

Arizona Supreme Court

Civil Special Action

CV-24-0127-SA

AZ ATTORNEY GENERAL v MARICOPA COUNTY ATTORNEY

Appellate Case Information

Case Filed: 19-Jun-2024

Case Closed:

Dept/Composition

Side 1. KRISTIN K. MAYES, ARIZONA ATTORNEY GENERAL, Petitioner

(Litigant Group) KRISTIN K. MAYES, ARIZONA ATTORNEY GENERAL

- Kristin K Mayes, Arizona Attorney General's Office

Attorneys for: Petitioner

Joshua D Bendor, Esq. (AZ Bar No. 31908)
Alexander W Samuels, Esq. (AZ Bar No. 28926)
Emma H Mark, Esq. (AZ Bar No. 32249)

Side 2. RACHEL H. MITCHELL, MARICOPA COUNTY ATTORNEY, Respondent

(Litigant Group) RACHEL H. MITCHELL, MARICOPA COUNTY ATTORNEY

- Rachel H Mitchell, Maricopa County Attorney's Office

Attorneys for: Respondent

Rachel H Mitchell, Esq. (AZ Bar No. 14560)
Philip D Garrow, Esq. (AZ Bar No. 22458)

Side 3. DAVID REDKEY, Amicus Curiae

(Litigant Group) DAVID REDKEY

- David Wayne Redkey, Pro Se

PRO SE

Side 4. ARIZONA VOICE FOR CRIME VICTIMS, Amicus Curiae

(Litigant Group) ARIZONA VOICE FOR CRIME VICTIMS

- Arizona Voice for Crime Victims

Attorneys for: Amicus Curiae

Colleen Clase, Esq. (AZ Bar No. 29360)

Side 5. FORMER ATTORNEY GENERAL TERRY GODDARD, FORMER MARICOPA COUNTY ATTORNEY RICK ROMLEY, AND FORMER PIMA COUNTY ATTORNEY BARBARA LAWALL, Amicus Curiae

(Litigant Group) FORMER ATTORNEY GENERAL TERRY GODDARD, FORMER MARICOPA COUNTY ATTORNEY RICK ROMLEY, AND FORMER PIMA COUNTY ATTORNEY BARBARA LAWALL

- Terry Goddard
AZ Bar No. 4557
[Current Member]
Admitted 10/23/76
Richard M Romley
AZ Bar No. 7216
[Current Member]
Admitted 5/15/82
Barbara LaWall
AZ Bar No. 4906
[Current Member]
Admitted 4/30/77

Attorneys for: Amicus Curiae

Andrew C Stone, Esq. (AZ Bar No. 26543)
Seth Goertz, Esq. (AZ Bar No. 31645)

CASE STATUS

Jun 19, 2024....Pending

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo

22 PROCEEDING ENTRIES

Table with 1 row: 1. 19-Jun-2024 FILED: State of Arizona's Motion to Strike Non-Party Maricopa County Attorney's Motion to Set Briefing Schedule for Motion for Warrant of Execution (Treated as a Petition for Special Action); Certificate of Service (Petitioner AZ Attorney General)

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2. 24-Jun-2024 On June 20, 2024, on its own motion, the Court, in CR-13-0282-AP ordered that it would consider the issue presented by Petitioner Mayes' State of Arizona's Motion to Strike Nonparty Maricopa County Attorney's Motion to Set Briefing Schedule for Motion for Warrant of Execution filed in response to Respondent Mitchell's Motion to Set Briefing Schedule for Motion for Warrant of Execution as a separate standalone petition for special action relief.
- In that same order, the Court further stated that in this special action it would consider:
- Whether the constitutional and statutory authority, power, and duty to request a warrant of execution pursuant to A.R.S. § 13-759(A) and Ariz. R. Crim. P. 31.23(a) and (b) rests exclusively with the Arizona Attorney General.
- Therefore,
- IT IS ORDERED that Petitioner Mayes and Respondent Mitchell file simultaneous supplemental briefs on or before July 22, 2024, not to exceed 5,000 words. Real Party in Interest Gunches may file a simultaneous brief addressing the above issue on or before July 22, 2024, not to exceed 5,000 words.
- IT IS FURTHER ORDERED that any amicus curiae may file briefs pursuant to ARCAP 16 and in accordance with ARCAP 16(d)(2) on or before August 5, 2024.
- IT IS FURTHER ORDERED that Petitioner and Respondent may file omnibus responses to any briefs of amicus curiae not to exceed 5,000 words on or before August 19, 2024.
- IT IS FURTHER ORDERED that, although A.R.S. § 12-1841 does not explicitly apply to the issue before the Court in this matter, counsel for the Arizona Attorney General shall notify the Speaker of the House of Representative and the President of the Senate of this matter by serving copies of the pending pleadings and this order within five court days of this order and shall file an appropriate certificate of service with the Court. (Hon. Robert Brutinel)
3. 25-Jun-2024 FILED: Amended Order (Correcting date of referenced order) (see Docket number 3)
4. 27-Jun-2024 FILED: Certificate of Service; Certificate of Service (Petitioner AZ Attorney General)
5. 22-Jul-2024 FILED: [STRICKEN Per ASC Order Filed 7/22/2024] Brief Amici Curiae of David Redkey; Certificate of Service; Certificate of Compliance; Appendix (Amicus Curiae Redkey)
6. 22-Jul-2024 FILED: Motion for Permission to File as Amicus (Amicus Curiae Redkey)
7. 22-Jul-2024 On July 22, 2024, pro per David Redkey filed a "Brief of Amici [sic] Curiae of David Redkey." Additionally, pursuant to ARCAP 16(b)(2), Redkey filed a "Motion for Permission to File as Amicus."
- Upon consideration,
- The "Brief of Amici [sic] Curiae of David Redkey" fails to comply with the requirements of ARCAP 16(b)(1)(C). Therefore,
- IT IS ORDERED that the "Motion for Permission to File as Amicus" is denied.
- IT IS FURTHER ORDERED striking the "Brief of Amici [sic] Curiae of David Redkey" filed on July 22, 2024, from the record in this matter. (Hon. Robert Brutinel)
8. 22-Jul-2024 FILED: Respondent's Supplemental Brief; Certificate of Service; Certificate of Compliance (Respondent MCAO)
9. 22-Jul-2024 FILED: Attorney General's Supplemental Brief Regarding Her Exclusive Authority to Request a Warrant of Execution; Certificate of Service; Certificate of Compliance; Supplemental Brief - Exhibit A, Bocks Declaration (Petitioner AZ Attorney General)
10. 22-Jul-2024 FILED: Appendix; Certificate of Service (Petitioner AZ Attorney General)
11. 22-Jul-2024 FILED: Motion to Suspend Rules to Amend Motion for Permission to file an Amicus Curiae Brief; Certificate of Service (Amicus Curiae Redkey)

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12. 23-Jul-2024 On July 22, 2024, pro per David Redkey filed a "Brief of Amici [sic] Curiae of David Redkey" and "Motion for Permission to File as Amicus."
- This Court denied the "Motion for Permission to File as Amicus" and ordered that the "Brief of Amici [sic] Curiae of David Redkey" be stricken from the record in an order dated July 22, 2024.
- On July 22, 2024, Mr. Redkey filed a "Motion to Suspend Rules to Amend Motion for Permission to File an Amicus Curiae Brief," to allow him "to address an unintentional exclusion and to ensure comprehensive representation of the interests at stake, which directly affect Mr. Redkey and the integrity of judicial proceedings."
- The Court was clear in its July 22, 2024 order that Mr. Redkey and the positions presented in his amicus brief do not meet the requirements of ARCAP 16(b)(1)(C).
- Therefore,
- IT IS ORDERED denying Mr. Redkey's "Motion to Suspend Rules to Amend Motion for Permission to File an Amicus Curiae Brief.
- IT IS FURTHER ORDERED that the Clerk of the Court shall reject any further filings from Mr. Redkey in this proceeding. (Hon. Robert Brutinel)
13. 24-Jul-2024 FILED: Notice of Filing Mr. Gunches' Pro Se Motion; Certificate of Service (Real Party Gunches, Pro Se)
14. 24-Jul-2024 FILED: Appendix A, Pro Se Motion to Continue/Motion for Court Order; Certificate of Service (Real Party Gunches, Pro Se)
15. 24-Jul-2024 FILED: Certificate of Service (Real Party Gunches, Pro Se)
16. 5-Aug-2024 FILED: Brief of Amici Curiae in Support of the Maricopa County Attorney; Certificate of Service; Certificate of Compliance (Amicus Curiae AACJ)
17. 5-Aug-2024 FILED: Consent of Parties (Amicus Curiae AACJ)
18. 5-Aug-2024 FILED: Brief of Amici Curiae Former Attorney General Terry Goddard, Former Maricopa County Attorney Rick Romley, and Former Pima County Attorney Barbara Lawall; Certificate of Service; Certificate of Compliance (Amicus Curiae Goddard, Romley and LaWall)
19. 5-Aug-2024 FILED: Consent of Parties (Amicus Curiae Goddard, Romley and LaWall)
20. 19-Aug-2024 FILED: Motion for Procedural Order Setting Oral Argument; Certificate of Service (Petitioner AZ Attorney General)
21. 19-Aug-2024 FILED: MCAO's Response to Amici Curiae Brief of Former Attorney General Terry Goddard, Former Maricopa County Attorney Rick Romley, and Former Pima County Attorney Barbara Lawall; Certificate of Service; Certificate of Compliance (Respondent MCAO)
22. 19-Aug-2024 FILED: Attorney General's Response to Amicus Curiae Brief in Support of Respondent By Arizona Voice for Crime Victims, Inc.; Certificate of Service; Certificate of Compliance (Petitioner AZ Attorney General)