

**Arizona Supreme Court**  
**Criminal Petition for Review - Appeal**

**CR-24-0038-PR**

**STATE OF ARIZONA v ENRIQUE NESTOR OLIVARRIA**

**Appellate Case Information**

Case Filed: **5-Feb-2024** Archive on: 23-Aug-2034 (planned)  
 Case Closed: **23-Aug-2024**

**Dept/Composition**

**Side 1. STATE OF ARIZONA, Appellee**

(Litigant Group) STATE OF ARIZONA

- State of Arizona

**Attorneys for: Appellee**

Alice Jones, Esq. (AZ Bar No. 28062)  
 Kristin K Mayes, Esq. (AZ Bar No. 22584)  
 Emily Tyson-Jorgenson, Esq. (AZ Bar No. 38821)

**Side 2. ENRIQUE NESTOR OLIVARRIA, Appellant**

(Litigant Group) ENRIQUE NESTOR OLIVARRIA

- Enrique Nestor Olivarría

PRO SE

**Attorneys for: Appellant**

**CASE STATUS**

Aug 23, 2024....**Case Closed**

Aug 20, 2024....**Decision Rendered**

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
2 CA 2 CA-CR 22-0175					
↪ PIM CR20191938001			James E Marner, Authoring Judge of Order Comments: (none)		

**CASE DECISION**

**20-Aug-2024 ORDER**

ORDERED: Petition for Review = DENIED.

Filed: **20-Aug-2024**

Mandate:

Decision Disposition
<b>Denied</b>

**16 PROCEEDING ENTRIES**

- 5-Feb-2024 FILED: Motion to Extend Deadline for Petition for Review; Certificate of Service; Exhibit A (Appellant Olivarría)
- 6-Feb-2024 Appellant Olivarría filed a "Motion to Extend Deadline for Petition for Review" on February 5, 2024. 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, and the caption of a motion for procedural order must include the words, "Motion for Procedural Order." Therefore,  
  
IT IS ORDERED the motion is denied without prejudice to Appellant'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 February 12, 2024. (Tracie K. Lindeman Clerk)
- 5-Feb-2024 FILED: Exhibit A; Certificate of Service (Appellant Olivarría)
- 7-Feb-2024 FILED: Motion for Procedural Order: Motion for Extension of Time for Filing Petition for Review; Certificate of Service (Appellant Olivarría)
- 8-Feb-2024 A "Motion for Procedural Order: Motion for Extension of Time for Filing Petition for Review" (Appellant Olivarría) having been filed on February 7, 2024,  
  
IT IS ORDERED granting an extension of time to file the petition for review on or before March 11, 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 11, 2024. (Tracie K. Lindeman Clerk)

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**16 PROCEEDING ENTRIES**

6. 8-Feb-2024 FILED: Notice of Substitution of Counsel (Emily Tyson-Jorgenson Attorney of Record); Certificate of Service (Appellee State)
  7. 23-Feb-2024 FILED: Motion Status (Petitioner Olivarría, Pro Se)
  8. 15-Mar-2024 On February 23, 2024, Appellant Olivarría, Pro Se, filed "Motion Status," in the Court of Appeals. This Court received it on March 14, 2023. Appellant received an extension to file his petition for review to March 11, 2024. Sua sponte,  
  
IT IS ORDERED extending the deadline for Appellant to file his petition for review until Tuesday, April 2, 2024. No further extensions will be granted absent extraordinary circumstances. (Hon James P Beene)
  9. 1-Apr-2024 FILED: Notice of Motion for Pagation [sic]; (STRICKEN Per ASC Order Filed 4/18/24) Petition for Review (Appellant Olivarría, Pro Se)
  10. 2-Apr-2024 Appellant Olivarría, pro se, filed a "Notice of Motion for Pagation [sic]" on April 1, 2024. Pursuant to Arizona Rules of Criminal Procedure, 31.6(e), 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, and the caption of a motion for procedural order must include the words, "Motion for Procedural Order." Therefore,  
  
IT IS ORDERED the motion is denied without prejudice to Petitioner's ability to file a motion in compliance with Arizona Rules of Crim. Proc. Rule 31.6(e). (Tracie K. Lindeman Clerk)
  11. 16-Apr-2024 FILED: Motion for Procedural Order Requesting Pagation [sic] for Appeal PFR in the Supreme Court (Appellant Olivarría, Pro Se)
  12. 16-Apr-2024 FILED: Notice of Motion for Procedural Order/Extension of Time to File Petition for Review (Second Request) (Treated as Motion to File Amended Petition for Review) (Appellant Olivarría, Pro Se)
  13. 18-Apr-2024 On April 16, 2024, Appellant Olivarría, pro se, filed a Motion for Extension of Time to File a Petition for Review which this Court is treating as a Motion to File an Amended Petition for Review together with a Motion for Extended Pagation.  
  
On February 8, 2024, Appellant was granted an extension of time to file the petition on or before March 11, 2024, and was granted a second extension of time to file the petition to and including April 2, 2024, and Appellant filed a non-compliant Petition for Review on April 1, 2024. After consideration,  
  
IT IS ORDERED striking Appellant's Petition for Review filed April 1, 2024.  
  
IT IS FURTHER ORDERED denying in part the Motion for Extended Pagation.  
  
IT IS FURTHER ORDERED granting Appellant's motion to file an amended petition for review. Appellant may file an amended petition for review that does not exceed 4,500 words or 16 pages on or before May 13, 2024. No further extension will be granted without a showing of extraordinary circumstances.  
  
IT IS FURTHER ORDERED that the format of the amended petition for review must comply with the Rules of Criminal Procedure, specifically, Rule 1.6(b), as incorporated by Rules 31.21(g) and 31.12(b). (Hon. Clint Bolick)
  14. 10-May-2024 FILED: Petition for Review (Appellant Olivarría, Pro Se)
  15. 13-May-2024 FILED: Record from CofA: Link to Electronic Record
  16. 20-Aug-2024 ORDERED: Petition for Review = DENIED.
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