

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

CR-23-0330-PR

STATE OF ARIZONA v JAMES ARTHUR VAUGHN

Appellate Case Information

Case Filed: **28-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

Attorneys for: Respondent

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

Side 2. JAMES ARTHUR VAUGHN, Petitioner

(Litigant Group) JAMES ARTHUR VAUGHN

- James Arthur Vaughn

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
1 CA	1 CA-CR 23-0255 PRPC				
↔ MAR	CR 0000-134298		Danielle J Viola, Judge on PC Comments: (none)		

CASE DECISION

10-Sep-2024 ORDER

ORDERED: Petition for Review = DENIED.

Filed: **10-Sep-2024**

Mandate: _____

A panel composed of Vice Chief Justice Lopez, Justice Bolick, Justice Beene and Justice King participated in the determination of this matter.

Decision Disposition

Denied

11 PROCEEDING ENTRIES

- 28-Dec-2023 FILED: Motion for Procedural Order (Motion for Extension of Time); Certificate of Service (Petitioner Vaughn)
- 2-Jan-2024 A "Motion for Procedural Order (Motion for Extension of Time)" (Petitioner Vaughn) 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, 2023. 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)
- 29-Jan-2024 FILED: Motion for Procedural Order (Motion for Extension of Time); Certificate of Service (Petitioner Vaughn)
- 31-Jan-2024 A "Motion for Procedural Order (Motion for Extension of Time)" (Petitioner Vaughn) 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)
- 28-Feb-2024 FILED: Motion for Procedural Order (Stay Request of Deadline to File Petition for Review); Certificate of Service (Petitioner Vaughn)

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11 PROCEEDING ENTRIES

6. 1-Mar-2024 On February 28, 2024, Petitioner Vaughn 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)
7. 15-Mar-2024 FILED: Petition for Review; Certificate of Service; Certificate of Compliance; Memorandum Decision (Petitioner Vaughn)
8. 15-Mar-2024 FILED: Appendix; Certificate of Service (Petitioner Vaughn)
9. 18-Mar-2024 FILED: Record from CofA: Electronic Record
10. 9-Apr-2024 FILED: State of Arizona's Acknowledgement; Certificate of Service (Respondent State)
11. 10-Sep-2024 ORDERED: Petition for Review = DENIED.
- A panel composed of Vice Chief Justice Lopez, Justice Bolick, Justice Beene and Justice King participated in the determination of this matter.
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