

Arizona Supreme Court
Criminal Post Conviction

CR-23-0199-PC

STATE OF ARIZONA v JULIUS JARREAU MOORE

Appellate Case Information

Case Filed: 10-Aug-2023
Case Closed:

Dept/Composition

Side 1. STATE OF ARIZONA, Plaintiff
(Litigant Group) STATE OF ARIZONA

- State of Arizona, Respondent

Attorneys for: Plaintiff

Kristin K. Mayes, Esq. (AZ Bar No. 022584)
Jason Lewis, Esq. (AZ Bar No. 32461)
Gregory Michael Hazard, Esq. (AZ Bar No. 23258)

Side 2. JULIUS JARREAU MOORE, Defendant
(Litigant Group) JULIUS JARREAU MOORE

- Julius Jarreau Moore, Petitioner

Attorneys for: Defendant

Patrick C Coppen, Esq. (AZ Bar No. 14756)

CASE STATUS

Aug 10, 2023....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CR1999-016742				

91 PROCEEDING ENTRIES

- 10-Aug-2023 FILED: [STRICKEN Per ASC Order Filed 8/11/23] Petition for Review of Summary Dismissal of Post Conviction Relief in Death Penalty Case; Certificate of Service; Certificate of Compliance (Petitioner Moore)
- 10-Aug-2023 FILED: Motion to Exceed Word Count; Certificate of Service (Petitioner Moore)
- 11-Aug-2023 On August 10, 2023, Petitioner Moore filed a "Petition for Review of Summary Dismissal of Post-Conviction Relief in Death Penalty Case" including a Certificate of Compliance that indicates the Petition contains 51,072 words.

In conjunction with his petition for review, Petitioner filed a "Motion to Exceed Word Count" requesting that the Court allow the 51,072-word petition for review.

Pursuant to Arizona Rules of Criminal Procedure, 31.6(e) the caption of a motion for procedural order must include the words, "Motion for Procedural Order." This Court notes that the motion does not comply with this requirement. Nonetheless, the motion is accepted as filed. Upon consideration,

IT IS ORDERED that Petitioner's Motion to Exceed Word Count is denied in part and granted in part.

IT IS FURTHER ORDERED that Petitioner's Petition for Review of Summary Dismissal of Post-Conviction Relief in Death Penalty Case filed August 10, 2023, is stricken.

IT IS FURTHER ORDERED that on or before September 12, 2023, Petitioner shall file a petition for review that shall not exceed 20,000 words, and shall otherwise comply with Ariz. R. Crim. P. 32.16(c)(1) and (c)(2). No extensions of this due date shall be granted absent extraordinary circumstances. (Kathryn H. King)
- 11-Sep-2023 FILED: (First) Motion for Procedural Order to Extend Time Based Upon Extraordinary Cause due to Blindness of Defendant Julius Jarreau Moore; Certificate of Service (Petitioner Moore)
- 11-Sep-2023 A "Motion for Procedural Order to Extend Time Based Upon Extraordinary Cause due to Blindness of Defendant Julius Jarreau Moore" (Petitioner Moore) having been filed on September 11, 2023,

IT IS ORDERED granting a 10-day extension of time to file the petition for review on or before September 22, 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 22, 2023. (Tracie K. Lindeman Clerk)
- 21-Sep-2023 FILED: (Second) 2nd Motion for Procedural Order to Briefly Extend Time Due to Extraordinary Cause Based on Blindness of Defendant Julius Jarreau Moore and Additional Time Needed to Complete Reading of Changes in Brief and Fully Discuss to Assure Sixth Amendment Right to Counsel in Death Penalty Case; Certificate of Service (Petitioner Moore)

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7. 22-Sep-2023 A "2nd Motion for Procedural Order to Briefly Extend Time Due to Extraordinary Cause Based on Blindness of Defendant Julius Jarreau Moore and Additional Time Needed to Complete Reading of Changes in Brief and Fully Discuss to Assure Sixth Amendment Right to Counsel in Death Penalty Case" (Petitioner Moore) having been filed on September 21, 2023,

IT IS ORDERED granting a second extension of time to file the petition for review on or before September 29, 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 29, 2023. (Tracie K. Lindeman Clerk)
8. 29-Sep-2023 FILED: (Third) Additional Motion for Procedural Order to Briefly Extend Time to File Petition for Review Through Next Friday, 10/6/23 Due to Extraordinary Cause Based on ADA Disability of Defendant Julius Jarreau Moore Previously Referenced Requiring Much Longer Time to Read/Review Changes in Brief and Fully Discuss to Assure Sixth Amendment Right to Counsel in Death Penalty Post Conviction Case; Certificate of Service (Petitioner Moore)
9. 2-Oct-2023 Petitioner Moore has filed a third Motion for Procedural Order to Briefly Extend Time to File Petition for Review. After Petitioner had submitted a Petition for Review containing 51,072 words, on August 11, 2023, this Court ordered that on or before September 12, 2023, Petitioner was allowed to file a Petition for Review not exceeding 20,000 words, and shall otherwise comply with Ariz. R. Crim. P. 32.16(c)(1) and (c)(2). Petitioner requested extensions of ten days and seven days, which this Court granted.

Petitioner's third motion for extension of time, like his prior requests, states that more time is needed for counsel to read, review and discuss the amended petition for review with Petitioner Moore. The motion further states that counsel and Petitioner have "completed reading/review of 55.3% of the new draft of his Petition for Review." The State has previously objected to further extensions of time in this matter. The motion requests an extension to October 6, 2023.

IT IS ORDERED granting an extension of time to and including October 6, 2023, to file the Petition for Review. Counsel is admonished that repeated motions for extensions of time are disfavored, and that counsel is responsible for accurately calculating the additional time necessary to complete the pleading. Therefore, any additional motions for extension of time are unlikely to be granted. (Hon. Clint Bolick)
10. 6-Oct-2023 FILED: [Replaced by Amended Petition Filed 10/8/23] Partial Document (Treated as Petition for Review); Certificate of Service; Certificate of Compliance (Petitioner Moore)
11. 7-Oct-2023 FILED: [Replaced by Amended Motion Filed 10/8/23] Motion/Motion for Procedural Order to Exceed 20,000 Words; Certificate of Service (Petitioner Moore)
12. 7-Oct-2023 FILED: [Replaced by Amended Petition Filed 10/8/23] Petition for Review of Summary Dismissal of Post Conviction Relief in Death Penalty Case; Certificate of Service (Petitioner Moore)
13. 8-Oct-2023 FILED: Amended Petition for Review of Summary Dismissal of Post Conviction Relief in Death Penalty Case; Certificate of Service; Certificate of Compliance (Petitioner Moore)
14. 8-Oct-2023 FILED: Motion for Procedural Order to File Substitute or Amended Petition for Review; Certificate of Service (Petitioner Moore)
15. 8-Oct-2023 FILED: Amended Motion for Procedural Order to Exceed 20,000 Words; Certificate of Service (Petitioner Moore)
16. 10-Oct-2023 Upon considering the Motion for Procedural Order to File Substitute or Amended Petition for Review, Motion for Procedural Order to Exceed 20,000 Words, and Amended Motion,

IT IS ORDERED that the Motions are granted. The Amended Petition for Review submitted October 8, 2023, consisting of 33,949 words is accepted for filing.(Hon. Clint Bolick)
17. 17-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume A, Exhibits 1-2; Certificate of Service; Petitioner's Exhibit 1, Affidavit of Ms. Vera Randolph; Petitioner's Exhibit #2, Affidavit of 6th Grade Teacher Pauline Rudloff (Petitioner Moore)
18. 17-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume B, Exhibits 3-4; Certificate of Service; Petitioner's Exhibit #3, Affidavit of 8th Grade Teacher Erin Luft Jenkins; Petitioner's Exhibit #4, Affidavit of Lois Friday (Petitioner Moore)
19. 17-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume C, Exhibits 5-6; Certificate of Service; Petitioner's Exhibit #5, Affidavit of Frances Sanchez; Petitioner's Exhibit #6, Affidavit of Deborah Hole (Petitioner Moore)
20. 17-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume D, Exhibits 7-8; Certificate of Service; Petitioner's Exhibit #7, Affidavit of Curtis Graham; Petitioner's Exhibit #8, Affidavit of Maryanne Lapikas (Petitioner Moore)
21. 17-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume E, Exhibits 9-10; Certificate of Service; Petitioner's Exhibit #9, Affidavit of Dr. Alex Stalcup; Petitioner's Exhibit #10, ADC Inmate Datasearch Records of Petitioner Julius Jarreau Moore, ADC #218107 (Petitioner Moore)
22. 17-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume F, Exhibits 11-12; Certificate of Service; Petitioner's Exhibit #11, PPD Reports from Interview of Witness Alejandro Rios Barrios; Petitioner's Exhibit #12, TR 9/13/01, pp. 100-01, Sworn Testimony of Original Suspect Tony Lamont Brown (Petitioner Moore)

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23. 17-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume G, Exhibits 13-14; Certificate of Service; Petitioner's Exhibit #13, Grand Jury Testimony of PPD Det. T. Cooning; Petitioner's Exhibit #14, Affidavit of Sylvia Villegas (Petitioner Moore)
24. 17-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume H, Exhibits 15-16; Certificate of Service; Petitioner's Exhibit #15, Affidavit of Pedro Villegas; Petitioner's Exhibit #16, Affidavit of Private Investigator Steve Bakos (Petitioner Moore)
25. 17-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume I, Exhibits 17-18; Certificate of Service; Petitioner's Exhibit #17, Google Map of Yale Crackhouse Area; Petitioner's Exhibit #18, PPD Interview of Collette Oneil (Petitioner Moore)
26. 17-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume J, Exhibits 19-20; Certificate of Service; Petitioner's Exhibit #19, Affidavit of Marlene Villegas; Petitioner's Exhibit #20, PPD Artist's Conception of Perpetrator of Crime (Petitioner Moore)
27. 17-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume K, Exhibits 21-22; Certificate of Service; Petitioner's Exhibit #21, Affidavit of Christopher Ford; Petitioner's Exhibit #22, Affidavit of Janel Early (Petitioner Moore)
28. 17-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume L, Exhibits 23-24; Certificate of Service; Petitioner's Exhibit #23, PPD Report Re: Janel Early dated 11/17/99; Petitioner's Exhibit #24, Affidavit of Alan Perez (Petitioner Moore)
29. 18-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume M, Exhibits 25-26; Certificate of Service; Petitioner's Exhibit #25, Trial Testimony of S. Ortiz Referencing Dallas Cowboys Cap; Petitioner's Exhibit #26, Affidavit of Alibi Witness Alan Feliciano (Petitioner Moore)
30. 18-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume N, Exhibits 27-28; Certificate of Service; Petitioner's Exhibit #27, Affidavit of Petitioner Julius Jarreau Moore; Petitioner's Exhibit #28, Maricopa County Superior Court Records of S. Ortiz (Petitioner Moore)
31. 18-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume O, Exhibits 29-30; Certificate of Service; Petitioner's Exhibit #29, TR 5/22/07 pp. 163, 169-70, Testimony of S. Ortiz; Petitioner's Exhibit #30, Trial Testimony of D. Ford (Petitioner Moore)
32. 18-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume P, Exhibits 31-32; Certificate of Service; Petitioner's Exhibit #31, PPD Report Supplement #17; Petitioner's Exhibit #32, Affidavit of J. Canby, Esq. (Petitioner Moore)
33. 19-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume Q, Exhibits 33-34; Certificate of Service; Petitioner's Exhibit #33, Affidavit of Former Mitigation Specialist Lisa Bolinger; Petitioner's Exhibit #34, Affidavit of Michelle Donohue, Bode Technology (Petitioner Moore)
34. 19-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume R, Exhibits 35-36; Certificate of Service; Petitioner's Exhibit #35, Fingerprint Related Testing Report of Fingerprint Expert Frank Rodgers; Petitioner's Exhibit #36, Ballistics/Footprint/Tiretrack Report of Ballistics/Footprint/Tiretrack Expert Richard Watkins (Petitioner Moore)
35. 19-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume S, Exhibits 37-38; Certificate of Service; Petitioner's Exhibit #37, Results of Petitioner Moore's Polygraph Examination by T. Ezell; Petitioner's Exhibit #38, Affidavit of Sam Derby (Petitioner Moore)
36. 19-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume T, Exhibits 39-40; Certificate of Service; Petitioner's Exhibit #39, State's Exhibits #'s109 & 110 Pictures from Crime Scene; Petitioner's Exhibit #40, Affidavit of Former Maricopa County Medical Examiner Dr. Archilaus Mosley (Petitioner Moore)
37. 21-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume U, Exhibits 41-42; Certificate of Service; Petitioner's Exhibit #41, Presentence Report of Original Suspect Tony Lamont Brown Dated 12/9/11; Petitioner's Exhibit #42, Redacted PPD Reports from 1748 E. Yale Crackhouse Homicide (Petitioner Moore)
38. 21-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume V, Exhibits 43-44; Certificate of Service; Petitioner's Exhibit #43, ADC Incarceration Record of Tony Lamont Brown, ADC #143721; Petitioner's Exhibit #44, Affidavit of Capital Representation Expert Larry Hammond (Petitioner Moore)
39. 21-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume W, Exhibits 45-46; Certificate of Service; Petitioner's Exhibit #45, Affidavit of Eyewitness and Police Interrogation Expert Dr. Deborah Davis; Petitioner's Exhibit #46, Affidavit of Ms. Ricci Brown (Petitioner Moore)
40. 21-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume X, Exhibits 47-48; Certificate of Service; Petitioner's Exhibit #47, Declaration of Appellate Attorney David Goldberg; Petitioner's Exhibit #48, Affidavit of Dr. Stephen Williams (Petitioner Moore)
41. 22-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume Y, Exhibits 49-50; Certificate of Service; Petitioner's Exhibit #49, Affidavit of Ms. Jessica Borghetti; Petitioner's Exhibit #50, Affidavit of P. Coppen (Petitioner Moore)
42. 22-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume Z, Exhibits 51-52; Certificate of Service; Petitioner's Exhibit #51, Affidavit of Sarry Ortiz; Petitioner's Exhibit #52, Affidavit of Criminalist R. Watkins (Petitioner Moore)
43. 22-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume AA, Exhibits 53-54; Certificate of Service; Petitioner's Exhibit #53, Affidavit of Crimescene and Fingerprint Expert F. Rodgers; Petitioner's Exhibit #54, Affidavit of Master Auto/Truck Mechanic Meeker (Petitioner Moore)

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44. 22-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume BB, Exhibits 55-56; Certificate of Service; Petitioner's Exhibit #55, Affidavit of Ms. Damita Moore; Petitioner's Exhibit #56, Affidavit of Former Mitigation Specialist Nancy Garcia (Petitioner Moore)
45. 22-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume CC, Exhibits 57-58; Certificate of Service; Petitioner's Exhibit #57, Portions of Transcript from Petitioner's Guilt Phase Trial dated 9/12/01; Petitioner's Exhibit #58, Trial Transcript from Petitioner's Guilt Phase Trial dated 9/19/01 (Petitioner Moore)
46. 22-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume DD, Exhibits 59-60; Certificate of Service; Petitioner's Exhibit #59, 1st Supplemental Affidavit of Criminalist R. Watkins; Petitioner's Exhibit #60, 1st Supplemental Affidavit of Crimescene Expert F. Rogers (Petitioner Moore)
47. 22-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume EE, Exhibits 61-62; Certificate of Service; Petitioner's Exhibit #61, Partial Transcript of Grand Jury in State of AZ v. Julius Jarreau Moore, CR1999-016742; Petitioner's Exhibit #62, Picture of Original Suspect Tony Brown (Petitioner Moore)
48. 22-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume FF, Exhibits 63-64; Certificate of Service; Petitioner's Exhibit #63, Supplemental Affidavit of Criminalist R. Watkins w/ Attached Photographs; Petitioner's Exhibit #64, Supplemental Affidavit of Crimescene Expert Frank Rodgers with Attached Photos (Petitioner Moore)
49. 23-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume GG, Exhibits 65-66; Certificate of Service; Petitioner's Exhibit #65, TR 11/30/99, Full Transcript of Grand Jury Proceedings in State of Arizona v. Julius Jarreau Moore (CR1999-016742); Petitioner's Exhibit #66, 3rd Supplemental Affidavit of Crimescene Expert Frank Rogers w/ Attached Photographs (Petitioner Moore)
50. 23-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume HH, Exhibits 67-68; Certificate of Service; Petitioner's Exhibit #67, 3rd Supplemental Affidavit of Criminalist Richard Watkins w/ Attached Photographs; Petitioner's Exhibit #68, Exhibit Worksheets for MCSC Case #CR1999-016742 (Petitioner Moore)
51. 23-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume II, Exhibits 69-70; Certificate of Service; Petitioner's Exhibit #69, Declaration (Corrected) of Forensic Engineer Dr. David Bosch; Petitioner's Exhibit #70, Supplemental Affidavit of former counsel John Canby (Petitioner Moore)
52. 23-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume JJ, Exhibits 71-72; Certificate of Service; Petitioner's Exhibit #71, Comprehensive Handwriting Report of H. Harralson, M.A., Spectrum Forensic International, LLC; Petitioner's Exhibit #72, Supplemental Declaration of Capital Legal Expert Larry Hammond, Esq. (Petitioner Moore)
53. 24-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume KK, Exhibits 73-74; Certificate of Service; Petitioner's Exhibit #73, 4th Supplemental Affidavit of Crimescene Expert Frank Rogers; Petitioner's Exhibit #74, 4th Supplemental Affidavit of Criminalist Richard Watkins (Petitioner Moore)
54. 24-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume LL, Exhibits 75-76; Certificate of Service; Petitioner's exhibit #75, 5th Supplemental Affidavit of Crimescene/Fingerprint Expert Frank Rogers; Petitioner's Exhibit #76, Supplemental Declaration of Forensic Engineer Dr. David Bosch (Petitioner Moore)
55. 24-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume MM, Exhibits 77-78; Certificate of Service; Petitioner's Exhibit #77, Sound Enhanced Video of the 11/20/99 Hospital Interview of State's Only Eyewitness D. Ford; Petitioner's Exhibit #78, Police Supplemental Report Pertaining to Ford Interview (Petitioner Moore)
56. 24-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume NN, Exhibits 79-80; Certificate of Service; Petitioner's Exhibit #79, Particular Pages from Case Detective Cooning's Global Report in this case pertaining to PPD Interview of Deborah Ford's son AC Ford; Petitioner's Exhibit #80, Affidavit of Ex-Husband of State's Purported Eyewitness D. Ford (Previously Presented as Petitioner's Exhibit #21) (Petitioner Moore)
57. 24-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume OO, Exhibits 81-82; Certificate of Service; Petitioner's Exhibit #81, Affidavit of Former of PPD Crime Lab Asst. Director & Petitioner's Crimescene Expert Frank Rodgers; Petitioner's Exhibit #82, Affidavit of Former of PPD Crime Lab Asst. Director & Petitioner's Criminalist/Firearms Expert Richard Watkins (Petitioner Moore)
58. 24-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume PP, Exhibits 83-84; Certificate of Service; Petitioner's Exhibit #83, Declaration and Sworn Interview Transcript of Ray Krone; Petitioner's Exhibit #84, 2nd Supplemental Declaration of Larry A. Hammond (Petitioner Moore)
59. 24-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume QQ, Exhibits 85-86; Certificate of Service; Petitioner's Exhibit #85, 6th Supplemental Declaration Ballistics/Firearms Expert Richard Watkins; Petitioner's Exhibit #86, 6th Supplemental Declaration Crimescene Expert Frank Rodgers (Petitioner Moore)
60. 24-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume RR, Exhibits 87-88; Certificate of Service; Petitioner's Exhibit #87, Affidavit of Former PPD Homicide Detective Joe Petrosino; Petitioner's Exhibit #88, 11/18/99 PPD Interview of Original Suspect Tony Brown (Petitioner Moore)
61. 24-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume SS, Exhibits 89-90; Certificate of Service; Petitioner's Exhibit #89, TR9/19/01, Trial Testimony of Former PPD Det. Sally Dillian; Petitioner's Exhibit #90, Supplemental Declaration of Former State's Witness Sarry Ortiz (Petitioner Moore)

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62. 24-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume TT, Exhibits 91-92; Certificate of Service; Petitioner's Exhibit #91, Transcript of Interview by Counsel of J. Borghetti Dated 1/17/01; Petitioner's Exhibit #92, Excerpts of Supplemental PPD Report Dated 11/18/99 (Petitioner Moore)
63. 24-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume UU, Exhibits 93-94; Certificate of Service; Petitioner's Exhibit #93, PPD Report related to 11/20/99 Search of Petitioner's Bedroom at Coronado Residence at approximately 1900 hours; Petitioner's Exhibit #94, Jury Questions from Petitioner's 2001 Jury Trial (also part of 2001 Trial Record as RA 92, 96-98, 105-15, 117-19, 121-30, 139-41) (Petitioner Moore)
64. 24-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume VV, Exhibits 95-96; Certificate of Service; Petitioner's Exhibit #95, Declaration of Criminalist R. Watkins; Petitioner's Exhibit #96, Responsive Declaration of Crimescene Expert F. Rodgers (Petitioner Moore)
65. 24-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume WW, Exhibits 97-98; Certificate of Service; Petitioner's Exhibit #97, Declaration of Joe Petrosino; Petitioner's Exhibit #98, Copies of PPD Interviews of Sam Derby and Megan Lockwood (Petitioner Moore)
66. 24-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume XX, Exhibits 99-100; Certificate of Service; Petitioner's Exhibit #99, 2nd Supplemental Affidavit of S. Ortiz; Petitioner's Exhibit #100, PPD Reports showing involvement of A. Femenia at both Yale Crackhouse Crimescene and Search of Petitioner Moore's bedroom (Petitioner Moore)
67. 24-Oct-2023 FILED: Petitioner's Appendix of Exhibits, Volume YY, Exhibit 101; Certificate of Service; Petitioner's Exhibit #101, Affidavit of Joseph J. Petrosino re: Barnes (Petitioner Moore)
68. 27-Oct-2023 FILED: Notice of Filing Petitioner's Exhibit #77 (Sound Enhanced Video of 11/20/99 PPD Videotaped Interview of D. Ford)(Petitioner Moore)
69. 27-Oct-2023 FILED: (Duplicate) Notice of Filing Petitioner's Exhibit #77 (Sound Enhanced Video of 11/20/99 PPD Videotaped Interview of D. Ford); Certificate of Service (Petitioner Moore)
70. 1-Nov-2023 FILED: Motion for Procedural Order (Extension for Response to Petition for Review); Certificate of Service (Respondent State)
71. 3-Nov-2023 A "Motion for Procedural Order (Extension for Response to Petition for Review)" (Respondent State of Arizona) having been filed on November 1, 2023,

IT IS ORDERED granting a first extension of time to file the response to petition for review on or before December 15, 2023. (Tracie K. Lindeman Clerk)
72. 16-Nov-2023 A Petition for Review regarding Post-Conviction Relief proceedings in the above-entitled action having been filed on October 8, 2023, in this Court,

IT IS ORDERED that the Clerk of the Maricopa County Superior Court shall transmit the record in the above-entitled action to the Arizona Supreme Court Clerk within 45 days as required by Rule 32.16(j) of the Arizona Rules of Criminal Procedure. This includes copies of the Notice of Post-Conviction Relief; the Petition for Post-Conviction Relief, Response, and Reply; all motions and responsive pleadings filed; and all minute entry orders issued in the post-conviction proceedings, plus the reporter's transcripts and any exhibits admitted by the trial court in post-conviction proceedings.

IT IS FURTHER ORDERED that the record be transmitted electronically where feasible. (Tracie K. Lindeman, Clerk)
73. 6-Dec-2023 FILED: Motion for Procedural Order (Extension for Response to Petition for Review)(Second Request); Certificate of Service (Respondent State)
74. 7-Dec-2023 A "Motion for Procedural Order (Extension for Response to Petition for Review) (Second Request)" (Respondent State) having been filed on December 6, 2023,

IT IS ORDERED granting a second extension of time to file the response to petition for review on or before January 16, 2024. (Tracie K. Lindeman Clerk)
75. 4-Dec-2023 FILED: (Duplicate) Certificate of Service (Petitioner Moore)
76. 29-Dec-2023 FILED: Record From MCSC

HD 04/09/2007 - LIST# 1-55; 62-71; 75-76; 90; 95-117; 137-227; 239-257

HD 04/06/2007 - LIST# 1 IN MANILA ENVELOPE

HD 02/26/2020 - LIST# 1 IN MANILA ENVELOPE (DVD)

HD 08/13/2021 - LIST# 1-27 IN MANILA ENVELOPE

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77. 9-Jan-2024 FILED: Motion for Procedural Order (Extension for Response to Petition for Review (Third Request); Certificate of Service (Respondent State)
78. 10-Jan-2024 A "Motion for Procedural Order (Extension for Response to Petition for Review (Third Request))" (Respondent State) having been filed on January 09, 2024,

IT IS ORDERED granting a third extension of time to file the response to petition for review on or before February 8, 2024. No further extensions of time shall be granted absent extraordinary circumstances. (Hon. Ann A. Scott Timmer)
79. 12-Jan-2024 FILED: Record MCSC Electronic Record
80. 5-Feb-2024 FILED: Motion for Procedural Order (Extension for Response to Petition for Review); Certificate of Service (Respondent State)
81. 6-Feb-2024 A "Motion for Procedural Order (Extension for Response to Petition for Review) (Fourth Request)" (Respondent State of Arizona) having been filed on February 5, 2024,

IT IS ORDERED granting a fourth extension of time to file the response to petition for review on or before February 14, 2024. No further extensions of time shall be granted absent extraordinary circumstances. (Hon. Ann A. Scott Timmer)
82. 14-Feb-2024 FILED: Motion for Procedural Order (Extension for Response to Petition for Review) (Fifth Request); Certificate of Service (Respondent State)
83. 14-Feb-2024 A "Motion for Procedural Order (Extension for Response to Petition for Review) (Fifth Request)" (Respondent State of Arizona) having been filed on February 14, 2024,

IT IS ORDERED granting a fifth extension of time to file the response to petition for review on or before February 15, 2024. No further extensions of time shall be granted absent extraordinary circumstances. (Hon. Ann A. Scott Timmer)
84. 15-Feb-2024 FILED: The State of Arizona's Response to Petition for Review; Certificate of Service; Certificate of Compliance (Respondent State)
85. 15-Feb-2024 FILED: Motion to Exceed Page Limit; Certificate of Service (Respondent State)
86. 16-Feb-2024 On February 15, 2024, Respondent filed "The State of Arizona's Response to Petition for Review" including a Certificate of Compliance that indicates the Response contains 25,899 words.

In conjunction with the response to petition for review, Respondent filed a "Motion to Exceed Page Limit" requesting that the Court allow the 25,899-word petition for review.

Pursuant to Arizona Rules of Criminal Procedure, 31.6(e) a motion for a procedural order must include a statement by the moving party of whether the other parties consent to, or object to, the entry of the order that is sought; or why the moving party was unable to contact the other parties before filing the motion and the caption of a motion for procedural order must include the words, "Motion for Procedural Order." This Court notes that the motion does not comply with this requirement and counsel is reminded to comply with the requirement in future procedural motions. Nonetheless, the motion is accepted as filed and

IT IS ORDERED that Respondent's motion to exceed the word count limit on the response to petition for review is granted. The response to petition for review shall be filed as of February 15, 2024. (Tracie K. Lindeman Clerk)
87. 23-Feb-2024 FILED: Unopposed Motion for Procedural Order to Extend Time to File Reply Brief Based Upon Extraordinary Cause Including Rule 32 Defense Counsel's Need for Additional Time to Meet With Defendant Julius Jarreau Moore in Person in Order to Read and Review the; Certificate of Service (Petitioner Moore)
88. 26-Feb-2024 An unopposed motion for procedural order to extend time to file a reply brief having been filed by Petitioner on February 23, 2024,

IT IS ORDERED granting a first extension of time to file the reply brief on or before March 27, 2024. No further extensions of time shall be granted absent extraordinary circumstances. (Tracie K. Lindeman Clerk)
89. 25-Mar-2024 FILED: Defendant's 2nd Motion for Procedural Order to Extend Time to File Reply Brief; Certificate of Service (Petitioner Moore)
90. 26-Mar-2024 FILED: Petitioner Julius Jarreau Moore's Notice to the Court Regarding the Ongoing and Prejudicial Conflict of Interest With Mr. Copen (Petitioner Moore, Pro Se)

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91. 27-Mar-2024 Pending before the Court is Moore's second request for a 30-day extension to file a reply brief, filed by counsel on March 25, 2024, in which Moore requests additional time due to the voluminous nature of the case and to allow counsel to meet with Moore in early April, the earliest availability, to review the State's response and the proposed reply. Counsel further avows that the State has not yet responded to the request for an extension.
- Also pending is "Petitioner Julius Jarreau Moore's Notice to the Court Regarding the Ongoing and Prejudicial Conflict of Interest with Mr. Coppen," filed by Moore pro se on March 26, 2024. In the notice, Moore requests that the Court appoint new counsel due to disagreement over the claims that have thus been raised in this matter, as well as counsel's delay in reviewing the State's response and the proposed reply with him. Moore further requests that the Court grant a 60-day extension to accommodate the appointment of new counsel and his need to review the response.
- Moore, however, is not entitled to counsel in this discretionary review proceeding. *State v. Smith*, 184 Ariz. 456, 459 (1996) ("Our constitution does not require, and the rules do not extend, the right to appointed counsel for indigent defendants in Rule 32 proceedings beyond the trial court's mandatory consideration and disposition of the PCR."); accord *Ross v. Moffitt*, 417 U.S. 600, 617-19 (1974).
- Moreover, the Court notes that any new counsel in this appellate proceeding is likely to encounter the same strategy conflict Moore is alleging, as the claims Moore wants new counsel to raise, which fall within counsel's responsibility, are subject to waiver. See *State v. LaGrand*, 152 Ariz. 483, 486 (1987) ("whether new counsel would be confronted with the same conflict" relevant to whether new counsel should be appointed); *State v. Lopez*, 217 Ariz. 433, 438 ¶ 17 n.4 (App. 2008) ("Generally, issues raised for the first time in a reply brief are waived."); cf. *State v. Herrera*, 183 Ariz. 642, 647 (App. 1995) ("appellate counsel is responsible for evaluating the trial record and for determining the most promising issues to present").
- It also appears that communication is still occurring, and counsel has avowed that a meeting to review the response and reply is set to soon take place, which addresses the other concern identified in Moore's notice and supports a brief, further extension in this voluminous capital matter. Based on the foregoing,
- IT IS ORDERED denying Moore's March 26, 2024 pro se request for new counsel and a 60-day extension.
- IT IS FURTHER ORDERED granting Moore's March 25, 2024 second request for a 30-day extension to file a reply brief. The reply is due no later than April 26, 2024, and no further extensions of time shall be granted absent extraordinary circumstances. (Hon. Ann A. Scott Timmer)