

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

**CR-16-0012-PR**

**STATE OF ARIZONA v DONALD WAYNE DALTON**

<p><b>Appellate Case Information</b></p> <p>Case Filed: 7-Jan-2016</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

- State of Arizona
- Attorneys for: Appellee**  
Mark Brnovich, Esq. (AZ Bar No. 14134)  
John R Lopez, IV, Esq. (AZ Bar No. 19182)  
Joseph T Maziarz, Esq. (AZ Bar No. 9212)  
Linley Wilson, Esq. (AZ Bar No. 27040)

**Side 2. DONALD WAYNE DALTON, Appellant**  
(Litigant Group) DONALD WAYNE DALTON

- Donald Wayne Dalton
- Attorneys for: Appellant**  
Paul J Prato, Esq. (AZ Bar No. 2609)

**CASE STATUS**

Dec 22, 2016....Decision Rendered	Aug 30, 2016....Oral Argument Granted
Jan 7, 2016.....Pending	

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA 1 CA-CR 15-0074					
↵ MAR CR2014-000938-001	Buglary in the Second Degree, Class 3	6.5 Years	Michael W Kemp, Sentencing Comments: (none)	JURY	

**CASE DECISION**

**22-Dec-2016 OPINION**

The court of appeals' opinion is vacated, and Dalton's conviction and sentence are affirmed.

Filed: **22-Dec-2016**      Mandate:

Decision Disposition
<b>Conviction Affirmed</b>
<b>Sentence Affirmed</b>
<b>CofA Vacated</b>

**John Pelander**.....Author  
**Scott Bales**.....Concur  
**Robert Brutinel**.....Concur  
**Ann Timmer**.....Concur  
**Clint Bolick**.....Concur

**22 PROCEEDING ENTRIES**

1. 7-Jan-2016 FILED: The State of Arizona's Petition for Review (Re: Opinion Filed on 12/10/15); Certificate of Service; Certificate of Compliance; Opinion (Appellee State)
2. 8-Jan-2016 FILED: Record from CofA: Electronic Record
3. 22-Jan-2016 FILED: Response to State of Arizona's Petition for Review; Certificate of Service; Certificate of Compliance with Rule 31.19(c), ARCP (Appellant Dalton)
4. 5-Feb-2016 FILED: The State of Arizona's Petition for Review (Re: Opinion Filed on 1/26/16); Certificate of Service; Certificate of Compliance; Appendix (to Petition for Review) (Appellee State)
5. 9-Feb-2016 FILED: Response to State of Arizona's Petition for Review; Certificate of Service; Certificate of Compliance with Rule 31.19(c), ARCP (Appellant Dalton)

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**22 PROCEEDING ENTRIES**

6. 18-Mar-2016 FILED: Notice of Supplemental Authority; Certificate of Service (Appellee State)
7. 13-Jul-2016 ORDERED: The State of Arizona's Petition for Review (Re: Opinion Filed on 12/10/15) = CONTINUED.  
FURTHER ORDERED: The State of Arizona's Petition for Review (Re: Opinion Filed on 1/20/2016) = CONTINUED.
8. 30-Aug-2016 ORDERED: The State of Arizona's 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, no later than 20 days from the date of this Court's Minute Letter.
9. 1-Sep-2016 NOTICE OF ORAL ARGUMENT: Set for Tuesday, October 11, 2016 at 11:00 A.M. [twenty (20) minutes per side]  
\*\*\* SEE DKT NO 17\*\*\*
10. 2-Sep-2016 FILED: Notice of Filing Acknowledgment of Oral Argument (Linley Wilson will argue) (Appellee State)
11. 6-Sep-2016 FILED: Notice of Filing Acknowledgment of Oral Argument (Paul J. Prato will argue) (Appellant Dalton)
12. 9-Sep-2016 FILED: Remaining Record from CofA - MCSC: Instruments and MEs (Electronic)  
Envelopes - 1 CONFIDENTIAL Envelope (Criminal History Report)  
Exhibits: HD 11/3/2014 - List, Pltf Exh Nos 1(CD) With 911 Authentication Form; 2(CD); 4-18  
CofA: Instrument (1 Part); CofA Briefs and Remaining Record Electronic  
\*\*\*No Final Disposition Report\*\*\*
13. 12-Sep-2016 On the Court's own motion,  
IT IS ORDERED that no later than September 30, 2016, the Clerk of the Maricopa County Superior Court shall electronically transmit to the Clerk of this Court the final disposition report, and any other record not already transmitted to the Court of Appeals, in State v. Dalton, case number CR2014-000938-001, with an index of record. The Superior Court Clerk shall not send any document that cannot be provided as an electronic copy. (Hon. Robert M. Brutinel)
14. 14-Sep-2016 FILED: Record from CofA - Remaining MCSC: Instruments and MEs (Electronic)
15. 19-Sep-2016 FILED: Appellee's Simutaneous Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellee State)
16. 19-Sep-2016 FILED: Appellant's Simultaneous Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellant Dalton)
17. 26-Sep-2016 On the Court's own motion,  
IT IS ORDERED the Oral Argument currently set for Tuesday, October 11, 2016 at 11:00 a.m., has been rescheduled to 10:15 a.m.  
IT IS FURTHER ORDERED the Clerk of the Court shall issue a notice with the rescheduled time. (Hon. Scott Bales)
18. 26-Sep-2016 AMENDED NOTICE OF ORAL ARGUMENT: Set for Tuesday, October 11, 2016 at 10:15 A.M. [twenty (20) minutes per side]
19. 27-Sep-2016 FILED: Notice of Filing Acknowledgment of AMENDED Oral Argument (Paul J. Prato will argue) (Appellant Dalton)
20. 28-Sep-2016 FILED: Notice of Filing Acknowledgment of AMENDED Oral Argument (Linley Wilson will argue) (Appellee State)
21. 11-Oct-2016 ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: Linley Wilson; Paul J. Prato)
22. 22-Dec-2016 OPINION - The court of appeals' opinion is vacated, and Dalton's conviction and sentence are affirmed. (Hon. John Pelander - Author; Hon. Scott Bales - Concur; Hon. Robert M. Brutinel - Concur; Hon. Ann A. Scott Timmer - Concur; Hon. Clint Bolick - Concur)