

Arizona Supreme Court
Criminal Post Conviction

CR-24-0170-PC

STATE OF ARIZONA v BRAD LEE NELSON

Appellate Case Information

Case Filed: 12-Jul-2024
Case Closed:

Dept/Composition

Side 1. STATE OF ARIZONA, Plaintiff
(Litigant Group) STATE OF ARIZONA

● **State of Arizona, Petitioner**

Attorneys for: Plaintiff/Petitioner

Kristin K Mayes, Esq. (AZ Bar No. 22584)
Jason Lewis, Esq. (AZ Bar No. 32461)
Kevin M Morrow, Esq. (AZ Bar No. 34697)

Side 2. BRAD LEE NELSON, Defendant
(Litigant Group) BRAD LEE NELSON

● **Brad Lee Nelson, Respondent**

Attorneys for: Defendant/Respondent

Sharmila Roy, Esq. (AZ Bar No. 10052)

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MOH CR20060904			John David Napper, Judge on PC		

5 PROCEEDING ENTRIES

- 12-Jul-2024 FILED: State of Arizona's Petition for Review; Certificate of Service; Certificate of Compliance; Appendix A-G (Plaintiff/Petitioner State)
- 2-Aug-2024 FILED: Supplemental Notice of Related Case; Certificate of Service (Plaintiff/Petitioner State)
- 4-Sep-2024 FILED: Notice of Appearance and Notice of Extension of Time Granted By Mohave County Superior Court [Attorney of Record Sharmila Roy]; Certificate of Service; Notice of Appearance Exhibit (Defendant/Respondent Nelson)
- 4-Sep-2024 FILED: Order (MCSC) Filed 6/27/24 (Defendant/Respondent Nelson)

5-Sep-2024 On July 12, 2024, the Petitioner State of Arizona filed a Petition for Review from the superior court's order granting post-conviction relief.

On September 4, 2024, the Court received Defendant's Notice of Appearance and Notice of Extension of Time Granted by Mohave County Superior Court filed by Ms. Sharmilla Roy. The notice of extension states that the superior court appointed Ms. Roy subject to "receiv[ing] an extension of time until October 15, 2024, for filing any response, petition or cross-petition in this matter."

Upon review of the superior court's minute entry, the Court notes that the superior court granted the "request to extend time for filing [Defendant's] Petition/Cross Petition . . . to October 15, 2024."

Pursuant to Ariz. R. Crim. P. 32.16(a)(4)(A) "[a] party may seek an extension of time for filing the petition or cross-petition for review by filing a motion with the trial court." (Emphasis added). However, Ariz. R. Crim. P. 32.16(f)(1)(A) and (B) provide that "[n]o later than 30 days after a petition or cross-petition is served, a party opposing the petition or cross-petition may file a response in the appellate court," and "[a] party may file a motion with the appellate court for an extension of the time to file a response." (Emphasis added).

Therefore, contrary to the assertion in the Notice of Appearance and Notice of Extension of Time Granted by Mohave County Superior Court, the Defendant's response to the State's petition for review was due on or before August 13, 2024, absent this Court granting an extension requested pursuant to Ariz. R. Crim. P. 32.16(f)(1)(B).

Nonetheless, in the interest of justice and judicial efficiency, and on the Court's own motion,

IT IS ORDERED that Defendant's response to the State's petition for review is due, in conjunction with Defendant's cross-petition for review, if any, on or before October 15, 2024. No further extensions will be granted absent a showing of good cause. (Hon. Robert Brutinel)