

Arizona Supreme Court
Criminal Petition for Review - Special Action

CR-24-0094-PR

SCOTT BACKUS v HON. BLUFF/STATE

Appellate Case Information

Case Filed: **9-Apr-2024** Archive on: 15-Aug-2034 (planned)
Case Closed: **15-Aug-2024**

Dept/Composition

Side 1. SCOTT BACKUS, Petitioner

(Litigant Group) SCOTT BACKUS

• Scott Backus

PRO SE Attorneys for: Petitioner

Side 2. HON. MICHAEL BLUFF, JUDGE OF THE SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of Yavapai, Respondent Judge

(Litigant Group) HON. MICHAEL BLUFF, JUDGE OF THE SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of Yavapai

• Hon Michael R Bluff, Yavapai County Superior Court

Side 3. STATE OF ARIZONA, Real Party in Interest

(Litigant Group) STATE OF ARIZONA

• State of Arizona

Attorneys for: Real Party in Interest

Ethan A Wolfinger, Esq. (AZ Bar No. 6598)

Dennis M McGrane, Esq. (AZ Bar No. 15186)

CASE STATUS

Aug 15, 2024....Case Closed

Aug 15, 2024....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-SA 24-0053				
YAV	S1300CR202380410		Michael R Bluff, Authoring Judge of Order Comments: (none)		

CASE DECISION

15-Aug-2024 ORDER

ORDERED: Special Action/Expedited Request (Treated as Petition for Review) = DENIED.

Filed: **15-Aug-2024**

Mandate:

A panel composed of Chief Justice Timmer, Justice Brutinel, Justice Montgomery and Justice King participated in the determination of this matter.

Decision Disposition

Denied

14 PROCEEDING ENTRIES

- 9-Apr-2024 FILED: Motion for Suspension of Rule/Liberally Construe/Proceed in Pro Per (Petitioner Backus, Pro Se)
- 9-Apr-2024 FILED: Special Action/Expedited Request (Treated as Petition for Review) (Petitioner Backus, Pro Se)
- 11-Apr-2024 SENT: Letter to Petitioner Re: Certificate of Service and Compliance
- 12-Apr-2024 On April 9, 2024, Petitioner Backus, pro se, filed a "Motion for Suspension of Rule/Liberally Construe/Proceed in Pro Per" and a request for expedited consideration of his petition.

IT IS ORDERED denying the motion and the request. The petition will be considered in due course. (Hon. Clint Bolick)
- 12-Apr-2024 FILED: Record from CofA: Electronic Record
- 22-Apr-2024 Envelope Addressed to Petitioner Returned Marked "Not in Custody" Return to Sender (See Dkt. No. 4)
- 24-Apr-2024 FILED: Motion for Suspension of 31.21(g)(2), (g)(3), and (h) of Arizona Rules of Crim. Proc. and/or Temporary Stay of Action or Time Extension [sic] (Petitioner Backus, Pro Se)
- 29-Apr-2024 FILED: Notice of Change of Address/Update (Petitioner Backus, Pro Se)

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14 PROCEEDING ENTRIES

9. 30-Apr-2024 On April 24, 2024, Petitioner Backus, Pro Se, filed a "Motion for Suspension of 31.21(g)(2), (g)(3), and (h) of Arizona Rules of Crim. Proc." Upon consideration,
- IT IS ORDERED denying Petitioner's Motion.
- IT IS FURTHER ORDERED that petitioner file a signed Certificate of Service, as required by Arizona Rule of Criminal Procedure 31.21(h) and a signed Certificate of Compliance, as required by Arizona Rule of Criminal Procedure 31.21(g)(3) by May 30, 2024. The Petition for Review will be considered in due course. (Hon. John R Lopez IV)
10. 6-May-2024 FILED: Response to Petition for Review of a Special Action Decision by the Court of Appeals; Certificate of Service; Certificate of Compliance (Real Party State)
11. 6-May-2024 FILED: Appendix to Response to Petition for Review of a Special Action Decision by the Court of Appeals; Certificate of Service (Real Party State)
12. 20-May-2024 FILED: Motion for Limited Exception (Petitioner Backus, Pro Se)
13. 22-May-2024 On April 9, 2024, Petitioner Backus, pro se, filed his "Special Action/Expedited Request" which the Court is treating as a Petition for Review from a decision of the Court of Appeals. See Rule 31.21(a), Ariz. R. Crim. P., ("A party may ask the Supreme Court to review a decision of the Court of Appeals by filing a petition for review,") and Rule 8, Ariz. P.R. Spec. Act. ("If a special action seeks relief in a criminal case, review of the decision of the Court of Appeals by the Supreme Court shall be by way of a petition for review pursuant to Rule 31.21,"). Petitioner also filed a "Motion for Suspension of Rule/Liberally Construe/Proceed in Pro Per" and a request for expedited consideration of his petition. The Court denied the motion and the request on April 12, 2024, indicating the petition would be considered in due course.
- On April 24, 2024, Petitioner filed a "Motion for Suspension of 31.21(g)(2), (g)(3), and (h) of Arizona Rules of Crim. Proc." On April 30, 2024, the Court entered an order directing Petitioner to file a signed certificate of service no later than May 30, 2024.
- On May 6, 2024, the Yavapai County Attorney's office filed a Response to the Petition for Review and Appendix. On May 20, 2024, Petitioner filed a "Motion for Limited Exception" asking to be excused from the requirement to file a certificate of service. Upon consideration,
- IT IS ORDERED Petitioner need not file a certificate of service or certificate of compliance for the Petition for Review.
- Petitioner also advises he will be filing a reply. However, a petitioner may not file a reply to a petition for review in this Court unless this Court enters an order specifically authorizing the filing of a reply. See Rule 31.21(f)(4), Ariz. R. Crim. P. The Court will notify Petitioner if a reply is requested and will not suspend Rule 31.21(f)(4).
- Having received a petition for review and a response, the Court will consider this matter in due course. (Hon. John R Lopez IV)
14. 15-Aug-2024 ORDERED: Special Action/Expedited Request (Treated as Petition for Review) = DENIED.
- A panel composed of Chief Justice Timmer, Justice Brutinel, Justice Montgomery and Justice King participated in the determination of this matter.
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