, Parents of Murdered Children Valley of the Sun Chapter, Navajo County Attorneys Office and the Arizona Crime Victim Rights Law Group Amici Curiae Brief in Support of Petitioner; Certificate of Service; Certificate of Compliance (Amici Curiae NCVLI, et al.)
20. 6-May-2024 FILED: Motion for Leave to File Brief of Amici Curiae National Crime Victim Law Institute, Parents of Murdered Children Valley of the Sun Chapter, Navajo County Attorney's Office and the Arizona Crime Victim Rights Law Group in Support of Petitioner (Amici Curiae NCVLI, et al.)
21. 7-May-2024 A "Motion for Leave to File Brief of Amici Curiae National Crime Victim Law Institute, Parents of Murdered Children Valley of the Sun Chapter, the Navajo County Attorney's Office, and the Arizona Crime Victim Rights Law Group [collectively 'Amici Curiae'] in Support of Petitioner" and the brief of Amici Curiae were filed on May 6, 2024. After consideration,

IT IS ORDERED that the "Motion for Leave to File Brief of Amici Curiae" is granted. The brief shall be filed as of May 6, 2024. (Hon. Robert Brutinel)
22. 28-May-2024 FILED: Real Party in Interest's Response to Amici Curiae: National Crime Victim Law Institute, et. al.; Certificate of Service (Real Party in Interest Martinez)
23. 13-Jun-2024 ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: Colleen Clase and Kevin D. Heade)
24. 7-Aug-2024 OPINION - For the foregoing reasons, we hold that victim restitution is available from defendants adjudged GEI when the defendants' actions caused or threatened death or serious injury. We remand to the superior court to determine whether Gilpin is eligible for restitution, the amount of restitution owed, whether Martinez is liable for restitution payments while suffering from a mental disease or defect, and for further proceedings consistent with this Opinion. (Hon James P. Beene - Author; Hon. Ann A. Scott Timmer - Concur; Hon. John R. Lopez IV - Concur; Hon. Robert Brutinel - Concur; Hon. Clint Bolick - Concur; Hon William G. Montgomery - Concur; Hon. Kathryn H. King - Concur)
25. 22-Aug-2024 -----CASE STATISTICALLY TERMINATED-----
26. 23-Aug-2024 MANDATE REMANDING TO SUPERIOR COURT

Issued Mandate and copy of Opinion to the Trial Court.
