

Court of Appeals, Division One

Criminal

1 CA-CR 23-0014

STATE v. MITCHAM

Appellate Case Information

Case Filed: 10-Jan-2023

Case Closed:

Dept/Composition

Department D

Hon. Paul J McMurdie
Hon. Michael J Brown
Hon. Michael S Catlett

Side 1. STATE OF ARIZONA, Appellant

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellant

Ryan Green, Esq. (AZ Bar No. 21102)
Nicholas Klingerman, Esq. (AZ Bar No. 28231)

Side 2. IAN MITCHAM, Appellee

(Litigant Group) IAN MITCHAM

- Ian Mitcham

Attorneys for: Appellee

Jeffrey A Kirchler, Esq. (AZ Bar No. 21531)
Martha Barco Penunuri, Esq. (AZ Bar No. 31559)
Richard D Randall, Esq. (AZ Bar No. 14011)
Mikel Steinfeld, Esq. (AZ Bar No. 24996)

Side 3. ARIZONA ATTORNEY GENERAL, et al., Amicus Curiae

(Litigant Group) ARIZONA ATTORNEY GENERAL

- Arizona Attorney General's Office

Attorneys for: Amicus Curiae AG

Alice Jones, Esq. (AZ Bar No. 28062)

(Litigant Group) AMERICAN CIVIL LIBERTIES UNION

- American Civil Liberties Union Foundation of Arizona

Attorneys for: Amicus Curiae ACLU

Jared G Keenan, Esq. (AZ Bar No. 27068)
Vera Eidelman, Esq. (NY Bar No. veraeidelman)

(Litigant Group) ARIZONA ATTORNEYS FOR CRIMINAL JUSTICE

- Arizona Attorneys for Criminal Justice

Co-Counsel for: Amicus Curiae AACJ

David J Euchner, Esq. (AZ Bar No. 21768)
Grant D Wille, Esq. (AZ Bar No. 31989)

CASE STATUS

Oct 13, 2023.....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2018-118086-001	Order re: Supression of DNA Evidence		Roy C Whitehead, Authoring Judge of Order		

DESCENDENT CASE(S)

ASC CR-23-0236-PR

CASE DECISION

22-Aug-2023 OPINION

Paul McMurdie.....Author
Michael Brown.....Concur
Michael Catlett.....Concur

Filed: 22-Aug-2023 Mandate:

Decision Disposition

Reversed
Remanded

37 PROCEEDING ENTRIES

1. 10-Jan-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 01/05/23. Notification sent to Court Reporters dated 01/09/2023.

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2. 18-Jan-2023 FILED: Appellate Clerk Notice (31.2(g))
3. 19-Jan-2023 FILED: Stipulated Motion to Designate Record and Set Expedited Briefing Schedule; Certificate of Service; Exhibits (Appellant)
4. 24-Jan-2023 FILED: Amended Certificate of Service (Appellant)
5. 24-Jan-2023 FILED: Appellant's Opening Brief; Certification of Compliance; Certificate of Service; Appendix A-C (Appellant)
6. 25-Jan-2023 ORDERED: Stipulated Motion to Designate Record and Set Expedited Briefing Schedule (Appellant) = GRANTING the motion and accepting the designated record on appeal attached to the motion. This order does not limit the superior court's obligation to transmit the superior court record to this court pursuant to Arizona Rule of Criminal Procedure 31.9, nor does the order limit this court's ability to consider other portions of the superior court record if the court deems it necessary. FURTHER ORDERED: Appellee must file the answering brief by 03/06/2023. FURTHER ORDERED: Appellant must file a reply brief by 03/16/2023. Hon Kent E Cattani - Author
7. 30-Jan-2023 FILED: Notice of Appearance; Certificate of Service (Appellee)
8. 17-Feb-2023 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 01/09/2020 List # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 119 120 121 122 123 124 125 in box
Hearing Date: 03/13/2020 List # 1 2 (CD's) in box
Hearing Date: 05/06/2021 List # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 in box
Hearing Date: 12/09/2022 List # 1 2 3 4 5 6 in box
9. 17-Feb-2023 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None sent with e-Record
10. 6-Mar-2023 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
11. 16-Mar-2023 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
12. 23-Mar-2023 FILED: Notice of Appearance; Certificate of Service (Appellee)
13. 31-Mar-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
14. 10-Apr-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
15. 18-Apr-2023 ORDERED: Setting this case for oral argument. Oral argument will be scheduled in the normal course of the court's calendar, and the court will notify counsel of the date. FURTHER ORDERED: Any amicus briefs must be filed no later than 30 days from the date of this order and must be limited to 7500 words. Requests for extensions of time or word limit will not be entertained. FURTHER ORDERED: Parties may reply to any amicus brief in opposition to their position within 10 days of the amicus brief's filing. Such a reply must be limited to 5000 words. Requests for extensions of time or word limit will not be entertained. Hon Kent E Cattani - Author
16. 27-Apr-2023 CLNDR: MONTHLY COURT CASE CALENDAR, Department D, 6-14-23, 10:15 am, COURTROOM 2.
17. 28-Apr-2023 FILED: Notice of Oral Argument
18. 12-May-2023 FILED: Return Receipt Re Oral Argument, signed by Nicholas Klingerman, on 4/28/23 (Appellant)
19. 16-May-2023 ORDERED: directing the parties to raise any objections to the request to broadcast no later than five days before the start of the argument presently scheduled at 10:15 a.m. on Wednesday, June 14, 2023. Without an objection, the request will be granted. Hon Paul J McMurdie - Author
20. 18-May-2023 FILED: Brief of Amicus Curiae Arizona Attorney General in Support of State of Arizona; Certificate of Compliance; Certificate of Service (Appellant)
21. 18-May-2023 FILED: Brief of Amici Curiae American Civil Liberties Union and ACLU of Arizona in Support of Appellee and Affirmance; Certificate of Compliance; Certificate of Service (Amicus Curiae)
22. 18-May-2023 FILED: Brief of Amicus Curiae Arizona Attorneys for Criminal Justice in Support of Appellee; Certificate of Compliance; Certificate of Service (Amicus Curiae)
23. 18-May-2023 FILED: Motion for Leave to File Amici Curiae Brief; Certificate of Service (Amicus Curiae ACLU)

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24.	22-May-2023	ORDERED: Motion for Leave to File Amici Curiae Brief (Amicus Curiae ACLU) = GRANTED. Hon Paul J McMurdie - Author
25.	30-May-2023	FILED: Mitcham's Reply to the Amicus Brief of the Arizona Attorney General; Certificate of Compliance; Certificate of Service (Appellee)
26.	30-May-2023	FILED: Consolidated Response To Amici Curiae American Civil Liberties Union, ACLU Of Arizona, And The Arizona Attorneys For Criminal Justice.; Certificate of Compliance; Certificate of Service (Appellant)
27.	5-Jun-2023	FILED: Return Receipt for Notice of Oral Argument (Appellee)
28.	8-Jun-2023	FILED: Emergency Motion for Temporary Pro Hac Vice Admission and Leave to Participate in Oral Argument; Certificate of Service; Exhibits 1-2 (Amicus Curiae ACLU)
29.	9-Jun-2023	ORDERED: Emergency Motion for Temporary Pro Hac Vice Admission and Leave to Participate in Oral Argument (Amicus Curiae ACLU) = GRANTED conditionally, and contingent on local counsel's submission of the State Bar of Arizona's Notice of Receipt of Complete Application. Hon Paul J McMurdie - Author
30.	14-Jun-2023	FILED: Sign-in Sheet/Case is Under Advisement as of 06/14/2023
31.	25-Jul-2023	FILED: Motion to Associate Counsel Pro Hac Vice; Certificate of Service; Exhibit 1-3 (Amicus Curiae ACLU)
32.	22-Aug-2023	ORDERED: Motion to Associate Counsel Pro Hac Vice (Amicus Curiae ACLU) = GRANTED. Hon Paul J McMurdie - Author
33.	22-Aug-2023	OPINION (Reversed, Remanded) Hon Paul J McMurdie - Author; Hon Michael J Brown - Concur; Hon Michael S Catlett - Concur
34.	22-Aug-2023	FILED: Opinion Distribution List
35.	15-Sep-2023	FILED: ASC Order filed 09/15/2023 re: extending time for filing Petition for Review to 10/16/2023; matter subject to dismissal if the petition for review is not filed by 10/16/2023.
36.	13-Oct-2023	FILED: Email Notice from ASC re: Petition for Review filed 10/12/2023; request for partial record
37.	13-Oct-2023	FILED: Letter forwarding partial record to Arizona Supreme Court