Arizona Supreme Court

Criminal Petition for Review - Special Action

CR-24-0131-PR HERMAN LEE GREEN v HON. WASHBURN/STATE

Appellate Case Information

Case Filed: 30-May-2024

Case Closed:

Dept/Composition

Side 1. HERMAN LEE GREEN, Petitioner

(Litigant Group) HERMAN LEE GREEN

- **Herman Lee Green, Sr.** PRO SE

Attorneys for: Petitioner

Side 2. HON. DANIEL A. WASHBURN, JUDGE OF THE SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of Pinal, Respondent Judge

(Litigant Group) HON. DANIEL A. WASHBURN, JUDGE OF THE SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of Pinal

- **Hon Daniel A Washburn, Pinal 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

Thomas McDermott, Esq. (AZ Bar No. 22589)

CASE STATUS

May 30, 2024....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
2 CA	2 CA-SA 24-0021				
↳ PIN	S1100CR201101869		Comments: (none)		

14 PROCEEDING ENTRIES

1.	30-May-2024	FILED: Petition for Review of a Special Action (Treated as Motion for Extension of Time) (Petitioner Green, Pro Se)
2.	30-May-2024	FILED: (Duplicate) Petition for Review of a Special Action (Treated as Motion for Extension of Time) (Rec'd from CofA 6/3/24) (Petitioner Green, Pro Se)
3.	31-May-2024	On May 30, 2024, Petitioner Green filed a document entitled "Petition for Review of a Special Action." Because the document does not meet the requirements of Rule 23(d) of the Arizona Rules of Civil Appellate Procedure, this Court has elected to treat the document as a motion for extension of time in which to file a petition for review. 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 Petitioner Green'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 June 17, 2024. (Tracie K. Lindeman Clerk)
4.	17-Jun-2024	FILED: Motion to Reconsider this Petition for Review of Special Action (Petitioner Green, Pro Se)

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14 PROCEEDING ENTRIES

5.	17-Jun-2024	On May 30, 2024, Petitioner Green, pro se, filed a one-page Petition for Review of a Special Action, in which he advised, "I feel that the appeals court was wrong in their decision dated May 14, 2024." The Petition did not comply with the requirements of Rule 31.21(d)(1), Ariz. R. Crim. P., did not attach the order as required by Rule 31.21(d)(2), did not include a Certificate of Compliance as required by Rule 31.21(g)(3), and did not include a Certificate of Service as required by Rule 31.21(h). On May 31, 2024, the Clerk of Court issued an order pointing out that Petitioner's filing was non-compliant, treating the petition as a motion for extension of time, and directing Petitioner to file a compliant motion or petition for review no later than June 17, 2024. On June 17, 2024, Petitioner filed a Motion to Reconsider this Petition for Review of Special Action, which, again, does not comply with the requirements of Rule 31.21(d)(1), does not include a copy of the order as required by Rule 31.21(d)(2), does not include a Certificate of Compliance as required by Rule 31.21(g)(3) and does not include a Certificate of Service as required by Rule 31.21(h). Upon consideration, IT IS ORDERED denying the Motion to Reconsider. IT IS FURTHER ORDERED extending the deadline for Petitioner to file a petition for review to July 3, 2024. No further extensions will be granted absent extraordinary circumstances. IT IS FURTHER ORDERED that any petition for review or motion must comply with Ariz. R. Crim. P. 31.21. (Hon James P Beene)
6.	3-Jul-2024	FILED: Motion for (20) Day Extension of Time to File Petition for Review unto this Court that Complies with the Courts Rules Ariz. Crim. P. 31.21 (Petitioner Green, Pro Se)
7.	8-Jul-2024	Petitioner Green filed a "Motion for (20) Day Extension of Time to File Petition for Review unto this Court that Complies with the Courts Rules Ariz. Crim. P. 31.21" on July 3, 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." This Court notes that the motion does not comply with these rules. Nonetheless, IT IS ORDERED the motion is granted and Petitioner shall have until July 26, 2024 to file a petition for review. This matter is subject to dismissal if the petition for review is not filed by July 26, 2024. (Tracie K. Lindeman Clerk)
8.	15-Jul-2024	FILED: Untitiled Document (Treated as Exhibits) (Petitioner Green, Pro Se)
9.	19-Jul-2024	SENT: Letter to Petitioner Re: Certificates of Compliance and Service
10.	19-Jul-2024	FILED: Record from CofA: Link to Electronic Record
11.	29-Jul-2024	FILED: Petition for Review (Petitioner Green, Pro Se)
12.	29-Jul-2024	FILED: [Duplicate] Petition for Review (Petitioner Green, Pro Se)
13.	2-Aug-2024	On July 15, 2024, Petitioner Green filed a pro se document that this Court elected to treat as a petition for review. Because the document did not include a certificate of compliance and a certificate of service, this Court directed Petitioner to file the required documents. On July 29, 2024, Petitioner filed a different document that he apparently intended to be his actual petition for review, which included a certificate of service and a certificate of compliance. Accordingly, IT IS ORDERED that this matter shall proceed based on the petition for review filed on July 29, 2024. The Court will consider the petition for review in due course. (Hon. William G. Montgomery)
14.	16-Aug-2024	FILED: Motion of Right (Petitioner Green, Pro Se)