

Court of Appeals, Division One

Criminal

1 CA-CR 22-0458

STATE v. KETCHNER

Appellate Case Information

Case Filed: 6-Oct-2022

Case Closed:

Dept/Composition

Department C

Hon. Paul J McMurdie
Hon. Maria Elena Cruz
Hon. Cynthia J Bailey

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Kevin M Morrow, Esq. (AZ Bar No. 34697)

Side 2. DARRELL BRYANT KETCHNER, Appellant

(Litigant Group) DARRELL BRYANT KETCHNER

- Darrell Bryant Ketchner

Attorneys for: Appellant

Benjamin M Brewer, Esq. (AZ Bar No. 18251)

CASE STATUS

May 22, 2024...Pending in ASC

Table with 7 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MOH, S8015CR200900715, First Degree Murder, Class 1; Burglary in the First Degree by Domestic Violence, Class 2, Natural Life, ADOC; 21 Years, ADOC, Rick A Williams, Sentencing, JURY.

DESCENDENT CASE(S)

ASC CR-24-0128-PR

CASE DECISION

02-May-2024 MEMORANDUM DECISION

Paul McMurdie.....Author
Maria Cruz.....Concur
Cynthia Bailey.....Concur

Filed: 02-May-2024 Mandate:

Decision Disposition

Affirmed

127 PROCEEDING ENTRIES

- 1. 6-Oct-2022 FILED: Notice of Appeal from Mohave County Superior Court filed 09/22/22.
2. 6-Oct-2022 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: None Exhibits: Hearing Date: 05/13/2013 List # 2 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 38 39 43 44 45 46 47 48 49 52 53 54 55 Hearing Date: 07/16/2014 List # 51 Hearing Date: 07/17/2014 List # 67 (Includes transcripts dated 08/14/2012, 12/20/2012, 06/25/2015, 12/01/2015, 01/12/2016, 02/16/2016, 05/01/2019, 06/12/2019, 09/09/2019, 03/22/2021)
3. 17-Oct-2022 FILED: Notice of Appearance; Certificate of Service (Appellant)
4. 17-Oct-2022 FILED: Appellate Clerk Notice (31.2(g))
5. 17-Oct-2022 FILED: Motion to Suspend/Stay Appeal as a Rule 24 Motion in Pending in the Trial Court; Certificate of Service; Exhibit A: Renewed Motion to Vacate Judgment; Renewed Motion to Vacate Judgment (Appellant)

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6. 25-Oct-2022 ORDERED: Motion to Suspend/Stay Appeal as a Rule 24 Motion in Pending in the Trial Court (Appellant) = GRANTED. Staying this appeal until 12/23/2022. On 12/27/2022, the stay will be automatically lifted unless before then appellant files a notice of disposition, a motion to dismiss the appeal pursuant to Rule 31.24, or a motion to continue the stay. The court does not express an opinion on the merits of the pending Rule 24.1 or 24.2 motions. FURTHER ORDERED: Directing the Clerk of the Mohave County Superior Court to transmit to this court a certified copy of any order entered as a result of the Rule 24.1 or 24.2 proceedings within five days after its entry. Benjamin A Armstrong ProTem Judge - Author
7. 25-Oct-2022 FILED: Reporter's Transcript- 03/25/2013 - Jury Trial-Day 22 (Linda Cantrell)
8. 25-Oct-2022 FILED: Reporter's Transcript- 03/13/2013 - Jury Trial-Day 18 (Linda Cantrell)
9. 25-Oct-2022 FILED: Reporter's Transcript- 03/19/2013 - Jury Trial-Day 19 (Linda Cantrell)
10. 25-Oct-2022 FILED: Reporter's Transcript- 03/20/2013 - Jury Trial-Day 20 (Linda Cantrell)
11. 25-Oct-2022 FILED: Reporter's Transcript- 03/21/2013 - Jury Trial-Day 21 (Linda Cantrell)
12. 25-Oct-2022 FILED: Reporter's Transcript- 03/06/2013 - Jury Trial-Day 14 (Linda Cantrell)
13. 25-Oct-2022 FILED: Reporter's Transcript- 03/07/2013 - Jury Trial-Day 15 (Linda Cantrell)
14. 25-Oct-2022 FILED: Reporter's Transcript- 03/11/2013 - Jury Trial-Day 16 (Linda Cantrell)
15. 25-Oct-2022 FILED: Reporter's Transcript- 03/12/2013 - Jury Trial-Day 17 (Linda Cantrell)
16. 25-Oct-2022 FILED: Reporter's Transcript- 02/19/2013 - Jury Trial-Day 7 (Linda Cantrell)
17. 25-Oct-2022 FILED: Reporter's Transcript- 02/20/2013 - Jury Trial-Day 8 (Linda Cantrell)
18. 25-Oct-2022 FILED: Reporter's Transcript- 02/21/2013 - Jury Trial-Day 9 (Linda Cantrell)
19. 25-Oct-2022 FILED: Reporter's Transcript- 02/28/2013 - Jury Trial-Day 13 (Linda Cantrell)
20. 26-Oct-2022 FILED: Supplemented Superior Court e-Record with Revised Index of Record
21. 3-Nov-2022 FILED: Reporter's Transcript - 08/02/2022 - Jury Trial Day Five (Dawn M Duffey)
22. 3-Nov-2022 FILED: Reporter's Transcript - 08/03/2022 - Jury Trial Day Six (Dawn M Duffey)
23. 6-Nov-2022 FILED: Reporter's Transcript - 09/14/2022 - Judgment and Sentencing (Kimberly M Faehn)
24. 6-Nov-2022 FILED: Reporter's Transcript - 08/10/2022 - Jury Trial Day 10 (Kimberly M Faehn)
25. 6-Nov-2022 FILED: Request for Extension of Time (Time to File Transcript)(Kimberly M Faehn)
26. 7-Nov-2022 ORDERED: Request for Extension of Time (Time to File Transcript)(Kimberly M Faehn) = GRANTED. Due Dates EXTENDED to 12/07/2022 for Transcripts dated 07/26/2022, 07/27/2022, 07/28/2022, 07/29/2022, 08/09/2022 or OSC set for 12/21/2022. Hon David B Gass - Author
27. 7-Nov-2022 FILED: Reporter's Transcript - 08/04/2022 - Jury Trial - Day Seven (Dawn M Duffey)
28. 7-Nov-2022 FILED: Reporter's Transcript - 08/05/2022 - Jury Trial - Day Five (Dawn M Duffey)
29. 7-Dec-2022 FILED: Request for Extension of Time (Time to File Transcript)(Kimberly M Faehn)
30. 7-Dec-2022 FILED: Reporter's Transcript - 07/26/2022 - Jury Trial - Day 1 (Kimberly M Faehn)
31. 8-Dec-2022 FILED: Reporter's Transcript - 07/27/2022 - Jury Trial - Day 2 (Kimberly M Faehn)
32. 13-Dec-2022 ORDERED: Request for Extension of Time (Time to File Transcript)(Kimberly M Faehn) = GRANTED. Due Dates EXTENDED to 01/06/2023 for Transcripts dated 07/28/2022, 07/29/2022, 08/09/2022 or OSC set for 01/18/2023. FURTHER ORDERED: That, if Court Reporter Kimberly M Faehn cannot complete the above listed transcripts by 01/06/2023, he/she will find an alternate Court Reporter to finish the above listed transcripts. Hon David B Gass - Author
33. 22-Dec-2022 FILED: Supplemented Superior Court e-Record with Revised Index of Record
34. 27-Dec-2022 FILED: Courtesy copy of Motion to Vacate Judgment, filed in Mohave County Superior Court.
35. 27-Dec-2022 FILED: Certified Courtesy copy of Motion to Vacate Judgment, filed 12/21/2022 in Mohave County Superior Court.
36. 6-Jan-2023 FILED: Reporter's Transcript - 07/27/2022 - Jury Trial - Day 4 (Kimberly M Faehn)

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37. 8-Jan-2023 FILED: Reporter's Transcript - 07/28/2022 - Jury Trial - Day 3 (Kimberly M Faehn)
38. 8-Jan-2023 FILED: Reporter's Transcript - 08/09/2022 - Jury Trial - Day 9 (Kimberly M Faehn)
39. 9-Jan-2023 FILED: Reporter's Transcript - 07/29/2022 - Jury Trial - Day 4 (Kimberly M Faehn)
40. 9-Jan-2023 FILED: Notice of Completion of Record
41. 16-Jan-2023 FILED: Reporter's Transcript - 08/09/2022 - Closing Arguments (Kimberly M. Faehn)
42. 18-Jan-2023 FILED: Motion for Lengthy or Complex Appeal Designation and Set Matter for Case Management Conference; Certificate of Service (Appellant)
43. 24-Jan-2023 ORDERED: Motion for Lengthy or Complex Appeal Designation and Set Matter for Case Management Conference (Appellant) = DENIED. Hon David B Gass - Author
44. 25-Jan-2023 FILED: Motion to Supplement Record on Appeal; Certificate of Service (Appellant)
45. 30-Jan-2023 ORDERED: Motion to Supplement Record on Appeal (Appellant) = DENYING the motion to supplement for failing to comply with Division One Administrative Order 2019-02. This order is without prejudice to appellant filing a motion to supplement that fully complies with Division One Administrative Order 2019-02 by 02/13/2023. Benjamin A Armstrong ProTem Judge - Author
46. 1-Feb-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
47. 1-Feb-2023 FILED: Motion to Extend Time to File Motion to Supplement Record on Appeal; Certificate of Service (Appellant)
48. 2-Feb-2023 ORDERED: Motion to Extend Time to File Motion to Supplement Record on Appeal (Appellant) = GRANTED. Due date EXTENDED from Friday, 12-23-2022 to Wednesday, 03-15-2023. Benjamin A Armstrong ProTem Judge - Author
49. 8-Mar-2023 FILED: Motion to Supplement Record on Appeal & Extend Time to File Opening Brief Accordingly; Certificate of Service (Appellant)
50. 14-Mar-2023 ORDERED: Unsealing the court reporter notes to permit preparation of the transcript for use by the parties for this appeal only. The deadline to file the transcript will be included in a forthcoming order addressing appellant's motion to supplement the record. Benjamin A Armstrong ProTem Judge - Author
51. 14-Mar-2023 ORDERED: Motion to Supplement Record on Appeal & Extend Time to File Opening Brief Accordingly (Appellant) = GRANTED. FURTHER ORDERED: The Clerk of the Mohave County Superior Court supplement the record on appeal by forwarding to this court a sealed copy of the transcript of the grand jury proceedings of 07/09/2009, marked for filing in this case, no later than 04/12/2023. Benjamin A Armstrong ProTem Judge - Author
52. 14-Mar-2023 ORDERED: Motion to Supplement Record on Appeal & Extend Time to File Opening Brief Accordingly (Appellant) = GRANTED. FURTHER ORDERED: Granting supplementing the record with transcripts dated, 03/25/2015, 04/27/2015, 07/08/2015, 08/20/2015, 08/21/2015, 07/11/2016, 08/26/2016, 10/04/2016, 02/08/2017, 07/11/2017, 02/14/2018, 04/05/2018, 06/01/2018, 08/01/2018, 10/09/2018, 12/17/2018, 01/07/2019, 09/09/2019, 10/25/2019, 11/15/2019, 02/14/2020, 08/05/2020, 02/16/2021, 04/22/2021, 07/28/2021, 08/24/2021, 10/22/2021, 03/04/2022, 05/02/2022, 03/02/2022, 06/27/2022, 07/18/2022, 07/22/2022, and 07/26/2022. FURTHER ORDERED: Kim Faehn, Chelsea Voigt, Dawn Duffey, Diane S. Fayette, and Jim Glover to prepare and Kip Anderson to arrange preparation of an original and two copies of the respective transcripts and furnish one copy to appellant's counsel, one copy to appellee's counsel, and the original to the clerk of this court by 04/12/2023, marked for filing in this appeal. FURTHER ORDERED: Due date for opening brief EXTENDED from 02/23/2023 to 05/12/2023.
53. 16-Mar-2023 FILED: Reporter's Transcript - 04/05/2018 - Hearing (Dawn Duffey)
54. 26-Mar-2023 FILED: Reporter's Transcript - 10/09/2018 - Status Conference (Chelsea Voigt)
55. 26-Mar-2023 FILED: Reporter's Transcript - 12/17/2018 - Status Conference (Chelsea Voigt)
56. 26-Mar-2023 FILED: Reporter's Transcript - 01/07/2019 - Status Conference (Chelsea Voigt)
57. 27-Mar-2023 FILED: Reporter's Transcript - 07/08/2015 - Request for New Attorney (James Glover)
58. 28-Mar-2023 FILED: Reporter's Transcript - 08/26/2016 - Status Conference (Linda Cantrell)
59. 10-Apr-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Sealed Transcript of Grand Jury Proceedings dated 7/09/2009 - Court Reporter Linda M. Cantrell)
60. 11-Apr-2023 FILED: Reporter's Transcript - 07/11/2016 - Status Conference/Oral Argument (Kimberly Faehn)
61. 11-Apr-2023 FILED: Reporter's Transcript - 03/25/2015 - Status Conference (Kimberly Faehn)
62. 11-Apr-2023 FILED: Reporter's Transcript - 08/20/2015 - Status Conference (Kimberly Faehn)

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63. 11-Apr-2023 FILED: Reporter's Transcript - 10/25/2019 - Motion to Withdraw (Kimberly Faehn)
64. 11-Apr-2023 FILED: Reporter's Transcript - 08/24/2021 - Oral Argument - Pending Motions (Kimberly Faehn)
65. 11-Apr-2023 FILED: Reporter's Transcript - 03/22/2021 - Pretrial Conference (Kimberly Faehn)
66. 11-Apr-2023 FILED: Reporter's Transcript - 10/21/2015 - Status Conference (Kimberly Faehn)
67. 12-Apr-2023 FILED: Reporter's Transcript - 04/27/2015 - Status Conference (Kimberly M Faehn)
68. 12-Apr-2023 FILED: Reporter's Transcript - 10/22/2021 - Pretrial Conference (Kimberly M Faehn)
69. 12-Apr-2023 FILED: Extension Request (Time to File Transcripts) (Kimberly M Faehn)
70. 13-Apr-2023 FILED: Reporter's Transcript - 02/14/2020 - Status Conference/Pretrial Conference (Kimberly M Faehn)
71. 13-Apr-2023 FILED: Reporter's Transcript - 07/18/2022 - Pretrial Conference (Kimberly M Faehn)
72. 13-Apr-2023 FILED: Reporter's Transcript - 11/15/2019 - Pretrial Conference (Kimberly M Faehn)
73. 13-Apr-2023 FILED: Reporter's Transcript - 08/05/2020 - Status Conference (Kimberly M Faehn)
74. 13-Apr-2023 ORDERED: Extension Request (Time to File Transcripts) (Kimberly M Faehn) = GRANTED. Due Dates EXTENDED to 05/12/2023 for Transcripts dated 08/21/2015, 10/04/2016, 02/08/2017, 07/11/2017, 02/14/2018, 06/01/2018, 08/01/2018, 04/22/2021, 07/28/2021, 08/24/2021, 03/04/2022, 05/02/2022, 06/03/2022, 06/27/2022, 07/22/2022, 07/26/2022 or OSC set for 05/17/2023. Hon David B Gass - Author
75. 17-Apr-2023 FILED: Motion for Opening Brief Due Date; Certificate of Service (Appellant)
76. 18-Apr-2023 FILED: Reporter's Transcript - 09/19/2019 - Pretrial Conference/Oral Argument (Diane S Fayette)
77. 18-Apr-2023 FILED: Reporter's Transcript - 02/16/2021 - Status Conference and Donald Hearing (Diane S Fayette)
78. 19-Apr-2023 ORDERED: Motion for Opening Brief Due Date (Appellant) = GRANTED. Due date EXTENDED from Friday, 05-12-2023 to Monday, 06-12-2023. Benjamin A Armstrong ProTem Judge - Author
79. 10-May-2023 FILED: Reporter's Transcript - 03/04/2022 - Pretrial Conference (Kimberly Faehn)
80. 10-May-2023 FILED: Reporter's Transcript - 07/28/2021 - Pretrial Conference (Kimberly Faehn)
81. 10-May-2023 FILED: Reporter's Transcript - 07/11/2017 - Status Conference (Kimberly Faehn)
82. 10-May-2023 FILED: Reporter's Transcript - 08/01/2018 - Pretrial Conference (Kimberly Faehn)
83. 10-May-2023 FILED: Reporter's Transcript - 02/14/2018 - Status Conference (Kimberly Faehn)
84. 10-May-2023 FILED: Reporter's Transcript - 06/01/2018 - Status Conference (Kimberly Faehn)
85. 10-May-2023 FILED: Reporter's Transcript - 05/02/2022 - Pretrial Conference (Kimberly Faehn)
86. 12-May-2023 FILED: Reporter's Transcript - 07/26/2022 - Jury Trial - Day 1 (Jury Selection) (Kimberly Faehn)
87. 12-May-2023 FILED: Reporter's Transcript - 04/22/2021 - Pretrial Conference (Kimberly Faehn)
88. 12-May-2023 FILED: Reporter's Transcript - 02/08/2017 - Evidentiary Hearing re: Defense Motions (Kimberly Faehn)
89. 13-May-2023 FILED: Reporter's Transcript - 08/24/2021 - Oral Argument re: Pending Motions (Kimberly Faehn)
90. 13-May-2023 FILED: Reporter's Transcript - 10/21/2015 - Status Conference (Kimberly Faehn)
91. 13-May-2023 FILED: Reporter's Transcript - 10/04/2016 - Oral Argument re: Defense Motion (Kimberly Faehn)
92. 16-May-2023 FILED: Reporter's Transcript - 06/27/2022 - Pretrial Conference (Kimberly Faehn)
93. 17-May-2023 ORDERED: Vacating portion of court's order dated 03/14/2023 directing Court Reporter Kimberly M Faehn to file transcript of proceeding (that did not occur) on 08/21/2015. Hon David B Gass - Author
94. 18-May-2023 FILED: Reporter's Transcripts - 07/22/2022 - Pretrial Conference (Kimberly Faehn)
95. 22-May-2023 FILED: Reporter's Transcript - 06/03/2022 - Oral Argument (Kimberly M. Faehn)
96. 5-Jun-2023 FILED: Notice to Court Re: Transcripts & Motion to Extend Time to File Opening Brief; Certificate of Service (Appellant)

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97. 14-Jun-2023 ORDERED: Notice To Court Re: Transcripts (Appellant) = GRANTED and directing court reporters Linda Cantrell, James Glover, and Kim Faehn to provide appellant's counsel copies of the transcripts dated 07/09/2009, 07/08/2015, 07/11/2016, 11/15/2019, due by 06/28/2023. FURTHER ORDERED: Motion To Extend Time To File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 06-12-2023 to Friday, 07-28-2023. Benjamin A Armstrong ProTem Judge - Author
98. 14-Jun-2023 FILED: Notice of Appearance; Certificate of Service (Appellee)
99. 20-Jul-2023 FILED: Motion to Extend Time to File Opening Brief; Certificate of Service (Appellant)
100. 20-Jul-2023 ORDERED: Motion to Extend Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 07-28-2023 to Monday, 08-28-2023. Benjamin A Armstrong ProTem Judge - Author
101. 21-Aug-2023 FILED: Unopposed Motion to Extend Time to File Opening Brief; Certificate of Service (Appellant)
102. 21-Aug-2023 ORDERED: Unopposed Motion to Extend Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 08-28-2023 to Wednesday, 09-27-2023 or OSC set on 10/04/2023. Geoffrey P Butzine ProTem Judge - Author
[VACATED per order filed 10/03/2023 - dnt]
103. 24-Sep-2023 FILED: Motion to Extend Time to File Opening Brief [Expedited Ruling Requested]; Certificate of Service (Appellant)
104. 25-Sep-2023 FILED: Motion to Extend Time to File Opening Brief [Expedited Ruling Requested]; Certificate of Service (Appellant)
105. 25-Sep-2023 ORDERED: Deferring the ruling on the motions until the OSC scheduled for 10/04/2023. Benjamin A Armstrong ProTem Judge - Author
106. 2-Oct-2023 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
107. 3-Oct-2023 ORDERED: Accepting the untimely opening brief filed 10/02/2023. FURTHER ORDERED: Directing appellant's counsel to comply with Division One Administrative Order 2020-03 when appearing in this court. FURTHER ORDERED: Vacating the order to show cause hearing scheduled for 10/04/2023. FURTHER ORDERED: Answering brief is due by 11/13/2023. Hon Randall M Howe - Author
108. 4-Oct-2023 FILED: Notice of Appearance; Certificate of Service (Appellee)
109. 6-Nov-2023 FILED: Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
110. 6-Nov-2023 ORDERED: Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from 11-13-2023 to 12-13-2023 Benjamin A Armstrong ProTem Judge - Author
111. 8-Dec-2023 FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
112. 8-Dec-2023 ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from 12-13-2023 to 01-29-2024 Benjamin A Armstrong ProTem Judge - Author
113. 25-Jan-2024 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
114. 14-Feb-2024 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
115. 26-Feb-2024 CLNDR: MONTHLY COURT CASE CALENDAR, Department C, 4-24-24, 10:15 am, COURTROOM 1.
116. 26-Feb-2024 FILED: Notice of Oral Argument
117. 26-Feb-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Kevin Morrow on 02/26/2024 (Appellee)
118. 27-Feb-2024 FILED: Unopposed Motion to Continue/Accelerate Oral Argument Setting; Certificate of Service (Appellant)
119. 27-Feb-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Benjamin Brewer on 02/26/2024 (Appellant)
120. 28-Feb-2024 ORDERED: Vacating the oral argument set for Wednesday, 04/24/2024 at 10:15 a.m. The case will be conferenced on April 24, without oral argument. The court may reschedule the oral argument if it is deemed necessary. Hon Paul J McMurdie - Author
121. 4-Apr-2024 FILED: Motion to Re-set Oral Argument; Certificate of Service (Appellant)
122. 4-Apr-2024 FILED: Notice regarding Proposed Oral Argument; Certificate of Service (Appellee)
123. 4-Apr-2024 ORDERED: Motion to Re-set Oral Argument (Appellant) = DENIED. Hon Paul J McMurdie - Author
124. 2-May-2024 MEMORANDUM DECISION (Affirmed) Hon Paul J McMurdie - Author; Hon Maria Elena Cruz - Concur; Hon Cynthia J Bailey - Concur

Court of Appeals, Division One

Criminal

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- 125. 2-May-2024 FILED: Decision Distribution Notification
- 126. 22-May-2024 FILED: Email Notice from ASC re: Petition for Review filed 05/22/24; request for partial record
- 127. 22-May-2024 FILED: Letter forwarding partial record to Arizona Supreme Court