

**Arizona Supreme Court**  
**Criminal Petition for Review - Appeal**

**CR-21-0239-PR**

**STATE OF ARIZONA v KEVIN HARRY MONINGER**

**Appellate Case Information**

Case Filed: 7-Jul-2021  
 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**

Casey Ball, Esq. (AZ Bar No. 34987)  
 Alice Jones, Esq. (AZ Bar No. 28062)  
 Kristin K. Mayes, Esq. (AZ Bar No. 022584)

**Side 2. KEVIN HARRY MONINGER, Appellant**

(Litigant Group) KEVIN HARRY MONINGER

- Kevin Harry Moninger

**Attorneys for: Appellant**

Jill L Evans, Esq. (AZ Bar No. 15051)

**Side 3. ARIZONA ATTORNEYS FOR CRIMINAL JUSTICE, Amicus Curiae**

(Litigant Group) ARIZONA ATTORNEYS FOR CRIMINAL JUSTICE

- Arizona Attorneys for Criminal Justice

**Attorneys for: Amicus Curiae**

David J Euchner, Esq. (AZ Bar No. 21768)

**CASE STATUS**

Nov 9, 2022.....Submitted

Aug 23, 2022.....At Issue

Aug 23, 2022.....Oral Argument Granted

Jul 7, 2021.....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA 1 CA-CR 19-0353					
MOH S8015CR201801598	Luring a Minor for Sexual Exploitation, Class 3; Luring a Minor for Sexual Exploitation, Class 3; Luring a Minor for Sexual Exploitation, Class 3; Attempted Sexual Conduct with a Minor Under the Age of 15, Class 3	7 Years; 7.5 Years; 7.5 Years; 9 Years	Derek C Carlisle, Sentencing Comments: (none)	JURY	

**21 PROCEEDING ENTRIES**

- 7-Jul-2021 FILED: State of Arizona's Petition for Review; Certificate of Service; Certificate of Compliance; Opinion (Appellee State)
- 9-Jul-2021 FILED: Record from CofA: Electronic Record
- 6-Aug-2021 FILED: Response to State's Petition for Review; Certificate of Service; Certificate of Compliance (Appellant Moninger)
- 6-Aug-2021 FILED: (Copy of) Letter From CofA Transferring Electronic Record (Appellant Moninger)
- 7-Apr-2022 ORDERED: State of Arizona's Petition for Review = CONTINUED.
- 3-May-2022 ORDERED: State of Arizona's Petition for Review = CONTINUED.
- 5-Aug-2022 FILED: Notice of Change of Firm; Certificate of Service (Appellant Moninger)

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**21 PROCEEDING ENTRIES**

8. 23-Aug-2022 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 September 26, 2022 and any responses to amicus briefs are due on or before October 17, 2022. Any amicus briefs or responses may not exceed 20 pages in length.
9. 6-Sep-2022 FILED: Remaining Record From CofA
- Physical Exhibits: List # E9 - P - WTD 2 Interview (CD)
10. 14-Sep-2022 FILED: State of Arizona's Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellee State)
11. 14-Sep-2022 FILED: Appellant's Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellant Moninger)
12. 19-Sep-2022 NOTICE OF ORAL ARGUMENT: Set for Wednesday, September 9, 2022 at 3:00 P.M. at the University of Arizona [twenty (20) minutes per side]
13. 20-Sep-2022 FILED: Notice of Filing Acknowledgment of Oral Argument (Casey D. Ball will argue) (Appellee State)
14. 22-Sep-2022 FILED: Notice of Filing Acknowledgment of Oral Argument (Jill L. Evans will argue) (Appellant Moninger)
15. 26-Sep-2022 FILED: Brief of Amicus Curiae Arizona Attorneys for Criminal Justice in Support of Appellant (Amicus Curiae AACJ)
16. 26-Sep-2022 FILED: Motion for Leave to File an Amicus Curiae Brief and to Participate in Oral Argument; Certificate of Service (Amicus Curiae AACJ)
17. 26-Sep-2022 FILED: Consent of all Parties (Amicus Curiae AACJ)
18. 28-Sep-2022 A "Motion for Leave to File an Amicus Curiae Brief and to Participate in Oral Argument" (Amicus Curiae Arizona Attorneys for Criminal Justice) and the brief of amicus curiae were filed on September 26, 2022. The motion represents that counsel for Appellant Moninger, Jill Evans "has offered to share her allotment of time" with the attorney for amicus curiae, David Euchner.
- IT IS ORDERED the "Motion for Leave to File an Amicus Curiae Brief is granted. The brief shall be filed as of September 26, 2022.
- IT IS FURTHER ORDERED granting the motion to participate in oral argument. Counsel for Appellant Moninger may cede part of the twenty (20) minutes allotted for oral argument to counsel for Arizona Attorneys for Criminal Justice to argue as amicus curiae. (Hon. Robert Brutinel)
19. 17-Oct-2022 FILED: State of Arizona's Response to Brief of Amicus Curiae Arizona Attorneys for Criminal Justice; Certificate of Service; Certificate of Compliance (Appellee State)
20. 21-Oct-2022 SENT: Letter to Attorneys re: Parking and Campus Map for UofA OA
21. 9-Nov-2022 ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: Casey Ball, Jill Evans, David Euchner)