

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

CR-23-0329-PR

STATE OF ARIZONA v LUIS ALBERTO BAUTISTA

Appellate Case Information

Case Filed: 28-Dec-2023
Case Closed:

Dept/Composition

Side 1. STATE OF ARIZONA, Respondent

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Respondent

Douglas Gerlach, Esq. (AZ Bar No. 6869)
Rachel H Mitchell, Esq. (AZ Bar No. 14560)

Side 2. LUIS ALBERTO BAUTISTA, Petitioner

(Litigant Group) LUIS ALBERTO BAUTISTA

- Luis Alberto Bautista

Attorneys for: Petitioner

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

CASE STATUS

Dec 28, 2023....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-CR 23-0196 PRPC				
↳ MAR	CR 98-05875		Michael C Blair, Judge on PC Comments: (none)		

10 PROCEEDING ENTRIES

- 28-Dec-2023 FILED: Motion for Procedural Order (Motion for Extension of Time); Certificate of Service (Petitioner Bautista)
- 2-Jan-2024 A "Motion for Procedural Order (Motion for Extension of Time)" (Petitioner Bautista) having been filed on December 28, 2023, IT IS ORDERED granting an extension of time to file the petition for review on or before February 1, 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 1, 2024. (Tracie K. Lindeman Clerk)
- 29-Jan-2024 FILED: Motion for Procedural Order (Motion for Extension of Time); Certificate of Service (Petitioner Bautista)
- 31-Jan-2024 A "Motion for Procedural Order (Motion for Extension of Time)" (Petitioner Bautista) 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 March 4, 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 4, 2024. (Tracie K. Lindeman Clerk)
- 4-Mar-2024 FILED: Motion for Procedural Order (Stay Request of Deadline to File Petition for Review); Certificate of Service (Petitioner Bautista)

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6. 5-Mar-2024 On March 4, 2024, Petitioner Bautista 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 19, 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 19, 2024. (Hon. James P. Beene)

7. 19-Mar-2024 FILED: Petition for Review; Certificate of Service; Certificate of Compliance; Memorandum Decision (Petitioner Bautista)
8. 19-Mar-2024 FILED: Appendix; Certificate of Service (Petitioner Bautista)
9. 22-Mar-2024 FILED: Record from CofA: Electronic Record
10. 9-Apr-2024 FILED: State of Arizona's Acknowledgement; Certificate of Service (Respondent State)