

Arizona Supreme Court
Criminal Petition for Review - Special Action

CR-24-0092-PR

STATE OF ARIZONA v HON. WEIN/CHEATHAM

Appellate Case Information

Case Filed: 5-Apr-2024

Case Closed:

Dept/Composition

Side 1. STATE OF ARIZONA ex rel. RACHEL H. MITCHELL, Maricopa County Attorney, Petitioner

(Litigant Group) STATE OF ARIZONA ex rel. RACHEL H. MITCHELL, Maricopa County Attorney

- State of Arizona
- Rachel H Mitchell, Maricopa County Attorney's Office

Attorneys for: Petitioner

Rachel H Mitchell, Esq. (AZ Bar No. 14560)

John N Schneider, Esq. (AZ Bar No. 26365)

Jennifer Nicole Carper, Esq. (AZ Bar No. 25535)

Side 2. HON. KEVIN B. WEIN, JUDGE OF THE SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of Maricopa, Respondent Judge

(Litigant Group) HON. KEVIN B. WEIN, JUDGE OF THE SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of Maricopa

- Hon Kevin B Wein, Maricopa County Superior Court

Side 3. TASHAWN CHEATHAM, Real Party in Interest

(Litigant Group) TASHAWN CHEATHAM

- Tashawn Cheatham

Attorneys for: Real Party in Interest

Sandra K Hamilton, Esq. (AZ Bar No. 19809)

Albert J Morrison, Jr., Esq. (AZ Bar No. 24300)

CASE STATUS

Apr 5, 2024.....Pending

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-SA 24-0050					
MAR	CR2013-004824-001			Kevin B Wein, Authoring Judge of Order Comments: (none)		

14 PROCEEDING ENTRIES

- 5-Apr-2024 FILED: State's Petition for Review of the Court of Appeals' Order Accepting Jurisdiction but Denying Relief of the State's Petition for Special Action; Certificate of Service; Certificate of Compliance; Court of Appeals Order Accepting Jurisdiction and Denying Relief; Trial Minute Entry (MCSC) Filed 2/20/24 (Petitioner State)
- 5-Apr-2024 FILED: Motion for Procedural Order: State's Motion to Exceed Word Limit for Petition for Review; Certificate of Service (Petitioner State)
- 5-Apr-2024 FILED: Motion for Procedural Order: State's Motion for Expedited Review of State's Petition for Review; Certificate of Service (Petitioner State)
- 5-Apr-2024 FILED: Motion for Procedural Order: State's Motion for Leave to File Under Seal Appendix 7 to the State's Petition for Review (Petitioner State)
- 5-Apr-2024 FILED: (SEALED) Appendix 7- Appendices Filed Under Seal in Court of Appeals (Petitioner State)
- 8-Apr-2024 FILED: Record from CofA: Electronic Record
- 9-Apr-2024 FILED: (SEALED) Record from CofA: Appendices 1-11 to be Filed Under Seal with State's Petition for Special Action (Filed Under Seal) (1 Sealed Envelope)
- 9-Apr-2024 A "Motion for Procedural Order: State's Motion to Exceed Word Limit for Petition for Review" (Petitioner State of Arizona) having been filed with a 4,616-word count petition for review, and the Clerk of the Court having been authorized by the Supreme Court to enter orders granting or denying requests for extended word count,

IT IS ORDERED granting Petitioner State of Arizona's motion to exceed the word count limit on the petition for review by 1,116 words for a total of 4,616 words. The petition for review shall be filed as of April 5, 2024. (Tracie K. Lindeman Clerk)

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14 PROCEEDING ENTRIES

9. 10-Apr-2024 On April 5, 2024, Petitioner State of Arizona ex re. Rachel H. Mitchell filed State's Petition for Review of the Court of Appeals' Order Accepting Jurisdiction but Denying Relief of the State's Petition for Special Action. Petitioner also filed a Motion for Procedural Order: State's Motion for Expedited Review of State's Petition for Review, requesting that the Court "address the issue in the petition for review before the jury begins deliberations in the penalty phase." Real Party in Interest Tashawn Cheatham objects to expedited review.
- Upon consideration, and good cause appearing,
- IT IS ORDERED that Petitioner's Motion for Procedural Order: State's Motion for Expedited Review of State's Petition for Review is granted.
- IT IS FURTHER ORDERED that Real Party in Interest Tashawn Cheatham may file a response to Petitioner's petition for review of a special action decision of the court of appeals pursuant to Ariz. R. Crim. P. 31.21 on or before April 29, 2024, at 12:00 p.m. No reply will be allowed. See Ariz. R. Crim. P. 31.21(f).
- The Court anticipates that the petition for review of a special action decision of the court of appeals will be conferenced on May 7, 2024. Any request for an extension of time will not be granted absent a showing of extraordinary circumstances establishing good cause. (Hon. Clint Bolick)
10. 11-Apr-2024 Petitioner State of Arizona having filed "State's Motion for Leave to File Under Seal Appendix 7 to the State's Petition for Review." It is noted that the appendix in question was filed under seal in the Court of Appeals. Per the rules, "a document that is filed under seal remains sealed when transmitted to an appellate court as part of the record on appeal." Ariz. R. Civ. P. 5.4. Based on the foregoing,
- IT IS ORDERED granting Petitioner's Motion to Seal Appendix 7.
- IT IS FURTHER ORDERED that the Clerk of this Court shall take appropriate steps to seal Appendix 7 in this matter. (Hon. Clint Bolick)
11. 29-Apr-2024 FILED: Response to State's Petition for Review of a Special Action Decision From Court of Appeals; Certificate of Service; Certificate of Compliance (Real Party in Interest)
12. 29-Apr-2024 FILED: Motion for a Procedural Order to Exceed Word Limit in Response To Petition for Review; Certificate of Service (Real Party in Interest Cheatham)
13. 29-Apr-2024 FILED: Order (ASC) Filed 4/10/24 (Real Party in Interest Cheatham)
14. 29-Apr-2024 A "Motion for a Procedural Order to Exceed Word Limit in Response to Petition for Review" (Real Party in Interest Cheatham) having been filed with a 4,691-word count response to petition for review, and the Clerk of the Court having been authorized by the Supreme Court to enter orders granting or denying requests for extended word count,
- IT IS ORDERED granting Real Party Cheatham's motion to exceed the word count limit on the response to petition for review by 1,191 words for a total of 4,691 words. The response to petition for review shall be filed this date. (Tracie K. Lindeman Clerk)