

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

**CR-23-0137-PR**

**STATE OF ARIZONA v MANUEL DAVID PEREZ-GUTIERREZ**

**Appellate Case Information**

Case Filed: **24-May-2023** Archive on: 17-Jun-2034 (planned)  
Case Closed: **17-Jun-2024**

**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**

Alice Jones, Esq. (AZ Bar No. 28062)  
Kristin K. Mayes, Esq. (AZ Bar No. 22584)  
Ashley Torkelson Levine, Esq. (AZ Bar No. 32544)

**Side 2. MANUEL DAVID PEREZ-GUTIERREZ, Appellant**

(Litigant Group) MANUEL DAVID PEREZ-GUTIERREZ

- Manuel David Perez-Gutierrez

**Attorneys for: Appellant**

Aaron J Moskowitz, Esq. (AZ Bar No. 22246)

**CASE STATUS**

Jun 17, 2024....Case Closed

May 31, 2024....Decision Rendered

Jan 9, 2024.....Oral Argument Granted

**PREDECESSOR CASE(S)**

	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-CR 22-0268				
↳ MAR	CR2020-135003-001	See File	See File	Geoffrey H Fish, Sentencing Comments: (none)	JURY

**CASE DECISION**

**31-May-2024 OPINION**

\* For the foregoing reasons, we (1) vacate the court of appeals' opinion; (2) remand for that court to suspend this appeal and revest jurisdiction in the trial court for not more than fourteen days from the filing date of this Opinion for the limited purp

Filed: **31-May-2024** Mandate: **18-Jun-2024**

Decision Disposition
<b>CofA Vacated</b> <b>Remanded</b>

**James Beene**.....Author  
**Robert Brutinel**.....Concur  
**Ann Timmer**.....Concur  
**Clint Bolick**.....Concur  
**John Lopez**.....Concur  
**William Montgomery**.....Concur  
**Kathryn King**.....Concur

**27 PROCEEDING ENTRIES**

- 24-May-2023 FILED: Unopposed Motion for Procedural Order (Extension for Appellee's Petition for Review); Certificate of Service (Appellee State)
- 25-May-2023 An "Unopposed Motion for Procedural Order (Extension for Appellee's Petition for Review)" (Appellee State) having been filed on May 24, 2023,

IT IS ORDERED granting a first extension of time to file the petition for review on or before July 7, 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 July 7, 2023. (Tracie K. Lindeman, Clerk)

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3. 6-Jul-2023 FILED: State of Arizona's Petition for Review; Certificate of Service; Certificate of Compliance; Opinion (Appellee State)
4. 7-Jul-2023 FILED: Record from CofA: Electronic Record
5. 28-Jul-2023 FILED: Motion For Procedural Order: Motion for Extension of Time to File to File Response to Petition for Review; Certificate of Service (Appellant Perez-Gutierrez)
6. 31-Jul-2023 A "Motion For Procedural Order: Motion for Extension of Time to File to File Response to Petition for Review" (Appellant Perez-Gutierrez) having been filed on July 28, 2023,  
  
IT IS ORDERED granting a first extension of time to file the petition for review on or before September 6, 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 6, 2023. (Tracie K. Lindeman Clerk)
7. 6-Sep-2023 FILED: Response to Petition for Review; Certificate of Service; Certificate of Compliance (Appellant Perez-Gutierrez)
8. 8-Dec-2023 FILED: Notice of Supplemental Authority; Certificate of Service (Appellee State)
9. 15-Dec-2023 ORDERED: State of Arizona's Petition for Review = CONTINUED.
10. 9-Jan-2024 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 February 5, 2024 and any responses to amicus briefs are due on or before February 9, 2024. Any amicus briefs or responses may not exceed 20 pages in length.
11. 10-Jan-2024 NOTICE OF ORAL ARGUMENT: Set of Thursday, February 15, 2024, at 9:30 A.M. [twenty (20) minutes per side]
12. 11-Jan-2024 FILED: Unopposed Motion for Procedural Order (Extension for Supplemental Briefing and Oral Argument); Certificate of Service (Appellee State)
13. 12-Jan-2024 On January 11, 2024, Appellee State filed an "Unopposed Motion for Procedural Order (Extension for Supplemental Briefing and Oral Argument)." After consideration,  
  
IT IS ORDERED allowing the parties to file supplemental briefs no later than February 12, 2024. Any amicus briefs are due no later than February 20, 2024, and any responses to amicus briefs are due no later than February 23, 2024.  
  
IT IS FURTHER ORDERED the Oral Argument currently set for Thursday, February 15, 2024 has been rescheduled to Thursday, March 14, 2024 at 9:30 a.m.  
  
IT IS FURTHER ORDERED that the Clerk of the Court shall issue a notice with the rescheduled date and time. (Hon. Robert Brutinel)
14. 16-Jan-2024 FILED: Motion for Procedural Order: Motion to Reschedule Oral Argument; Certificate of Service (Appellant Perez-Gutierrez)
15. 16-Jan-2024 FILED: Remaining Record From CofA - (MCSC)  
  
Physical Exhibits:  
Hearing Date: 04/05/2022 List # 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 23 26 in manila envelope  
  
Sealed Exhibit:  
Confidential Criminal History Report in Sealed Manila Envelope
16. 23-Jan-2024 On January 16, 2024, Appellant Perez-Gutierrez filed a "Motion for Procedural Order: Motion to Reschedule Oral Argument," because of a conflict with his counsel's travel schedule. Appellant avows that Appellee State has no objection to rescheduling. After consideration,  
  
IT IS ORDERED granting the Motion to Reschedule Oral Argument. The Oral Argument currently set for Thursday, March 14, 2024 has been rescheduled to Tuesday, March 19 at 9:30 a.m.  
  
IT IS FURTHER ORDERED that the Clerk of the Court shall issue a notice with the rescheduled date and time. (Hon. Robert Brutinel)
17. 24-Jan-2024 NOTICE OF ORAL ARGUMENT: Set for Tuesday, March 19, 2024 at 9:30 A.M. [twenty (20) minutes per side]

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**27 PROCEEDING ENTRIES**

18. 26-Jan-2024 FILED: Notice of Acknowledgment of Oral Argument (Aaron J. Moskowitz will argue) (Appellant Perez-Gutierrez)
19. 26-Jan-2024 FILED: Notice of Acknowledgment of Oral Argument (Ashley Torkelson Levine will argue) (Appellee State)
20. 12-Feb-2024 FILED: State of Arizona's Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellee State)
21. 12-Feb-2024 FILED: Respondent's Simultaneous Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellant Perez-Gutierrez)
22. 19-Mar-2024 ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: Ashley Torkelson Levine, Aaron J. Moskowitz)
23. 31-May-2024 OPINION - For the foregoing reasons, we (1) vacate the court of appeals' opinion; (2) remand for that court to suspend this appeal and revest jurisdiction in the trial court for not more than fourteen days from the filing date of this Opinion for the limited purpose of stating its sentencing reasons on the record; (3) order the court of appeals to allow Perez-Gutierrez twenty-one days from the day the trial court complies with § 13-711(A) to amend his appeal and brief any alleged error revealed by the trial court's reasons for imposing consecutive sentences; and (4) order the court of appeals to allow the State no more than seven days from the day Perez-Gutierrez files an amended appeal to respond. (Hon James P Beene - Author; Hon. Robert Brutinel - Concur; Hon. Ann A. Scott Timmer - Concur; Hon. Clint Bolick - Concur; Hon. John R Lopez IV - Concur; Hon William G Montgomery - Concur; Hon. Kathryn H. King - Concur)
24. 17-Jun-2024 -----CASE STATISTICALLY TERMINATED-----
25. 18-Jun-2024 MANDATE TO THE COURT OF APPEALS  
Issued Mandate and copy of Opinion together with record to Court of Appeals.
26. 18-Jun-2024 Record Returned to CofA:  
Physical Exhibits:  
Hearing Date: 04/05/2022 List # 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 23 26 in manila envelope  
Sealed Exhibit:  
Confidential Criminal History Report in Sealed Manila Envelope  
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27. 20-Jun-2024 Record Returned Receipt