

Arizona Supreme Court
Miscellaneous Special Action

M-24-0024

THOMAS BOLTON v STATE OF ARIZONA

Appellate Case Information

Case Filed: 10-Jun-2024 Archive on: 30-Aug-2034 (planned)
Case Closed: 30-Aug-2024

Dept/Composition

Side 1. THOMAS BOLTON, Petitioner

(Litigant Group) THOMAS BOLTON

- Thomas Forrest Bolton

PRO SE

Side 2. STATE OF ARIZONA, Respondent

(Litigant Group) STATE OF ARIZONA

- State of Arizona

CASE STATUS

Aug 30, 2024....Case Closed

Aug 30, 2024....Decision Rendered

PREDECESSOR CASE(S)

YAV

P1300CR201300942

Cause/Charge/Class

Judgment/Sentence

Judge, Role <Comments>

Trial

Dispo

CASE DECISION

30-Aug-2024 **ORDER**

* On June 10, 2024, Petitioner Thomas Bolton filed "Petitioner Request for Special Action Relief Pursuant to Ariz. R.P. Spec. Actions 1(a)," seeking relief from the court of appeals' "order in the underlying criminal proceedings, den[ying] [his] constitut

Filed: 30-Aug-2024

Mandate:

Decision Disposition

Dismissed

William Montgomery

4 PROCEEDING ENTRIES

1. 10-Jun-2024 FILED: Petitioner Request for Special Action Relief Pursuant Ariz. R. P. Spec. Actions 1 (a) (Petitioner Bolton, Pro Se)
2. 22-Jul-2024 RECEIVED: Letter from Petitioner Re: Copy
3. 25-Jul-2024 SENT: Letter to Petitioner Re: Copy

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4 PROCEEDING ENTRIES

4. 30-Aug-2024 On June 10, 2024, Petitioner Thomas Bolton filed "Petitioner Request for Special Action Relief Pursuant to Ariz. R.P. Spec. Actions 1(a)," seeking relief from the court of appeals' "order in the underlying criminal proceedings, den[ying] [his] constitutional right to a preliminary hearing."

The order that Petitioner seeks special action relief from was issued by the court of appeals on October 14, 2016. During his appeal, Petitioner filed a pro se motion requesting "leave to supplement new issue." Petitioner argued that the Yavapai County Superior Court lacked subject matter jurisdiction because the criminal charges were originally presented by complaint in the Yarnell Justice Court and there was no finding of probable cause by the justice court.

The court of appeals denied the motion because Petitioner was charged with felonies and, as the court noted, the justice court only had jurisdiction "for the purpose of commencing action and conducting proceedings through preliminary examinations and holding the defendant to answer to the superior court" upon a showing of probable cause. See A.R.S. § 22-301(A)(2). This Court denied review of Petitioner's petition for review on May 17, 2017, and the criminal mandate issued on June 20, 2017.

Seven years later, Petitioner now seeks to argue that the court of appeals erred by purposefully omitting language from and misinterpreting A.R.S. 22-301(A)(2) to deny him due process. He "asserts there was 'no showing of probable cause determination made by the magistrate,'" which "den[jed] Petitioner his guaranteed right to justice and due process" by denying his right to a preliminary hearing and determination of probable cause.

However, as the court of appeals held, upon the grand jury's determination of probable cause and return of an indictment as indicated in the notice of supervening indictment issued by the superior court on September 13, 2013, Petitioner's case properly proceeded in the superior court.
Based on the foregoing,

IT IS ORDERED that Bolton's "Petitioner Request for Special Action Relief Pursuant to Ariz. R.P. Spec. Actions 1(a)" is dismissed.

IT IS FURTHER ORDERED closing case number M-24-0024 and no further filings will be accepted in this matter. (Hon William G Montgomery)
