Arizona Supreme Court

Criminal Petition for Review - Appeal

CR-16-0205-PR STATE OF ARIZONA v ANTHONY BENARD PRIMOUS

Appellate Case Information

Case Filed: 3-Jun-2016

Case Closed:

Dept/Composition

En Banc

Hon. Scott Bales
Hon. John Pelander
Hon. Robert M. Brutinel
Hon. Clint Bolick
Hon. Rebecca White Berch
Hon. David L Mackey
Hon. Michael Owen Miller

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- **State of Arizona**

Attorneys for: Appellee

Mark Brnovich, Esq. (AZ Bar No. 14134)
Joseph T Maziarz, Esq. (AZ Bar No. 9212)
Robert A Walsh, Esq. (AZ Bar No. 16071)

Side 2. ANTHONY BENARD PRIMOUS, Appellant

(Litigant Group) ANTHONY BENARD PRIMOUS

- **Anthony Benard Primous**

Attorneys for: Appellant

Carlos Daniel Carrion, Esq. (AZ Bar No. 11187)

Side 3. ARIZONA ATTORNEYS FOR CRIMINAL JUSTICE, Amicus Curiae

(Litigant Group) ARIZONA ATTORNEYS FOR CRIMINAL JUSTICE

- **Arizona Attorneys for Criminal Justice**

Attorneys for: Amicus Curiae

David J Euchner, Esq. (AZ Bar No. 21768)
Josephine F Bidwill, Esq. (AZ Bar No. 31483)

Side 4. AMERICAN CIVIL LIBERTIES UNION OF ARIZONA, Amicus Curiae

(Litigant Group) AMERICAN CIVIL LIBERTIES UNION OF ARIZONA

- **American Civil Liberties Union of Arizona**

Attorneys for: Amicus Curiae

Kathleen E Brody, Esq. (AZ Bar No. 26331)

CASE STATUS

Jan 18, 2017....	**Submitted**	Dec 13, 2016....	**At Issue**
Dec 13, 2016....	Oral Argument Granted	Jun 3, 2016.....	Pending

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-CR 15-0181					
↳ MAR	CR2012-005697-001	Possession or Use of Marijuana, Class 1 Misdemeanor	12 Months Probation.	Pamela S Gates, Sentencing Comments: (none)	JURY	

25 PROCEEDING ENTRIES

1.	3-Jun-2016	FILED: Motion for Extension of Time in Which to File a Petition for Review; Certificate of Service (Appellant Primous)
2.	3-Jun-2016	A "Motion for Extension of Time in Which to File a Petition for Review" (Appellant Primous) having been filed on June 3, 2016, IT IS ORDERED granting a first extension of time to file the Petition for Review on or before July 6, 2016. No further extensions of time shall be granted absent extraordinary circumstances. This matter is subject to dismissal if the Petition for Review is not filed by July 6, 2016. (Janet Johnson, Clerk)
3.	6-Jul-2016	FILED: Petition for Review; Certificate of Service; Certificate of Compliance; Opinion (Appellant Primous)
4.	7-Jul-2016	FILED: Record from CofA: Electronic Record
5.	25-Jul-2016	FILED: Motion for Extension of Time to File Response to Petition for Review; Certificate of Service (Appellee State)
6.	26-Jul-2016	A "Motion for Extension of Time to File Response to Petition for Review" (Appellee State) having been filed on July 25, 2016, IT IS ORDERED granting a first extension of time to file the Response to Petition for Review on or before September 9, 2016. No further extensions of time shall be granted absent extraordinary circumstances. (Janet Johnson, Clerk)

Information presented in this document may not reflect all case activity and is subject to change without notice.

25 PROCEEDING ENTRIES

7.	9-Sep-2016	FILED: The State of Arizona's Response to Petition for Review; Certificate of Service; Certificate of Compliance; Appendix A: Opinion (Appellee State)
8.	30-Sep-2016	FILED: Brief of Amici Curiae Arizona Attorneys for Criminal Justice (AACJ) and American Civil Liberties Union of Arizona (ACLU) in Support of Appellant; Certificate of Service; Certificate of Compliance (Amici Curiae Arizona Attorneys for Criminal Justice and American Civil Liberties Union of Arizona)
9.	30-Sep-2016	FILED: Motion for Leave to File an Amicus Curiae Brief (Amici Curiae Arizona Attorneys for Criminal Justice and American Civil Liberties Union of Arizona)
10.	3-Oct-2016	A "Motion for Leave to File an Amicus Curiae Brief" (Amici Curiae Arizona Attorneys for Criminal Justice and American Civil Liberties Union of Arizona) and the Brief of Amici Curiae were filed on September 30, 2016. IT IS ORDERED granting the "Motion for Leave to File an Amicus Curiae Brief." The brief shall be filed as of September 30, 2016. (Janet Johnson, Clerk)
11.	13-Dec-2016	ORDERED: Petition for Review = 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, on or before January 6, 2017. Justice Timmer did not participate in the determination of this matter.
12.	15-Dec-2016	NOTICE OF ORAL ARGUMENT: Set for Wednesday, January 18, 2017, at 10:30 A.M. [twenty minutes (20) per side]
13.	15-Dec-2016	FILED: Motion for Extension of Time in Which to File a Supplemental Brief (No Objection); Certificate of Service (Appellant Primous)
14.	15-Dec-2016	FILED: Notice of Filing Acknowledgment of Oral Argument (Robert A. Walsh will argue) (Appellee State)
15.	16-Dec-2016	FILED: Notice of Filing Acknowledgment of Oral Argument (Carlos Daniel Carrion will argue) (Appellant Primous)
16.	16-Dec-2016	FILED: Amended Motion for Extension of Time in which to File a Supplemental Brief (No Objection); Certificate of Service (Petitioner Primous)
17.	16-Dec-2016	A "Motion for Extension of Time in which to File a Supplemental Brief" and an "Amended Motion for Extension of Time in which to File a Supplemental Brief" were filed by Appellant Primous. After consideration, IT IS ORDERED granting the motion. IT IS FURTHER ORDERED the parties supplemental briefs shall be due on or before January 13, 2017. (Hon. Scott Bales)
18.	21-Dec-2016	FILED: Motion for Leave for Amicus Curiae American Civil Liberties Union of Arizona to Participate in Oral Argument; Certificate of Service - Amicus Curiae ACLU's Motion for Leave; Kathleen E. Brody - (Amicus American Civil Liberties Union of Arizona) Notice of Filing Acknowledgment of Oral Argument (Kathleen E. Brody will argue) (Amicus American Civil Liberties Union of Arizona)
19.	22-Dec-2016	On December 21, 2016, Amicus Curiae American Civil Liberties Union of Arizona filed a "Motion for Leave for Amicus Curiae American Civil Liberties Union of Arizona to Participate in Oral Argument." After consideration, IT IS ORDERED granting the motion. Counsel for Appellant Primous may cede part of the twenty (20) minutes allotted for appellant's oral argument to counsel for American Civil Liberties Union of Arizona to argue as amicus curiae. (Hon. Scott Bales)
20.	23-Dec-2016	FILED: Remaining Record from CofA - MCSC: Exhibits - (List; 1 manila env [Pltf Exh Nos 9 and 10]) CofA: Instruments (1 part)
21.	28-Dec-2016	Justice Ann A. Scott Timmer, Justice Andrew W. Gould and Justice John R. Lopez have recused themselves and will not participate in argument or decision of the above captioned matter. Therefore, pursuant to Article 6, Section 3 of the Arizona Constitution, IT IS ORDERED that the Honorable Rebecca White Berch, Justice (Retired) of the Arizona Supreme Court, the Honorable Michael O. Miller, Judge of the Arizona Court of Appeals, Division Two, Tucson, and the Honorable David L. Mackey, Presiding Judge of the Yavapai County Superior Court, are designated to sit on the case and participate until the matter is finally determined. (Hon. John Pelander)

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25 PROCEEDING ENTRIES

22.	12-Jan-2017	FILED: Notice of Supplemental Authority; Certificate of Service; Exhibit A (Amici Curiae Arizona Attorneys for Criminal Justice and American Civil Liberties Union of Arizona)
23.	13-Jan-2017	FILED: Appellant's Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellant Primous)
24.	13-Jan-2017	FILED: Appellee's Supplemental Answering Brief; Certificate of Service; Certificate of Compliance (Appellee State)
25.	18-Jan-2017	ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: Robert A. Walsh; Carlos Daniel Carrion; Kathleen E. Brody)

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