

Arizona Supreme Court
Criminal Death Penalty Appeal

CR-11-0107-AP

STATE OF ARIZONA v JASON EUGENE BUSH

Appellate Case Information

Case Filed: 11-Apr-2011
Case Closed:

Dept/Composition

Consolidated with: CR-16-0271-PC

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

John R. Lopez, IV, Esq. (AZ Bar No. 19182)
Lacey Stover Gard, Esq. (AZ Bar No. 22714)
Jeffrey L Sparks, Esq. (AZ Bar No. 27536)

Side 2. JASON EUGENE BUSH, Appellant

(Litigant Group) JASON EUGENE BUSH

- Jason Eugene Bush

Attorneys for: Appellant

Christian J Kimminau, Esq. (AZ Bar No. 12229)
Richard L Parrish, Esq. (AZ Bar No. 2966)
Carla G Ryan, Esq. (AZ Bar No. 4254)
John L Saccoman, Esq. (AZ Bar No. 13397)
Brent E Graham, Esq. (AZ Bar No. 11868)

CASE STATUS

Jul 8, 2011.....Record Complete

Apr 11, 2011.....Pending

| PREDECESSOR CASE(S) | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments> | Trial | Dispo |
|---------------------|---------------------|-------------------|------------------------|-------|-------|
| PIM CR20092300-003 | First Degree Murder | Death | John S Leonardo, Trial | JURY | |

86 PROCEEDING ENTRIES

- 11-Apr-2011 FILED: Notice of Appeal [Clerk, PimCSC] [Judgment filed in PimCSC 4/6/2011]
- 20-Apr-2011 FILED: Amended Notice of Appeal [Clerk, PimCSC] [Judgment filed in PimCSC 4/6/2011] [incorrect date for transcript]
- 26-Apr-2011 FILED: 18 Reporter's Transcripts (10/05/09; 10/13/09 (Amended); 10/13/09; 12/21/09; 1/25/10; 8/16/10; 9/7/10; 11/29/10; 12/13/10; 3/11/11; 3/17/11; 3/18/11; 3/24/11; 3/25/11; 3/31/11; 4/1/11; 4/5/11; 4/6/11 [Deirdre F Muzall])
- 26-Apr-2011 FILED: 1 Reporter's Transcript (8/02/10 [Wayne T Johnson])
- 29-Apr-2011 FILED: 1 Reporter's Transcript (7/12/10 [Carol G Trejo])
- 4-May-2011 FILED: 1 Reporter's Transcript (6/29/09 [Catherine Tapia])
- 10-May-2011 FILED: 1 Reporter's Transcript (3/25/11 [Debora Moore])
- 16-May-2011 FILED: 2 Reporter's Transcripts (8/18/09; 5/10/10 [Van G Honeman])
- 23-May-2011 FILED: 3 Reporter's Transcripts (11/23/09; 3/29/10; 9/27/10 [Kathryn Lorenz])
- 23-May-2011 FILED: Record on Appeal: PCSC: Instruments & MEs (2 vols); Manila Envelope SEALED: 1 RT (6/22/09 GJ [Kristine B. Valdez]; Manila Envelope: Juror Questions; Manila Envelope: Juror Question (not question to a witness)

SCANNED Exhibits – White Box (Def Exh Nos A - D [Four Vols of Blue Binders]); Red Box (List; Def Exh Nos E, F, I; Pltf Exh Nos 1-66, 68, 68a, 69-107 [In Black 3 Ring Binder]; 165, 169, 175; Court Exh No 1)

NOT SCANNED Exhibits – White Box Mailing Box (Def Exh Nos G & H; Pltf Exh Nos 177, 177a, 153 (CD, PREVIOUSLY marked as Pltf 236 in CR-11-0043), 161 (finger print card), 162 (finger print card)
- 24-May-2011 FILED: 4 Reporter's Transcripts (03/15/11; 3/16/11; 3/22/11; 3/23/11 [Rita S Borboa])
- 25-May-2011 FILED: Notification of Appeal (Clerk PimCSC) (Judgment filed in PimCSC 5/13/2011)

Arizona Supreme Court
Criminal Death Penalty Appeal

CR-11-0107-AP

STATE OF ARIZONA v JASON EUGENE BUSH

86 PROCEEDING ENTRIES

13. 27-May-2011 FILED: Supplemental Record from PCSC: Instruments (1 vol)
14. 2-Jun-2011 FILED: Reporters Transcript (5/13/11) [Deirdre Muzall]
15. 3-Jun-2011 FILED: Motion to Release Exhibits for Trial [Appellee State]
16. 6-Jun-2011 The Pima County Attorney has filed a Motion to Release Exhibits for Trial requesting that certain exhibits be returned to the Pima County Superior Court for the trial of co-defendant Albert Gaxiola in case number CR20092300-002. Therefore,
- IT IS ORDERED that the Clerk of the Arizona Supreme Court shall send the following trial exhibits to the Clerk of the Pima County Superior Court: Exhibit 153 (CD containing copy of 911 call); Exhibit 161 (one latent print card, Forde); Exhibit 162 (two latent print cards, Bush); Exhibit 165 (eight 8 x 11 color photographs). The Clerk of this Court may, in her discretion, send the exhibits by priority delivery service or release them to an agent of the Pima County Attorney's Office for delivery to the superior court clerk.
- IT IS FURTHER ORDERED that the Clerk of the Pima County Superior Court shall return the exhibits to this Court upon the conclusion of Mr. Gaxiola's trial. [Hon Andrew D. Hurwitz]
17. 6-Jun-2011 Record Returned to PimCSC: Exh Nos 153, 161, 162,165
18. 7-Jun-2011 FILED: Supplemental Record from PimCSC: Instruments (1 Vol)
19. 17-Jun-2011 FILED: Motion to Expand the Record and Supplement [Appellant Bush]
20. 17-Jun-2011 FILED: Motion to Unseal Juror Questionnaires [Appellant Bush]
21. 5-Jul-2011 Upon considering Appellant's Motion to Unseal Juror Questionnaires,
- IT IS ORDERED that the motion is granted. Upon request by counsel for either party, the Clerk of the Pima County Superior Court shall unseal the "Original Juror Questionnaires" (ROA #148) for review by counsel and provide copies of any questionnaires selected by counsel. The questionnaires shall then be resealed. [Hon. A. John Pelander, Duty Justice]
22. 5-Jul-2011 Upon considering Appellant's Motion to Expand the Record and Supplement,
- IT IS ORDERED that the motion is granted. The Clerk of this Court shall temporarily unseal Court's Exhibit 1 (dated 3/22/11) and the transcript of the grand jury proceedings and provide copies to counsel Carla Ryan and Kent Cattani. The Clerk shall also provide copies of the other transcripts requested.
- IT IS FURTHER ORDERED that the Clerk of the Pima County Superior Court shall amend the supplemental record on appeal sent on or about May 25, 2011, and include the following documents, with copies to counsel Carla Ryan and Kent Cattani: Commitment Order - Bush, filed 5/13/11; Sentence of Imprisonment - Jason E. Bush, filed 5/13/11; Notice of Rights of Review After Conviction - Bush, filed 5/23/11; Notice of Restitution - Jason E. Bush, filed 6/2/11.
- IT IS FURTHER ORDERED that the Clerk of the Pima County Superior Court shall send to this Court the following exhibits to be included in the record on appeal, with copies to counsel: Court's Exhibit A from the March 11, 2011, status conference (two-page document reflecting the parties' stipulations regarding jury selection) (see ROA #115); Exhibit 176 (transcript of interview/statement of Jason Bush). If these exhibits are sealed, the Clerk shall resealed them after providing copies to counsel.
- IT IS FURTHER ORDERED that the minute entry dated October 5, 2009, filed in State v. Forde, CR20092300-001, shall also be included in the record on appeal for State v. Bush, CR20092300-003. [Hon. A. John Pelander]
23. 8-Jul-2011 FILED: Supplemental Record from PimCSC - Instruments and MEs (Combined 1 vol); Court Exh A (1 Manila Envelope); Pltf Exh No 172 (1 Manila Envelope) [SEALED]
- RECORD COMPLETE
24. 13-Jul-2011 The Clerk of the Court has determined that the record on appeal is complete. Therefore,
- IT IS ORDERED that Appellant's Opening Brief shall be filed no later than October 11, 2011. The Answering Brief shall be filed no later than sixty (60) days after service of the Opening Brief. The Reply Brief shall be filed no later than thirty (30) days after service of the Answering Brief. [Hon. A. John Pelander]
25. 25-Aug-2011 FILED: Request for Adequate Compensation (Attorney Ryan)
26. 29-Aug-2011 FILED: Request to have a Paralegal Appointed (Appellant Bush)
27. 29-Aug-2011 FILED: Request to Vacate Briefing Schedule (Appellant Bush)

Arizona Supreme Court
Criminal Death Penalty Appeal

CR-11-0107-AP

STATE OF ARIZONA v JASON EUGENE BUSH

86 PROCEEDING ENTRIES

28. 1-Sep-2011 Appellant has filed a Request to Vacate Briefing Schedule. On July 13, 2011, pursuant to Rule 31.13(f), Ariz. R. Crim. P., the Court notified the parties that the trial court record and transcripts had been filed, and ordered that the Opening Brief shall be filed no later than ninety (90) days after the date of the order. However, Appellant's motion states that his counsel did not receive the order and only recently became aware of the briefing schedule.
- IT IS ORDERED vacating the Court's prior order setting a briefing schedule. Appellant's request to hold a status conference is denied.
- IT IS FURTHER ORDERED that Appellant's Opening Brief shall be filed no later than November 30, 2011. The Answering Brief shall be filed no later than sixty (60) days after service of the Opening Brief. The Reply Brief shall be filed no later than thirty (30) days after service of the Answering Brief.
- IT IS FURTHER ORDERED that the Clerk of the Court shall call Appellant's counsel and notify her when this order has been filed and an e-mail copy sent. [Hon Robert M Brutinel]
29. 1-Sep-2011 FILED: Record from PimCSC: Exh Nos 153, 161, 162,165, 165A (in Manila Envelope)
30. 21-Sep-2011 Carla G. Ryan was appointed by the superior court to represent Jason Bush in this capital appeal. Ms. Ryan has filed a Request for Adequate Compensation requesting that the compensation rate of \$75.00 per hour be increased to \$125.00 per hour. See Rule 6.7(b), Ariz. R. Crim. P.; A.R.S. § 13-4013(A). She has also filed a Request to Have a Paralegal Appointed.
- IT IS ORDERED remanding this matter to the Pima County Superior Court for the limited purpose of deciding requests concerning Ms. Ryan's compensation, the appointment of a paralegal, and the appointment of second counsel. Ms. Ryan shall file any such requests in the superior court. This Court's order setting a due date for the opening brief shall remain in effect. [Hon Rebecca White Berch]
31. 21-Dec-2011 FILED: Request to File Late and Request to Continue (the filing of the Opening Brief) (Appellant Bush)
32. 22-Dec-2011 A "Request to File Late and Request to Continue (the filing of the Opening Brief)" having been filed by Appellant Bush on December 21, 2011,
- IT IS ORDERED granting an extension of time to file the Opening Brief on or before February 29, 2012. (Hon Robert M. Brutinel)
- Due date EXTENDED from Wednesday, 11-30-2011 to Wednesday, 02-29-2012 (Opening Brief Due)
33. 13-Feb-2012 FILED: Request to Reconsider Appointing Second Counsel & A Paralegal; Certificate of Service - Request to Reconsider Appointing Second Counsel & A Paralegal; Exhibits (Appellant Bush)
34. 14-Feb-2012 Upon considering Appellant's Request to Reconsider Appointing Second Counsel and a Paralegal,
- IT IS ORDERED that the request is denied. (Hon Andrew D. Hurwitz)
35. 23-Feb-2012 FILED: Request to Continue Opening Brief; Certificate of Service for Request to Continue Opening Brief (Appellant Bush)
36. 6-Mar-2012 Upon considering Appellant's second Request to Continue Opening Brief,
- IT IS ORDERED that the motion is granted. The Opening Brief shall be filed no later than April 30, 2012. (Hon W. Scott Bales)
37. 7-May-2012 FILED: Request to Continue Opening Brief; Certificate of Service (Appellant Bush)
38. 8-May-2012 Upon considering Appellant's third Request to Continue Opening Brief,
- IT IS ORDERED that the motion is granted. The opening brief shall be filed no later than July 30, 2012. (Hon Robert M Brutinel)
39. 11-Jul-2012 FILED: Request to Continue Opening Brief; Certificate of Service (Appellant Bush)
40. 19-Jul-2012 Upon considering Appellant's fourth Request to Continue Opening Brief,
- IT IS ORDERED that the motion is granted. The Opening Brief shall be filed no later than August 29, 2012. No further extensions of time shall be granted absent extraordinary circumstances. (Hon Scott Bales)
41. 21-Aug-2012 FILED: Fifth Request to Continue Opening Brief (unopposed); Fifth Certificate of Service (Appellant Bush)
42. 27-Aug-2012 Upon considering Appellant's Fifth Request to Continue Opening Brief requesting a final extension of thirty days,
- IT IS ORDERED that the motion is granted. The Opening Brief shall be filed no later than September 28, 2012. No further extensions shall be granted absent extraordinary circumstances. (Hon. A. John Pelander)
43. 24-Sep-2012 FILED: Request to Withdraw; Certificate of Service Compliance (Appellant Bush)

Arizona Supreme Court
Criminal Death Penalty Appeal

CR-11-0107-AP

STATE OF ARIZONA v JASON EUGENE BUSH

86 PROCEEDING ENTRIES

44. 27-Sep-2012 Upon considering the Request to Withdraw filed by Carla Ryan, IT IS ORDERED that the motion is granted. Carla Ryan is withdrawn as counsel for Appellant Jason Bush. IT IS FURTHER ORDERED remanding to the Pima County Superior Court and Office of Court Appointed Counsel for the purpose of appointing new counsel for this capital appeal. (Hon. Robert M. Brutinel)
45. 16-Oct-2012 FILED: ME from PCSC (John Saccoman appointed to represent Jason Bush)
46. 23-Oct-2012 The superior court having appointed John Saccoman as Appellant's counsel in place of Carla Ryan, IT IS ORDERED that the Opening Brief shall be filed no later than April 11, 2013. (Hon. Scott Bales)
47. 29-Mar-2013 FILED: (First Request) Motion to Extend Filing Deadline for Opening Brief; Certificate of Service (Appellant Bush)
48. 29-Mar-2013 FILED: (ASC Order Filed on 10/23/2012) (Appellant Bush)
49. 1-Apr-2013 Upon considering Appellant's Motion to Extend Filing Deadline for Opening Brief requesting an additional six months, IT IS ORDERED that the motion is granted. The opening brief shall be filed no later than October 8, 2013. No further extensions will be granted. (Hon Ann A. Scott Timmer)
50. 23-Aug-2013 FILED: (Second Request) Motion to Extend Filing Deadline for Opening Brief (Oral Argument Requested); Certificate of Service (Appellant Bush)
51. 24-Aug-2013 FILED: Notice of Appearance (Attorney Brent Graham as co-counsel for Appellant Bush); Certificate of Service (Appellant Bush)
52. 28-Aug-2013 Appellant Bush has filed a Motion to Extend Filing Deadline for Opening Brief which the State does not oppose. Appellant's present counsel was appointed by the superior court on October 11, 2012, and now co-counsel has been appointed. Appellant requests an extension to January 8, 2014, and states that his counsel believes that will be sufficient time to complete the opening brief. The Court is concerned about the length of time counsel has already been given, but finds good cause has been shown for a final extension. Therefore, IT IS ORDERED granting the motion. The opening brief shall be filed no later than January 8, 2014. Failure to file the opening brief by that date will result in a hearing to show cause why sanctions should not be imposed. (Hon Ann A. Scott Timmer)
53. 8-Jan-2014 FILED: Appellant's Opening Brief; Certificate of Service; Certificate of Rule 31.13(b) Compliance (Appellant Bush)
54. 8-Jan-2014 FILED: Motion to Expand and Supplement the Record on Appeal, AND to File Juror Questionnaires Under Seal; Certificate of Service (Appellant Bush)
55. 9-Jan-2014 FILED: Motion to Correct Opening Brief Cover (Name of Cover of Opening Brief Corrected) (Treated as Notice of Errata); Certificate of Service (Appellant Bush)
56. 10-Jan-2014 FILED: Attachments to Motion to Expand and Supplement the Record on Appeal, AND to File Juror Questionnaires Under Seal (Attachment 1, CD; Attachment 2 (SEALED Juror Questionnaires); Attachment 3, CD) (Appellant Bush) (White Box on shelf)
57. 29-Jan-2014 Upon considering Appellant's Motion to Expand and Supplement the Record on Appeal, and to File Juror Questionnaires Under Seal, IT IS ORDERED that the motion is granted. The following items submitted with the Opening Brief shall be included in the record on appeal: (1) video recording of interrogation of Jason Bush by Pima County Sheriff's Detectives dated June 11, 2009; (2) sealed juror questionnaires for sixteen jurors; (3) news articles which are exhibits to Motion for Change of Venue (ROA 111); (4) minute entry of non-capital sentencing dated May 13, 2011. (Hon. John Pelander)
58. 5-Mar-2014 FILED: Appellant's Amended Opening Brief; Certificate of Service; Certificate of Compliance; Motion to Accept Amended Opening Brief and MOTION to Set Due Date for Answering Brief (Appellant Bush)
59. 6-Mar-2014 FILED: Motion to Unseal Record on Appeal, Item 216, In State v. Forde; Certificate of Service on Motion to Unseal (Appellant Bush)

Arizona Supreme Court
Criminal Death Penalty Appeal

CR-11-0107-AP

STATE OF ARIZONA v JASON EUGENE BUSH

86 PROCEEDING ENTRIES

60. 10-Mar-2014 Upon considering Appellant's Motion to Accept Amended Opening Brief, Motion to Set Due Date for Answering Brief, and Motion to Unseal Record on Appeal, Item 216, in State v. Forde, IT IS ORDERED that the motions are granted. The Clerk of this Court shall file the Amended Opening Brief and the State shall file the Answering Brief no later than May 9, 2014. IT IS FURTHER ORDERED that the Clerk shall temporarily unseal item 216 from State v. Forde, CR-11-0043-AP, "Deft's Motion to Continue and the State's Response" filed January 7, 2011, and provide a copy to counsel for Appellant Bush. The Clerk shall provide a copy to the State's counsel upon request. (Hon. Robert M. Brutinel)
61. 5-May-2014 FILED: Motion to Stay Appeal and REMAND to Supplement Appellate Record (Appellant Bush) (SEALED)
62. 5-May-2014 Appellant Bush having filed a Motion to Stay Appeal and Remand to Supplement Appellate Record, IT IS ORDERED that the State may file a response under seal no later than 5:00 p.m. on May 19, 2014. Appellant may file a reply under seal no later than 5:00 p.m. on May 22, 2014. At the time of filing, the parties shall send an e-mail copy to opposing counsel. (Hon. Scott Bales)
63. 6-May-2014 FILED: Motion for Additional Time to File Answering Brief; Certificate of Service (Appellee State)
64. 6-May-2014 A "Motion for Additional Time to File Answering Brief (Appellee State)" having been filed on May 06, 2014, IT IS ORDERED granting a first extension of time to file the Answering Brief on or before July 8, 2014. (Janet Johnson, Clerk)
65. 19-May-2014 FILED: Response to Motion to Stay Appeal and Remand to Supplement Appellate Record; Certificate of Service (Appellee State)
66. 22-May-2014 FILED: Appellant's Reply to State's Response to Appellant's Motion to Stay Appeal and Remand to Supplement Appellate Record Filed Under Seal (Appellant Bush)
67. 29-May-2014 The full Court has considered Appellant's Motion to Stay Appeal and Remand to Supplement Appellate Record, the State's Response, and Appellant's Reply. The motion alleges that upon reading this Court's opinion in State v. Forde, 233 Ariz. 543, 315 P.3d 1200 (2014), Appellant's counsel "learned for the first time of the existence of 234 pages of FBI reports that were disclosed to Forde's attorneys" and that "these reports were either not disclosed at all, or were not adequately disclosed, to Mr. Bush's trial counsel." The opinion noted that shortly before the start of Shawna Forde's trial, the State disclosed FBI reports containing a witness's statement that Leland "Red" Sprout had been involved in the shootings. In denying relief on Forde's claim that the trial court erred in denying her motion for a trial continuance, the opinion noted:
- Forde also argues that the belated disclosure constituted "extraordinary circumstances" justifying a continuance because an investigation could have revealed evidence of Sprout's involvement, which would have created a reasonable doubt about Forde's guilt or the appropriateness of death sentences. We disagree. Although Sprout's involvement could have cast doubt on Bush's presence at the shootings, it would not have shown Forde's absence or otherwise tended to exculpate her.
- 233 Ariz. at 555 ¶ 21, 315 P.3d at 1212.
- In light of the unique circumstances of this case,
- IT IS ORDERED staying the appeal in CR-11-0107-AP.
- IT IS FURTHER ORDERED remanding this case to the Pima County Superior Court for the purpose of entertaining a Rule 32 petition for post-conviction relief limited to a claim of the alleged non-disclosure or inadequate disclosure of the 234 pages of FBI reports to Jason Bush's trial counsel. The superior court shall promptly appoint counsel, set a schedule for the filing of the petition, response, and reply, and notify this Court when the Rule 32 proceeding is concluded. The filing of this limited Rule 32 petition shall not preclude the raising of other Rule 32 claims in the future.
- IT IS FURTHER ORDERED denying other relief requested in Appellant's motion. (Hon. Rebecca White Berch)
68. 30-Jun-2015 FILED: Notice of Substitution of Counsel (Lacey Stover Gard substituted for Susanne Bartlett Blomo as attorney for Appellee State); Certificate of Service (Appellee State)
69. 13-Jul-2016 FILED: Joint Notice of Completion of PCR Proceedings, Request for Scheduling Order, and Request for Order Regarding PCR Record on Appeal; Certificate of Service; (Copy of) PCSC Ruling Dated 5/17/2016; (Copy of) PCSC Ruling Dated 6/30/2016

Arizona Supreme Court
Criminal Death Penalty Appeal

CR-11-0107-AP

STATE OF ARIZONA v JASON EUGENE BUSH

86 PROCEEDING ENTRIES

70. 19-Jul-2016 Upon considering the Joint Notice of Completion of PCR Proceedings, Request for Scheduling Order, and Request for Order Regarding PCR Record on Appeal,
- IT IS ORDERED that the Clerk of this Court shall consolidate the appeal with the petition for review of the denial of post-conviction relief, pursuant to Rule 31.4(b)(2), Ariz. R. Crim. P.
- IT IS FURTHER ORDERED that Mr. Bush may file a supplemental amended opening brief no later than September 30, 2016. The State shall file a combined answering brief and response to the petition for review no later than November 29, 2016. Mr. Bush may file a reply no later than January 28, 2017.
- IT IS FURTHER ORDERED that pursuant to Rule 32.9(e), Ariz. R. Crim. P., no later than August 18, 2016, the Clerk of the Pima County Superior Court shall electronically transmit to the Clerk of this Court the record of Rule 32 post-conviction proceedings in State v. Jason Bush, case number CR20092300-003, with an index of record. (Hon. Ann A. Scott Timmer)
71. 29-Aug-2016 FILED: Unopposed Motion to Extend Time to File Petition for Review and Supplemental Amended Opening Brief; Certificate of Service (Appellant Bush)
72. 31-Aug-2016 An "Unopposed Motion to Extend Time to File Petition for Review and Supplemental Amended Opening Brief" (Appellant/Petitioner Bush) having been filed on August 29, 2016,
- IT IS ORDERED granting a first extension of time to file the Petition for Review on or before September 30, 2016.
- IT IS FURTHER ORDERED granting a first extension of time to file the Supplemental Amended Opening Brief on or before October 31, 2016. The State shall file a combined Answering Brief and Response to Petition for Review no later than sixty days after service of Appellant/Petitioner's brief. Appellant/Petitioner may file a Reply Brief no later than sixty days after service of the State's brief.
- IT IS FURTHER ORDERED that no later than September 8, 2016, the Clerk of the Pima County Superior Court shall deliver to the Clerk of this Court all original sealed exhibits on the exhibit list dated April 26, 2016, for the post-conviction relief evidentiary hearing in CR20092300-003. (Hon. Clint Bolick)
73. 1-Sep-2016 FILED: Supplemental Record from PimCSC: Instruments and Minutes (CD)
74. 9-Sep-2016 FILED: Supplemental Record from PimCSC:
- 1 SEALED Brown Box:
- List; Pltf Exh Nos 1-34; 35 (CD); 36; 37 (CD); 38; 39 (CD); 40; 41-47 (CDs); 48; 49 (CD); 50-53,
- Def Exh Nos A1; B2; C3; D4; E5; F6; G7; H8; I9; J10
75. 21-Sep-2016 FILED: Motion to Provide Copies of Sealed Exhibits and Instruments and to Extend Time to File Petition for Review and Supplemental Amended Opening Brief Second Request; Certificate of Service (Appellant Bush)
76. 26-Sep-2016 Upon considering Appellant/Petitioner's Motion to Provide Copies of Sealed Exhibits and Instruments and to Extend Time to File Petition for Review and Supplemental Amended Opening Brief – Second Request,
- IT IS ORDERED that the motion is granted.
- IT IS FURTHER ORDERED that the Petition for Review shall be filed no later than October 31, 2016. The Supplemental Amended Opening Brief shall be filed no later than November 30, 2016.
- IT IS FURTHER ORDERED that no later than October 3, 2016, the Clerk of the Pima County Superior Court shall deliver to the Clerk of this Court all sealed documents in the record pertaining to the Index of Record dated and certified August 26, 2016.
- IT IS FURTHER ORDERED that the Clerk of this Court shall provide to Appellant/Petitioner's counsel, and State's counsel upon request, copies of all sealed documents. (Hon. Robert M. Brutinel)

Arizona Supreme Court
Criminal Death Penalty Appeal

CR-11-0107-AP

STATE OF ARIZONA v JASON EUGENE BUSH

86 PROCEEDING ENTRIES

77. 30-Sep-2016 FILED: Supplemental Record from PimCSC:
Supplemental Clerk's Certificate of Record on Appeal
(SCANNED) 12 SEALED Manila Envelopes:
Env 1 - Motion for Order Directing Pima County Attorney's Office to Provide Case Information
Env 2 - Motion to Withdraw, Motion to Recuse and Motion to Stay filed February 18, 2015
Env 3 - Motion for Approval of Reasonable and Necessary Attorney Fees and Costs
Env 4 - Filing of Billing Records and Affidavits in Compliance with Court Order
Env 5 - Motion for Clarification of Court Order Regarding Attorney Payments
Env 6 - Reply in Support of Defendant's Motion for Discovery
Env 7 - Motion for Approval of Reasonable and Necessary Attorney Fees and Costs
Env 8 - Sealed Minute Entry Re: Defendant's Ex-Parte Motion for Pre-Approved Funds Filed December 30, 2015
Env 9 - Exhibit 3 (to Reply Brief)
Env 10 - Minute Entry of Evidentiary Hearing Re Post-Conviction Relief Dated April 26, 2016 Filed April 29, 2016
Env 11 - Motion to Hold Evidentiary Hearing Under Seal
Env 12 - Response to State's Motion to Admit Additional Exhibit; Motion to File, Under Seal, Defendant's Response to State's Motion to Admit Additional Exhibit
78. 30-Nov-2016 FILED: Appellant's Supplemental Opening Brief; Certificate of Service; Certificate of Compliance (Appellant Bush)
79. 1-Dec-2016 FILED: Motion to Supplement the Record on Appeal; Certificate of Service (Appellant Bush)
80. 5-Dec-2016 FILED: (Duplicate) Motion to Supplement the Record on Appeal; Attachment 1 to Opening Brief (DVD); Exhibits to Motion to Supplement Record on Appeal (Appellant Bush)
81. 8-Dec-2016 FILED: Letter from Appellant Bush Re: Errata of Exhibits to Motion to Supplement Record on Appeal; Exhibits to Motion to Supplement Record on Appeal (Appellant Bush)
82. 12-Dec-2016 FILED: Response to Motion to Supplement the Record on Appeal; Certificate of Service (Appellee State)
83. 20-Dec-2016 FILED: Reply in Support of Motion to Supplement the Record On Appeal; Certificate of Service; Untitled Document (Appendix to Reply) (Appellant Bush)
84. 10-Jan-2017 Upon considering the Motion to Supplement the Record on Appeal, Response, Reply, and related attachments,
IT IS ORDERED denying the motion as to Attachment A (photographs) and Attachment B (medical documents). The motion is granted as to Attachment C and the transcript marked State's Exhibit 176 shall be included in the record on appeal.
IT IS FURTHER ORDERED denying the request to stay the appeal and remand to the superior court.
IT IS FURTHER ORDERED striking the following parts of Appellant's Supplemental Opening Brief: "and a separate Brady violation for failing to turn over exculpatory photographs of Bush's gunshot wound on the night of his interrogation" on page 27, the last four lines on page 28, and the entire page 29; the entire page 32, the entire page 33, and "his wound, detectives first took him to the police station where he was interrogated from approximately 8:30 p.m. to about 12:30 a.m." on page 34. This order is without prejudice to Mr. Bush raising claims in a Rule 32 petition for post-conviction relief. (Hon. Scott Bales)
85. 18-Jan-2017 FILED: Unopposed Motion for 30-Day Extension of Time to File Combined Answering Brief and Response to Petition for Review (First Request); Certificate of Service (Appellee State)
86. 18-Jan-2017 A "Unopposed Motion for 30-Day Extension of Time to File Combined Answering Brief and Response to Petition for Review (First Request)" having been filed by the State of Arizona on January 18, 2017,
IT IS ORDERED granting a first extension of time to file the Combined Answering Brief and Response to Petition for Review on or before March 1, 2017. (Janet Johnson, Clerk)