

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

CR-23-0313-PR

STATE OF ARIZONA v JOHN BALLA PIERCE

Appellate Case Information

Case Filed: 15-Dec-2023 Archive on: 10-Sep-2034 (planned)
Case Closed: 10-Sep-2024

Dept/Composition

Side 1. STATE OF ARIZONA, Respondent
(Litigant Group) STATE OF ARIZONA

- State of Arizona, Appellee

Attorneys for: Appellee

Rachel H Mitchell, Esq. (AZ Bar No. 14560)
Julie A Done, Esq. (AZ Bar No. 24370)
Christopher Sammons, Esq. (AZ Bar No. 24077)

Side 2. JOHN BALLA PIERCE, Petitioner
(Litigant Group) JOHN BALLA PIERCE

- John Balla Pierce

Attorneys for: Petitioner

Stephen L Duncan, Esq. (AZ Bar No. 14403)

CASE STATUS

Sep 10, 2024....Case Closed

Sep 10, 2024....Decision Rendered

| PREDECESSOR CASE(S) | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments> | Trial | Dispo |
|---------------------|--------------------|-------------------|--|-------|-------|
| 2 CA | 2 CA-CR 22-0160 | | | | |
| ↳ MAR | CR-2006013269-001 | | Geoffrey H Fish, Authoring Judge of Order Comments: (none) | | |

2 CASE DECISIONS

20-Dec-2023 ORDER

* Petitioner Pierce filed a "Motion for Procedural Order (Motion for Extension of Time)" on December 15, 2023. Pursuant to Arizona Rules of Criminal Procedure, 31.6(e) and Arizona Rules of Civil Appellate Procedure, Rule 6(b), a motion for a procedural o

Filed: 20-Dec-2023 Mandate:

Decision Disposition

Denied

Tracie Lindeman

10-Sep-2024 ORDER

ORDERED: Petition for Review = DENIED.

Filed: 10-Sep-2024 Mandate:

Justice Montgomery did not participate in the determination of this matter.

Decision Disposition

Denied

16 PROCEEDING ENTRIES

- 15-Dec-2023 FILED: Motion for Procedural Order (Motion for Extension of Time); Certificate of Service (Petitioner Pierce)
- 20-Dec-2023 Petitioner Pierce filed a "Motion for Procedural Order (Motion for Extension of Time)" on December 15, 2023. Pursuant to Arizona Rules of Criminal Procedure, 31.6(e) and Arizona Rules of Civil Appellate Procedure, Rule 6(b), a motion for a procedural order must include a statement by the moving party of whether the other parties consent to, or object to, the entry of the order that is sought; or why the moving party was unable to contact the other parties before filing the motion. Therefore,

IT IS ORDERED the motion is denied without prejudice to Petitioner Pierce's ability to file a motion in compliance with Arizona Rules of Crim. Proc. Rule 31.6(e) and ARCAP 6(b). This matter is subject to dismissal if a compliant motion or petition for review is not filed by December 28, 2023. (Tracie K. Lindeman Clerk)

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16 PROCEEDING ENTRIES

3. 28-Dec-2023 FILED: Motion for Procedural Order (Motion for Extension of Time); Certificate of Service (Petitioner Pierce)
4. 28-Dec-2023 FILED: ASC Order Filed 12/20/23 (Petitioner Pierce)
5. 2-Jan-2024 A "Motion for Procedural Order (Motion for Extension of Time)" (Petitioner Pierce) having been filed on December 28, 2023,

IT IS ORDERED granting an extension of time to file the petition for review on or before January 29, 2024. No further extensions of time shall be granted absent extraordinary circumstances. This matter is subject to dismissal if the petition for review is not filed by January 29, 2024. (Tracie K. Lindeman Clerk)
6. 29-Jan-2024 FILED: Motion for Procedural Order (Motion for Extension of Time); Certificate of Service (Petitioner Pierce)
7. 31-Jan-2024 A "Motion for Procedural Order (Motion for Extension of Time)" (Petitioner Pierce) having been filed on January 29, 2024,

IT IS ORDERED granting a second extension of time to file the petition for review on or before February 28, 2024. No further extensions of time shall be granted absent extraordinary circumstances. This matter is subject to dismissal if the petition for review is not filed by February 28, 2024. (Tracie K. Lindeman Clerk)
8. 28-Feb-2024 FILED: Motion for Procedural Order (Stay Request of Deadline to File Petition for Review); Certificate of Service (Petitioner Pierce)
9. 1-Mar-2024 On February 28, 2024, Petitioner Pierce filed his third motion for procedural order in this case prior to filing the petition for review. The current motion is titled Motion for Procedural Order (Stay Request of Deadline to File Petition for Review) and requests that the Court stay the deadline to file the petition for review pending the United States Supreme Court's decision on a petition for certiorari filed by Real Party in Interest Lonnie Bassett in CR-22-0227-PR.

Petitioner has filed two prior motions for procedural orders on December 28, 2023, and January 29, 2024, respectively, both titled Motion for Procedural Order (Motion for Extension of Time). Each prior motion stated that the extension was needed because counsel required additional time to conduct legal research and complete drafting of the petition for review.

While the Court does have wide latitude to modify deadlines under Ariz. R. Crim. P. 31.3(e), it is not the Court's practice to grant a stay of indeterminate length, pending the resolution of a petition for writ of certiorari in a different case, lacking a petition for review that frames the issues presented for the Court's review. Therefore,

IT IS ORDERED that Petitioner's Motion for Procedural Order (Stay Request of Deadline to File Petition for Review) is denied.

IT IS FURTHER ORDERED that the petition for review is due on or before March 15, 2024. No further extensions of time shall be granted absent extraordinary circumstances.

This matter is subject to dismissal if the petition for review is not filed by March 15, 2024. (Hon. Ann A. Scott Timmer)
10. 15-Mar-2024 FILED: Petition for Review; Certificate of Service; Certificate of Compliance; Memorandum Decision (Petitioner Pierce)
11. 15-Mar-2024 FILED: Appendix Table of Contents; Certificate of Service (Petitioner Pierce)
12. 18-Mar-2024 FILED: Record from CofA: Link to Electronic Record
13. 19-Mar-2024 FILED: Appendix 1 of 2; Certificate of Service (Petitioner Pierce)
14. 19-Mar-2024 FILED: Appendix 2 of 2; Certificate of Service (Petitioner Pierce)
15. 9-Apr-2024 FILED: State's Notice of Acknowledgment; Certificate of Service (Respondent State)
16. 10-Sep-2024 ORDERED: Petition for Review = DENIED.

Justice Montgomery did not participate in the determination of this matter.