

Arizona Supreme Court
Criminal Post Conviction

CR-23-0170-PC

STATE OF ARIZONA v JUAN VELAZQUEZ

Appellate Case Information

Case Filed: 30-Jun-2023
Case Closed:

Dept/Composition

Consolidated with: CR-23-0163-PR

Side 1. STATE OF ARIZONA, Plaintiff

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Plaintiff

Laura P Chiasson, Esq. (AZ Bar No. 19025)
Kristin K. Mayes, Esq. (AZ Bar No. 022584)

Side 2. JUAN VELAZQUEZ, Defendant

(Litigant Group) JUAN VELAZQUEZ

- Juan Velazquez

Attorneys for: Defendant

Christian C Ackerley, Esq. (AZ Bar No. 16842)
Christopher Stavris, Esq. (AZ Bar No. 25096)

CASE STATUS

Jan 19, 2024....Stayed

Jun 30, 2023.....Pending

PREDECESSOR CASE(S)

Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2001-014970		Ronee Korbin Steiner, Judge on PC		

14 PROCEEDING ENTRIES

1.	30-Jun-2023	FILED: Motion for Leave of Court to Exceed Rule 32.16(C)(1) Page Limitations; Certificate of Service (Petitioner Velazquez)
2.	30-Jun-2023	FILED: [STRICKEN Per ASC Order Filed 7/7/23] Appendix to Accompany Petition for Review; Certificate of Service (Petitioner Velazquez)
3.	30-Jun-2023	FILED: [STRICKEN Per ASC Order Filed 7/7/23] Petition for Review From a Dismissal of Post-Conviction Relief: Capital Case; Certificate of Service; Certificate of Compliance (Petitioner Velazquez)

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4. 7-Jul-2023 On June 30, 2023, Petitioner Juan Velazquez filed a Petition for Review from a Dismissal of Post-Conviction Relief: Capital Case including a Certificate of Compliance that indicates the Petition was prepared in a proportionally spaced typeface of 14-point or more and contains 56,734 words.
- In conjunction with his petition for review, Petitioner filed a Motion for Leave of Court to Exceed Rule 32.16(c)(1) Page Limitations requesting that the Court allow his 56,734-word petition for review. Petitioner asserts that “[t]he procedural history of [his] case combined with the complexity and number of claims being raised make it impossible for [him], to fully and thoroughly, provide briefing within the limitation of 12,000 words.” Motion at 2.
- Petitioner’s Petition for Review from a Dismissal of Post-Conviction Relief: Capital Case exceeds the word limit set by Ariz. R. Crim. P. 32.16(c)(1) for a petition for review in a capital case by 44,734 words — more than four times the 12,000 words allowed by the Rule. In addition, Petitioner’s motion to exceed the word limit does not comply with Ariz. R. Crim. P. 31.6(e) and ARCAP 6(b) for filing a motion for a procedural order and fails to state whether the Respondent State of Arizona consents or objects to the motion pursuant to ARCAP 6(b)(1)(B). Nonetheless, in the interest of judicial expediency, the Court accepts Petitioner’s non-compliant motion to exceed.
- Upon review and consideration,
- IT IS ORDERED that Petitioner’s Motion for Leave of Court to Exceed Rule 32.16(c)(1) Page Limitations based on the specific circumstances in this matter and to the extent it requests that the Court accept Petitioner’s 56,734-word petition for review filed on June 30, 2023, is denied.
- IT IS FURTHER ORDERED that Petitioner’s Petition for Review from a Dismissal of Post-Conviction Relief: Capital Case filed on June 30, 2023 is stricken from the record.
- Therefore,
- IT IS FURTHER ORDERED that Petitioner’s Motion for Leave of Court to Exceed Rule 32.16(c)(1) Page Limitations, to the extent it requests that the Court expand the word limit, based on the specific circumstances in this matter is granted in part. Petitioner shall file a petition for review that shall not exceed 20,000 words that shall otherwise comply with Ariz. R. Crim. P. 32.16(c)(1) and (c)(2) on or before July 27, 2023, or this matter may be dismissed without further notice. No extensions of this due date shall be granted absent extraordinary circumstances.
- IT IS FURTHER ORDERED that the Respondent’s response to petition for review shall not exceed 20,000 words and shall otherwise comply with Ariz. R. Crim. P. 32.16(f)(1) and (f)(2). Petitioner’s reply shall not exceed 10,000 words and shall otherwise comply with Ariz. R. Crim. P. 32.16(f)(3).
- No further expansion of the word limits ordered herein will be granted in this matter absent extraordinary circumstances. (Hon. Kathryn H. King)
5. 27-Jul-2023 FILED: Petition for Review from a Dismissal of Post-Conviction Relief: Capital Case; Certificate of Service; Certificate of Compliance (Petitioner Velazquez)
6. 27-Jul-2023 FILED: Appendix; Certificate of Service (Petitioner Velazquez)
7. 24-Aug-2023 FILED: Unopposed Motion for Procedural Order (Extension for Response to Petition for Review of a Special Action Decision of the Court of Appeals; Certificate of Service (Respondent State)
8. 28-Aug-2023 An “Unopposed Motion for Procedural Order (Extension for Response to Petition for Review of a Special Action Decision of the Court of Appeals; Certificate of Service (Respondent State)” having been filed on August 24, 2023,
- IT IS ORDERED granting a first extension of time to file the response to petition for review on or before October 27, 2023. No further extensions of time shall be granted absent extraordinary circumstances. (Tracie K. Lindeman Clerk)
9. 27-Nov-2023 FILED: Notice of Substitution of Counsel [Laura Chiasson Attorney of Record]; Certificate of Service (Respondent State)
10. 18-Jan-2024 FILED: Notice of Stay; Certificate of Service (Respondent State)

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11. 19-Jan-2024 On January 18, 2024, the State filed a Notice of Stay indicating that the State's unopposed motion to stay Petitioner's petition for review filed in the superior court on October 23, 2023, was granted by the superior court on October 24, 2023.
- Therefore, upon agreement of the parties, and good cause appearing,
- IT IS ORDERED pursuant to Rules 32.16(f)(1)(B) and 32.16(g) and the Court's authority pursuant to Rules 31.3(a) and (e), staying this matter pending the superior court's final ruling on Petitioner's successive petition for post-conviction relief.
- IT IS FURTHER ORDERED that the parties shall file regular joint status reports with the Court every 60 days advising the Court of the status of proceedings in the superior court on Petitioner's successive petition for post-conviction relief.
- IT IS FURTHER ORDERED that the parties shall notify this Court of the superior court's final ruling not later than 10 days after the superior court's final decision on Petitioner's successive petition for post-conviction relief.
- IT IS FURTHER ORDERED that any amended petition for review by Petitioner or petition for review by the State, as appropriate, upon the superior court's final ruling, shall not exceed 22,000 words and shall otherwise comply with Ariz. R. Crim. P. 32.16(a), (c)(1) and (c)(2). Any response to a petition for review shall not exceed 22,000 words and shall otherwise comply with Ariz. R. Crim. P. 32.16(f)(1) and (f)(2). Any reply shall not exceed 10,000 words and shall otherwise comply with Ariz. R. Crim. P. 32.16(f)(3).
- No further expansion of the word limits ordered herein will be granted in this matter absent extraordinary circumstances. (Hon. Ann A. Scott Timmer)
12. 7-Mar-2024 On June 26, 2023, in Arizona Supreme Court case number CR-23-0163-PR Petitioner Velazquez filed a Petition for Review of a Special Action Decision of the Court of Appeals seeking review of the Court of Appeals' June 23, 2023 order declining special action jurisdiction and denying his request for stay. Petitioner challenges the superior court's rulings on May 30, 2023, June 14, 2023, and June 19, 2023, denying Petitioner's motion to amend his petition for post-conviction relief, motion for reconsideration, and motion for stay.
- On June 26, 2023, Petitioner filed Petitioner's Consolidated Motions for Stay of Petitioner's Petition for Review and for Expedited Processing of Petition for Review of a Special Action Decision of the Court of Appeals. On June 29, 2023, the Court denied the request for stay, indicating that Petitioner could seek an extension of time to file his petition for review in superior court. The Court also denied Petitioner's request for expedited processing without prejudice to Petitioner seeking expedited consideration in the event the Court granted review.
- Separately, on July 27, 2023, in Arizona Supreme Court case number CR-23-0170-PC, Petitioner filed a timely Petition for Review from a Dismissal of Post-Conviction Relief: Capital Case seeking review of the superior court's March 9, 2021 order dismissing his petition for post-conviction relief and April 6, 2021 order denying his motion for rehearing. In that case, the State obtained an extension to file its response in this Court, and, on January 18, 2024, the State filed a Notice of Stay indicating that the State's unopposed motion for a stay was granted by the superior court on October 24, 2023.
- On January 19, 2024, the Court issued an order in CR-23-0170-PC staying that matter pending the superior court's final ruling on Petitioner's successive petition for post-conviction relief in Maricopa County Superior Court case CR2001-014970.
- Therefore,
- On the Court's own motion, and in the interest of judicial economy and efficiency,
- IT IS ORDERED consolidating case number CR-23-0163-PR and CR-23-0170-PC, designating CR-23-0170-PC as the primary case number.
- IT IS FURTHER ORDERED that the stay and all other orders in the Court's January 19, 2024 order in case number CR-23-0170-PC are incorporated in the consolidated matter.
- IT IS FURTHER ORDERED amending the caption as referenced in this order. Any further filings in this matter shall reflect the consolidated caption. (Hon. Ann A. Scott Timmer)
13. 19-Mar-2024 FILED: Joint Status Report; Certificate of Service (Respondent State)
14. 20-May-2024 FILED: Joint Status Report; Certificate of Service (Respondent State)