

# Court of Appeals, Division One

## Special Action

**1 CA-SA 23-0029**

**STATE v. HON WHITEHEAD/GALLEGOS**

### Appellate Case Information

Case Filed: 8-Feb-2023

Case Closed:

### Dept/Composition

#### Department E

Hon. Cynthia J Bailey  
Hon. Jennifer B Campbell  
Hon. David D Weinzwieg

**Side 1. STATE OF ARIZONA ex rel. RACHEL H. MITCHELL, Maricopa County Attorney, Petitioner**

(Litigant Group) STATE

- State of Arizona
- Rachel H Mitchell  
AZ Bar No. 14560  
[Current Member]  
Admitted 10/24/92

#### Attorneys for: Petitioner

Sarah E Heckathorne, Esq. (AZ Bar No. 11881)  
John N Schneider, Esq. (AZ Bar No. 26365)

**Side 2. THE HONORABLE ROY WHITEHEAD, Judge of the SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of MARICOPA,**

Respondent Judge,

**MICHAEL STEVEN GALLEGOS,**

Real Party in Interest., Respondent

(Litigant Group) HON WHITEHEAD

- Hon. Roy C Whitehead, Respondent Judge

(Litigant Group) GALLEGOS

- Michael Steven Gallegos, Real Party in Interest

#### Co-Counsel for: Real Party in Interest

Jennifer L S Willmott, Esq. (AZ Bar No. 16826)  
Robyn Greenberg Varcoe, Esq. (AZ Bar No. 19108)

### CASE STATUS

Nov 14, 2023...Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CR1990-003339-A		Roy C Whitehead, Authoring Judge of Order		

### DESCENDENT CASE(S)

ASC CR-23-0096-PR  
ASC CR-23-0284-PR

### 2 CASE DECISIONS

13-Mar-2023 ORDER



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

Vacated by ASC 8/23/23

ORDERED: Petition For Special Action (Petitioner) =  
JURISDICTION DECLINED. (Judges Bailey, Campbell,  
Weinzwieg)

Filed: 13-Mar-2023

Mandate:

Decision Disposition

**Jurisdiction Declined**

Cynthia Bailey.....Author

12-Oct-2023 MEMORANDUM DECISION

Jennifer Campbell.....Author

Cynthia Bailey.....Concur

David Weinzwieg.....Concur

Filed: 12-Oct-2023

Mandate:

Decision Disposition

**Jurisdiction Accepted  
Relief Granted**

**Court of Appeals, Division One****Special Action****1 CA-SA 23-0029****STATE v. HON WHITEHEAD/GALLEGOS****16 PROCEEDING ENTRIES**

1.	8-Feb-2023	FILED: Petition for Special Action; Certificate of Compliance for State's Petition for Special Action; Party Contact Information for State's Petition for Special Action; Certificate of Service for State's Petition for Special Action (Petitioner)
2.	8-Feb-2023	FILED: Order Setting Dates/petition set for am of 3/2/23 by Dept E, Judges Bailey, Campbell, Weinweig
3.	17-Feb-2023	FILED: Response to Petition for Special Action; Certificate Of Rule 7(E) And 31.12(A)(5) Compliance; Certificate of Service (Real Party in Interest)
4.	21-Feb-2023	FILED: Notice of Appointment; Certificate of Service (Real Party in Interest)
5.	27-Feb-2023	FILED: State's Reply To Response To Petition For Special Action; Certificate Of Service For State's Reply To Response To Petition For Special Action; Certificate Of Compliance For State's Reply To Response To Petition For Special Action (Petitioner)
6.	13-Mar-2023	ORDERED: Petition For Special Action (Petitioner) = JURISDICTION DECLINED. (Judges Bailey, Campbell, Weinweig)
7.	13-Apr-2023	FILED: Email Notice from ASC re: Petition for Review filed 4/11/23; request for partial record
8.	13-Apr-2023	FILED: Letter forwarding partial record to Arizona Supreme Court
9.	23-Aug-2023	FILED: Order from ASC, 8/23/23, re: Petition for Review GRANTED on 8/23/23; Vacating the Court of Appeals Order filed 3/13/23; Remanding this matter to the Court of Appeals for further proceedings
10.	28-Aug-2023	FILED: Supplemental Citation of Legal Authority; Certificate of Service (Real Party in Interest)
11.	28-Aug-2023	FILED: Certificate Of Rule 7(E) And 31.12(A)(5) Compliance; Certificate of Service (Real Party in Interest)
12.	14-Sep-2023	FILED: Arizona Supreme Court Mandate Remanding to the Court of Appeals
13.	12-Oct-2023	MEMORANDUM DECISION (Jurisdiction Accepted, Relief Granted) Hon Jennifer B Campbell - Author; Hon Cynthia J Bailey - Concur; Hon David D Weinweig - Concur
14.	12-Oct-2023	FILED: Decision Distribution List
15.	14-Nov-2023	FILED: Email Notice from ASC re: Petition for Review filed 11/10/2023; request for partial record
16.	14-Nov-2023	FILED: Letter forwarding partial record to Arizona Supreme Court