

**Court of Appeals, Division One**  
**Criminal Petition Review Post Conviction Relief**

**1 CA-CR 21-0534 PRPC**

**STATE v. CABANAS**

**Appellate Case Information**

Case Filed: 23-Nov-2021  
Case Closed:

**Dept/Composition**

**Department D**

Hon. David D Weinzwieg  
Hon. Brian Y Furuya  
Hon. Jennifer M Perkins

**Side 1. STATE OF ARIZONA, Respondent**

(Litigant Group) STATE OF ARIZONA

- State of Arizona

**Attorneys for: Respondent**

Julie A Done, Esq. (AZ Bar No. 24370)  
John N Schneider, Esq. (AZ Bar No. 26365)

**Side 2. FELIPE PETRONE CABANAS, Petitioner**

(Litigant Group) FELIPE PETRONE CABANAS

- Felipe Petrone Cabanas

**Attorneys for: Petitioner**

Mikel Steinfeld, Esq. (AZ Bar No. 24996)

**Side 3. ARIZONA JUSTICE PROJECT, Amicus Curiae**

(Litigant Group) ARIZONA JUSTICE PROJECT

- Arizona Justice Project

**Attorneys for: Amicus Curiae**

Karen Smith, Esq. (AZ Bar No. 33494)  
Randal Boyd McDonald, Esq. (AZ Bar No. 32008)

**CASE STATUS**

Feb 5, 2024.....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR1999-006656			Patricia A Starr, Judge on PC		

**DESCENDENT CASE(S)**

ASC CR-22-0185-PR  
ASC CR-23-0331-PR

**2 CASE DECISIONS**

**21-Jun-2022 MEMORANDUM DECISION**

\*\*\*Vacated\*\*\*

Vacated by ASC 09/19/2023

Filed: 21-Jun-2022

Mandate:

Decision Disposition

**Review Granted**  
**Relief Granted**

Jennifer Perkins.....Author  
David Weinzwieg.....Concur  
Brian Furuya.....Concur

**06-Dec-2023 ORDER**

ORDERED: Granting review of the petition and denying relief.

Filed: 06-Dec-2023

Mandate:

Decision Disposition

**Review Granted**  
**Relief Denied**

Jennifer Perkins.....Author

**46 PROCEEDING ENTRIES**

1. 23-Nov-2021 FILED: Petition for Review to the Arizona Court of Appeals; Certificate of Service; Certificate of Compliance with Rule 33.16(c)(1), ARCP (Petitioner)

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2.	23-Nov-2021	FILED: Appendix to Petition for Review to the Arizona Court of Appeals; Certificate of Service (Petitioner)
3.	1-Dec-2021	ORDERED: Clerk of Maricopa County Superior Court to transmit record on appeal, including but not limited to reporter's transcripts and exhibits, to clerk, Court of Appeals, on/before 01/18/2022. Amy M Wood - Author
4.	23-Dec-2021	FILED: Response to Petition for Review from Dismissal of Petrone-Cabanass's Successive Petition for Postconviction Relief; Certificate of Service for Response to Petition for Review from Dismissal of Petrone-Cabanass's Successive Petition for Postconviction Relief; Certificate of Compliance for Response to Petition for Review from Dismissal of Petrone-Cabanass's Successive Petition for Postconviction Relief (Respondent)
5.	28-Dec-2021	FILED: Motion to Extend Deadline to File Reply to Petition for Review; Certificate of Service (Petitioner)
6.	29-Dec-2021	ORDERED: Motion to Extend Deadline to File Reply to Petition for Review (Petitioner) = GRANTED. Due date EXTENDED from Monday, 01-10-2022 to Thursday, 01-20-2022 Benjamin A Armstrong ProTem Judge - Author
7.	14-Jan-2022	FILED: Additional Record on Appeal Physical Exhibits: Hearing Date: 10/06/2000 List # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 in manila envelope Hearing Date: 06/27/2001 - List # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 17 18 19 20 22 23 24 25 26 27 28 29 30 31 32 33 34 in manila envelope Hearing Date: 01/18/2002 - List # 1 2 3 4 5 6 7 8 9 10 11 11.001 12 12.001 13 13.001 14 14.001 15 16 17 18 19 20 21 22 23 in manila envelope
8.	14-Jan-2022	FILED: Reply; Certificate of Service; Certificate of Compliance with Rule 33.16(f)(3), ARCP (Petitioner)
9.	14-Jan-2022	FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: 162 Exhibits: None sent with e-Record (Includes transcripts dated 08/15/2001, 08/20/2001, 08/06/2001, 08/01/2001, 08/13/2001, 08/22/2001, 10/06/2000, 08/08/2001, 08/21/2001, 10/19/1999, 11/16/2017, 11/01/2017, 05/24/2018, 01/23/2020, 05/08/2020, 05/21/2020)
10.	27-Jan-2022	FILED: Request for Oral Argument; Certificate of Service (Petitioner)
11.	4-Feb-2022	FILED: Brief of Amicus Curiae Arizona Justice Project in Support of Defendant/Petitioner Felipe Petrone-Cabanass's Petition for Review; Certificate of Compliance; Certificate of Service (Amicus Curiae)
12.	4-Feb-2022	FILED: Motion for Leave to File Amicus Curiae Brief of the Arizona Justice Project in Support of Petition for Review; Certificate of Service (Amicus Curiae)
13.	10-Feb-2022	FILED: Notice of Appearance; Certificate of Service for Notice of Appearance (Respondent)
14.	15-Feb-2022	ORDERED: Motion for Leave to File Amicus Curiae Brief of the Arizona Justice Project in Support of Petition for Review (Amicus Curiae) = GRANTED. Accepting The Arizona Justice Project's amicus curiae brief filed on 02/04/2022. FURTHER ORDERED: That any party may file a response to the brief by 03/16/2022.
15.	15-Feb-2022	ORDERED: Request for Oral Argument (Petitioner) = GRANTED. Hon Kent E Cattani - Author
16.	16-Mar-2022	FILED: State's Response to Brief of Amicus Curiae Arizona justice Project in Support of Petrone-Cabanass's petition for Review From dismissal of Successive petition for postconviction Relief; Certificate of Compliance for State's Response to Brief of Amicus Curiae Arizona Justice Project in Support of Petrone?cabanass's Petition for Review From Dismissal of Successive Petition for Postconviction Relief; Certificate of Service for State's Response to Brief of Amicus Curiae Arizona Justice Project in Support of Petrone-Cabanass's Petition for Review From Dismissal of Successive petition for Postconviction Relief (Respondent)
17.	27-Mar-2022	CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 5-25-22, 09:30 am, COURTROOM 1.
18.	31-Mar-2022	FILED: Notice of Oral Argument
19.	1-Apr-2022	FILED: Return Receipt For Notice of Oral Argument (Petitioner)
20.	28-Apr-2022	FILED: Return Receipt for Notice of Oral Argument (Respondent)
21.	29-Apr-2022	FILED: Notice of Supplemental Authority; Certificate of Service (Petitioner)
22.	2-May-2022	FILED: Motion for Leave to Participate in Oral Argument as Amicus Curiae; Certificate of Service (Amicus Curiae)
23.	3-May-2022	ORDERED: Motion for Leave to Participate in Oral Argument as Amicus Curiae (Amicus Curiae) = DENIED as moot. FURTHER ORDERED: Vacating oral argument scheduled for 05/25/2022, at 9:30 a.m. in Courtroom 1. FURTHER ORDERED: Affirming the conference scheduled for 05/25/2022. Hon David D Weinzwieg - Author

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24.	4-May-2022	FILED: State's Notice of supplemental Citation of legal Authority in Support of State's Response to petition for Review From dismissal of Petrone-Cabanas's Successive petition for postconviction Relief and state's Response to Ajp' amicus Brief; Certificate of Service for state's Notice of supplemental Citation of legal Authority in Support of State's Response to petition for Review From dismissal of Petrone-Cabanas's Successive petition for postconviction Relief and state's Response to Ajp'sami (Respondent)
25.	5-May-2022	FILED: Corrected Notice of Supplemental Authority; Certificate of Service (Petitioner)
26.	20-May-2022	FILED: Second Notice of Supplemental Authority; Certificate of Service (Petitioner)
27.	20-Jun-2022	FILED: Courtesy copy of Defendant's Petition for Post-Conviction Relief and Request to Exceed Page Limits, filed 06/14/2022 in Maricopa County Superior Court
28.	21-Jun-2022	MEMORANDUM DECISION (Review Granted, Relief Granted) Hon Jennifer M Perkins - Author; Hon David D Weinzwieg - Concur; Hon Brian Y Furuya - Concur
29.	21-Jun-2022	FILED: Memorandum Decision Distribution List
30.	26-Jul-2022	FILED: Email Notice from ASC re: Petition for Review filed 7/21/22; request for partial record
31.	26-Jul-2022	FILED: Letter forwarding partial record to Arizona Supreme Court
32.	27-Jul-2022	FILED: ASC Order filed 07/27/2022 re: granting respondent's motion to exceed the word count limit on the petition for review by 2,547 words for a total of 6,047 words. The petition for review shall be filed as of 07/21/2022.
33.	1-Nov-2022	FILED: Letter from ASC, 11/01/2022, re: Petition for Review CONTINUED on 11/01/2022.
34.	7-Dec-2022	FILED: Letter from ASC, 12/07/2022, re: Petition for Review CONTINUED on 12/06/2022.
35.	23-Mar-2023	FILED: Notice of Reassignment Within Public Defender's Office; Certificate of Service (Petitioner)
36.	19-Sep-2023	FILED: Order from ASC, 09/19/2023, re: ORDERED: Granting the State's Petition for Review. FURTHER ORDERED: Vacating the court of appeals' memorandum decision issued in this matter on 06/21/2022. FURTHER ORDERED: Remanding this matter to the court of appeals for further proceedings on Cabanas' petition for review consistent with this Court's opinion in State v. Hon. Cooper/Bassett (CR-22-0227-PR) filed on 09/18/2023.
37.	25-Sep-2023	FILED: Motion for Procedural Order: Opposed Motion for Supplemental Briefing; Certificate of Service (Petitioner)
38.	27-Sep-2023	FILED: State's Response in Opposition to Cabanas's Motion for Procedural Order: Opposed Motion for Supplemental Briefing; Certificate of Service for State's Response in Opposition to Cabanas's Motion for Procedural Order: Opposed Motion for Supplemental Briefing (Respondent)
39.	28-Sep-2023	FILED: Motion for Procedural Order: Reply: Opposed Motion for Supplemental Briefing; Certificate of Service (Petitioner)
40.	2-Oct-2023	ORDERED: The parties are invited to file simultaneous briefs of no more than 7,000 words addressing the legality of Cabanas' sentence under State v. Hon. Cooper/Bassett, CR-22-0227-PR (Ariz. Sep. 18, 2023). FURTHER ORDERED: Briefs may be filed no later than 10/31/2023, by close of business. FURTHER ORDERED: Upon completion of briefing, the court may take further action deemed appropriate, including resolution of the issue. Hon Jennifer M Perkins - Author
41.	5-Oct-2023	FILED: Arizona Supreme Court Mandate - COA1 Decision Vacated - Remanded to COA1
42.	31-Oct-2023	FILED: State's Simultaneous Brief Re: Legality of Cabanas's Natural Life Sentence Under State V. Hon. Cooper/Bassett, 535 P.3d 3 (Ariz. 2023); Certificate of Compliance for State's Simultaneous Brief Re: Legality of Cabanas's Natural Life Sentence Under State V. Hon. Cooper/Bassett, 535 P.3d 3 (Ariz. 2023); Certificate of Service for State's Simultaneous Brief Re: Legality of Cabanas's Natural Life Sentence Under State V. Hon. Cooper/Bassett, 535 P.3d 3 (Ariz. 2023) (Respondent)
43.	31-Oct-2023	FILED: Petitioner's Supplemental Brief; Certificate of Compliance; Certificate of Service (Petitioner)
44.	6-Dec-2023	ORDERED: Granting review of the petition and denying relief. Hon Jennifer M Perkins - Author
45.	2-Jan-2024	FILED: ASC Order filed 01/02/2024 re: extending time for filing Petition for Review to 02/05/2024; matter subject to dismissal if the petition for review is not filed by 02/05/2024.
46.	5-Feb-2024	FILED: Email Notice from ASC re: Petition for Review filed 02/05/2024; request for partial record