

Arizona Supreme Court
Criminal Petition for Review - Appeal

CR-24-0168-PR

STATE OF ARIZONA v JESUS GABRIEL MARTINEZ

Appellate Case Information

Case Filed: 11-Jul-2024
Case Closed:

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)
Karen Moody, Esq. (AZ Bar No. 31112)

Side 2. JESUS GABRIEL MARTINEZ, Appellant
(Litigant Group) JESUS GABRIEL MARTINEZ

- Jesus Gabriel Martinez

Attorneys for: Appellant

Thomas E Higgins, Jr, Esq. (AZ Bar No. 4324)

CASE STATUS

Jul 11, 2024.....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
2 CA	2 CA-CR 23-0162				
PIM	CR20143117001		Howard J Fell, Pro Tem Comments: (none)		

9 PROCEEDING ENTRIES

- 11-Jul-2024 FILED: Motion for Extension of Time to File Petition for Review (First Request); Certificate of Service (Appellant Martinez)
- 12-Jul-2024 Appellant Martinez filed a "Motion for Extension of Time to File Petition for Review (First Request)" on July 11, 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 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 July 19, 2024. (Tracie K. Lindeman Clerk)
- 8-Aug-2024 The Court having ordered Appellant to file a petition for review or compliant motion for extension of time on or before July 19, 2024, and Appellant not having filed a petition or motion by that date,

IT IS ORDERED dismissing this matter. (Tracie K. Lindeman Clerk)
- 13-Aug-2024 FILED: Petition for Review of the Ruling of the Court of Appeals, Division Two; Certificate of Service; Certificate of Compliance; Memorandum Decision (Appellant Martinez)
- 13-Aug-2024 FILED: Second Motion for Procedural Order Motion for Extension of Time to File Petition for Review; Certificate of Service (Appellant Martinez)
- 13-Aug-2024 FILED: Appendix; Certificate of Service (Appellant Martinez)

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9 PROCEEDING ENTRIES

7. 14-Aug-2024 On July 11, 2024, Appellant Martinez filed a "Motion for Extension of Time to File Petition for Review (First Request)." The Clerk of Court issued an order on July 12, 2024 denying the motion noting that the motion was non-compliant and advising that the matter was subject to dismissal if a compliant motion or petition for review was not filed by July 19, 2024. On August 8, 2024, the Clerk of Court entered an order dismissing the case noting that no timely petition or motion had been filed.
- On August 13, 2024, Appellant Martinez untimely filed a petition for review along with a motion for extension of time. Counsel explained that "Counsel prepared a revised Motion to Extend but inadvertently did not file the revised Motion." Counsel also noted that Appellant was not at fault for the untimely filing.
- Pursuant to Arizona Rule of Criminal Procedure 31.6(e) and Arizona Rule 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. Appellant's motion is non-compliant in this respect.
- Further, Appellant's petition does not comply with Arizona Rule of Criminal Procedure 31.21(g)(2), which limits a petition in this Court to 3,500 words. A motion to exceed word limit was not filed along with the petition.
- Counsel for appellant is cautioned that future failure to comply with the rules may result in the denial of the relief sought. Nonetheless,
- IT IS ORDERED the motion is granted. The petition for review is deemed compliant and shall be filed as of August 13, 2024. (Hon James P Beene)
8. 14-Aug-2024 FILED: Record from CofA: Link to Electronic Record
9. 15-Aug-2024 FILED: Notice of Acknowledgment; Certificate of Service (Appellee State)