

Arizona Supreme Court
Criminal Petition for Review - Appeal

CR-23-0137-PR

STATE OF ARIZONA v MANUEL DAVID PEREZ-GUTIERREZ

Appellate Case Information

Case Filed: 24-May-2023
Case Closed:

Dept/Composition

En Banc
Hon. Robert Brutinel
Hon. Ann A. Scott Timmer
Hon. Clint Bolick
Hon. John R Lopez
Hon. James P Beene
Hon. William G Montgomery
Hon. Kathryn H. King

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Alice Jones, Esq. (AZ Bar No. 28062)
Kristin K. Mayes, Esq. (AZ Bar No. 022584)
Ashley Torkelson Levine, Esq. (AZ Bar No. 32544)

Side 2. MANUEL DAVID PEREZ-GUTIERREZ, Appellant

(Litigant Group) MANUEL DAVID PEREZ-GUTIERREZ

- Manuel David Perez-Gutierrez

Attorneys for: Appellant

Aaron J Moskowitz, Esq. (AZ Bar No. 22246)

CASE STATUS

Mar 19, 2024....Submitted	Jan 9, 2024.....At Issue
Jan 9, 2024.....Oral Argument Granted	Dec 15, 2023....Continued
May 24, 2023....Pending	

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA 1 CA-CR 22-0268					
↔ MAR CR2020-135003-001	See File	See File	Geoffrey H Fish, Sentencing Comments: (none)	JURY	

22 PROCEEDING ENTRIES

- 24-May-2023 FILED: Unopposed Motion for Procedural Order (Extension for Appellee's Petition for Review); Certificate of Service (Appellee State)
- 25-May-2023 An "Unopposed Motion for Procedural Order (Extension for Appellee's Petition for Review)" (Appellee State) having been filed on May 24, 2023,

IT IS ORDERED granting a first extension of time to file the petition for review on or before July 7, 2023. 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 7, 2023. (Tracie K. Lindeman, Clerk)
- 6-Jul-2023 FILED: State of Arizona's Petition for Review; Certificate of Service; Certificate of Compliance; Opinion (Appellee State)
- 7-Jul-2023 FILED: Record from CofA: Electronic Record
- 28-Jul-2023 FILED: Motion For Procedural Order: Motion for Extension of Time to File to File Response to Petition for Review; Certificate of Service (Appellant Perez-Gutierrez)
- 31-Jul-2023 A "Motion For Procedural Order: Motion for Extension of Time to File to File Response to Petition for Review" (Appellant Perez-Gutierrez) having been filed on July 28, 2023,

IT IS ORDERED granting a first extension of time to file the petition for review on or before September 6, 2023. 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 September 6, 2023. (Tracie K. Lindeman Clerk)
- 6-Sep-2023 FILED: Response to Petition for Review; Certificate of Service; Certificate of Compliance (Appellant Perez-Gutierrez)
- 8-Dec-2023 FILED: Notice of Supplemental Authority; Certificate of Service (Appellee State)

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22 PROCEEDING ENTRIES

9. 15-Dec-2023 ORDERED: State of Arizona's Petition for Review = CONTINUED.
10. 9-Jan-2024 ORDERED: 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. Any amicus briefs are due on or before February 5, 2024 and any responses to amicus briefs are due on or before February 9, 2024. Any amicus briefs or responses may not exceed 20 pages in length.
11. 10-Jan-2024 NOTICE OF ORAL ARGUMENT: Set of Thursday, February 15, 2024, at 9:30 A.M. [twenty (20) minutes per side]
12. 11-Jan-2024 FILED: Unopposed Motion for Procedural Order (Extension for Supplemental Briefing and Oral Argument); Certificate of Service (Appellee State)
13. 12-Jan-2024 On January 11, 2024, Appellee State filed an "Unopposed Motion for Procedural Order (Extension for Supplemental Briefing and Oral Argument)." After consideration,
- IT IS ORDERED allowing the parties to file supplemental briefs no later than February 12, 2024. Any amicus briefs are due no later than February 20, 2024, and any responses to amicus briefs are due no later than February 23, 2024.
- IT IS FURTHER ORDERED the Oral Argument currently set for Thursday, February 15, 2024 has been rescheduled to Thursday, March 14, 2024 at 9:30 a.m.
- IT IS FURTHER ORDERED that the Clerk of the Court shall issue a notice with the rescheduled date and time. (Hon. Robert Brutinel)
14. 16-Jan-2024 FILED: Motion for Procedural Order: Motion to Reschedule Oral Argument; Certificate of Service (Appellant Perez-Gutierrez)
15. 16-Jan-2024 FILED: Remaining Record From CofA - (MCSC)
- Exhibits - (Physical Exhibits: Hearing Date: 04/05/2022 List # 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 23 26 in manila envelope Sealed Exhibit: Confidential Criminal History Report in Sealed Manila Envelope)
16. 23-Jan-2024 On January 16, 2024, Appellant Perez-Gutierrez filed a "Motion for Procedural Order: Motion to Reschedule Oral Argument," because of a conflict with his counsel's travel schedule. Appellant avows that Appellee State has no objection to rescheduling. After consideration,
- IT IS ORDERED granting the Motion to Reschedule Oral Argument. The Oral Argument currently set for Thursday, March 14, 2024 has been rescheduled to Tuesday, March 19 at 9:30 a.m.
- IT IS FURTHER ORDERED that the Clerk of the Court shall issue a notice with the rescheduled date and time. (Hon. Robert Brutinel)
17. 24-Jan-2024 NOTICE OF ORAL ARGUMENT: Set for Tuesday, March 19, 2024 at 9:30 A.M. [twenty (20) minutes per side]
18. 26-Jan-2024 FILED: Notice of Acknowledgment of Oral Argument (Aaron J. Moskowitz will argue) (Appellant Perez-Gutierrez)
19. 26-Jan-2024 FILED: Notice of Acknowledgment of Oral Argument (Ashley Torkelson Levine will argue) (Appellee State)
20. 12-Feb-2024 FILED: State of Arizona's Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellee State)
21. 12-Feb-2024 FILED: Respondent's Simultaneous Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellant Perez-Gutierrez)
22. 19-Mar-2024 ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: Ashley Torkelson Levine, Aaron J. Moskowitz)