

**Arizona Supreme Court**  
**Criminal Petition for Review - Appeal**

**CR-15-0387-PR**

**STATE OF ARIZONA v DON JACOB HAVATONE**

<p><b>Appellate Case Information</b></p> <p>Case Filed: 10-Nov-2015</p> <p>Case Closed:</p>	<p><b>Dept/Composition</b></p> <p><b>En Banc</b></p> <p>Hon. Scott Bales  Hon. John Pelander  Hon. Robert M. Brutinel  Hon. Ann A. Scott Timmer  Hon. Clint Bolick</p>
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**Side 1. STATE OF ARIZONA, Appellee**  
(Litigant Group) STATE OF ARIZONA

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| <ul style="list-style-type: none"> <li>State of Arizona</li> </ul> | <p><b>Attorneys for: Appellee</b></p> <p>Mark Brnovich, Esq. (AZ Bar No. 14134)<br/> John R Lopez, IV, Esq. (AZ Bar No. 19182)<br/> Joseph T Maziarz, Esq. (AZ Bar No. 9212)<br/> Colby Mills, Esq. (AZ Bar No. 30089)<br/> Terry M Crist, Esq. (AZ Bar No. 28348)</p> |
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**Side 2. DON JACOB HAVATONE, Appellant**  
(Litigant Group) DON JACOB HAVATONE

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| <ul style="list-style-type: none"> <li>Don Jacob Havatone</li> </ul> | <p><b>Attorneys for: Appellant</b></p> <p>David Goldberg, Esq. (AZ Bar No. 12726)</p> |
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**CASE STATUS**

Oct 4, 2016.....Submitted	Aug 30, 2016....At Issue
Aug 30, 2016....Oral Argument Granted	Nov 10, 2015....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-CR 14-0223				
MOH	S8015CR201201535	See File	Derek C Carlisle, Sentencing Comments: (none)	JURY	

**16 PROCEEDING ENTRIES**

- 10-Nov-2015 FILED: Appellant's Petition for Review of the Memorandum Decision of the Court of Appeals; Appellant's Certificate of Service; Appellant's Certificate of Compliance; Memorandum Decision (Appellant Havatone)
- 20-Nov-2015 FILED: Record from CofA: Electronic Record
- 24-Nov-2015 FILED: Notice of Acknowledgment; Certificate of Service (Appellee State)
- 19-May-2016 ORDERED: Appellant's Petition for Review of the Memorandum Decision of the Court of Appeals = CONTINUED.
- 20-May-2016 The Clerk of the Supreme Court having been authorized by the Supreme Court to order any party to file a Response to a Petition for Review at the direction of a Supreme Court staff attorney,  
  
IT IS ORDERED that Appellee State shall file a Response to the Petition for Review, issue A, "Did the Court of Appeals erroneously upheld [sic] the patently unconstitutional warrantless seizure of Appellant's blood while he was unconscious based on the good faith exception to the Fourth Amendment?" Appellee shall file its response on or before June 10, 2016.  
  
IT IS FURTHER ORDERED no extensions of time shall be granted absent extraordinary circumstances. (Janet Johnson, Clerk)
- 24-May-2016 FILED: Notice of Substitution of Counsel (Terry Crist substituted for Colby Mills as attorney for Appellee State); Certificate of Service (Appellee State)
- 9-Jun-2016 FILED: The State of Arizona's Response to Petition for Review; Certificate of Service; Certificate of Compliance (Appellee State)
- 7-Jul-2016 ORDERED: Appellant's Petition for Review of the Memorandum Decision of the Court of Appeals = CONTINUED.

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**16 PROCEEDING ENTRIES**

9. 30-Aug-2016 ORDERED: Appellant's Petition for Review of the Memorandum Decision of the Court of Appeals = GRANTED.  
  
FURTHER ORDERED: The case shall be set for oral argument.  
  
FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter. The briefs shall address the following issues: (1) If there was probable cause to believe Havatone was driving while under the influence, did the blood draw, pursuant to ARS section 28-1321(C), violate the Fourth Amendment? (2) If so, did the good faith exception to the exclusionary rule apply?
10. 31-Aug-2016 NOTICE OF ORAL ARGUMENT: Set for Tuesday, October 4, 2016 at 9:30 A.M. [twenty (20) minutes per side]
11. 6-Sep-2016 FILED: Notice of Filing Acknowledgment of Oral Argument (David Goldberg will argue) (Appellant Havatone)
12. 9-Sep-2016 FILED: Remaining Record from CofA - MohCSC: Instruments and MEs (Electronic)  
  
ORIG RTs - 4 (1/15/2014; 1/29/2014; 2/4/2014; 2/4/2014 [Amended])  
  
Exhibits: List, Exh Nos E45 (CD); E46 (CD) (Copies)  
  
CofA: Instrument (1 Part); CofA Briefs and Remaining Record Electronic
13. 19-Sep-2016 FILED: Appellee's Simultaneous Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellee State)
14. 19-Sep-2016 FILED: Petitioner's Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellant Havatone)
15. 23-Sep-2016 FILED: Notice of Filing Acknowledgment of Oral Argument (Terry M. Crist will argue) (Appellee State)
16. 4-Oct-2016 ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: Terry M. Crist; David Goldberg)