

## Court of Appeals, Division One

## Special Action

1 CA-SA 23-0098

STATE v. HON LEMAIRE/CARSON

## Appellate Case Information

Case Filed: 11-May-2023

Case Closed: 27-Mar-2024

Jurisdiction Accepted

## Dept/Composition

## Department F

Hon. Maria Elena Cruz

Hon. James B Morse

Hon. Daniel J Kiley

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

Nicholas Klingerman, Esq. (AZ Bar No. 28231)

Julie A Done, Esq. (AZ Bar No. 24370)

Juli S Warzynski, Esq. (AZ Bar No. 12927)

Side 2. THE HONORABLE KERSTIN LEMAIRE, Judge of the SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of MARICOPA,

Respondent Judge,

JOEL MCCLAIN CARSON,

Real Party in Interest., Respondent

(Litigant Group) HON LEMAIRE

- Hon. Kerstin G LeMaire, Respondent Judge

(Litigant Group) JOEL MCCLAIN CARSON

- Joel McClain Carson

## Attorney for: Real Party in Interest

Kush Govani, Esq. (AZ Bar No. 32425)

## CASE STATUS

Mar 27, 2024....Case Closed

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2023-000872-001			Kerstin G LeMaire, Authoring Judge of Order		

## DESCENDENT CASE(S)

ASC  
CR-23-0192-PR

## CASE DECISION

13-Jul-2023 OPINION

Daniel Kiley.....Author

Maria Cruz.....Concur

James Morse.....Concur

Filed: 13-Jul-2023

Mandate:

Decision Disposition

**Jurisdiction Accepted**  
**Relief Granted**

## 20 PROCEEDING ENTRIES

- 11-May-2023 FILED: Emergency Motion Request for Stay; Emergency Motion Request for Stay; Certificate of Service (Petitioner)
- 12-May-2023 FILED: State's Emergency Petition for Special Action; Certificate Of Compliance For State's Emergency Petition For Special Action; Party Contact Information For State's Emergency Petition For Special Action; Certificate Of Service For State's Emergency Petition For Special Action (Petitioner)
- 12-May-2023 FILED: Order Setting Dates/petition set for am of 6/1/23 by Dept F, Judges Cruz, Morse Jr., Kiley
- 12-May-2023 FILED: Corrected Cover Sheet; Certificate Of Service – Corrected Cover Sheet (Petitioner)

**Court of Appeals, Division One****Special Action****1 CA-SA 23-0098****STATE v. HON LEMAIRE/CARSON****20 PROCEEDING ENTRIES**

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| 5.  | 12-May-2023 | ORDERED: Emergency Motion Request for Stay (Petitioner) = GRANTED. Staying the superior court's order issued 05/11/2023 dismissing case without prejudice. FURTHER ORDERED: affirming court's previous order requiring filing/service of response and scheduling conference for 06/01/2023. Hon Maria Elena Cruz - Author  |
| 6.  | 22-May-2023 | FILED: Response to State's Petition for Special Action Relief; Certificate of Compliance; Certificate of Service (Real Party in Interest)  |
| 7.  | 22-May-2023 | FILED: Motion to Seal Appendices; Certificate of Service (Real Party in Interest)  |
| 8.  | 23-May-2023 | FILED: Notice of Citation Amendments; Certificate of Service (Real Party in Interest)  |
| 9.  | 23-May-2023 | FILED: Appendix in Support of Response to Petition for Special Action Relief (Real Party in Interest)  |
| 10. | 23-May-2023 | FILED: Motion to Seal Appendices; Certificate of Service (Real Party in Interest)  |
| 11. | 23-May-2023 | FILED: Appendices E & F Filed Under Seal (SEALED)  |
| 12. | 30-May-2023 | FILED: State's Reply to Response to State's Emergency Petition for Special Action; Certificate of Service for State's Reply to Response to State's Emergency Petition for Special Action; Certificate of Compliance for State's Reply to Response to State's Emergency Petition for Special Action (Petitioner)            |
| 13. | 2-Jun-2023  | ORDERED: State's Emergency Petition for Special Action (Petitioner) = JURISDICTION ACCEPTED. FURTHER ORDERED: Vacating the Superior Court's dismissal of the matter and remanding for proceedings consistent with this decision (Memorandum Decision to be issued in due course). Hon Maria Elena Cruz - Author            |
| 14. | 8-Jun-2023  | ORDERED: Motion to Seal Appendices (Real Party in Interest) = GRANTED and accepting Appendices E & F filed 5/23/23. FURTHER ORDERED: Directing the Clerk of this Court to seal the above-described material subject to access by our personnel as needed for processing this special action. Hon Maria Elena Cruz - Author |
| 15. | 13-Jul-2023 | OPINION (Jurisdiction Accepted, Relief Granted) Hon Daniel J Kiley - Author; Hon Maria Elena Cruz - Concur; Hon James B Morse Jr. - Concur   |
| 16. | 13-Jul-2023 | FILED: Decision Distribution List  |
| 17. | 2-Aug-2023  | FILED: Email Notice from ASC re: Petition for Review filed 08/02/2023; request for partial record  |
| 18. | 2-Aug-2023  | FILED: Letter forwarding partial record to Arizona Supreme Court   |
| 19. | 5-Mar-2024  | FILED: Letter from ASC, 03/05/2024, re: Petition for Review DENIED on 03/05/2024   |
| 20. | 27-Mar-2024 | FILED: Letter, 03/27/2024, Certified Copy of OPINION accepting jurisdiction and granting relief. No physical record to be returned to clerk, Maricopa County Superior Court.   |