

Arizona Supreme Court
Criminal Petition for Review-Post Conviction (ASC)

CR-23-0193-PR

STATE OF ARIZONA v LARRY GRANT GENTRY

Appellate Case Information

Case Filed: 1-Aug-2023

Case Closed:

Dept/Composition

Side 1. STATE OF ARIZONA, Respondent

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Respondent

Robert E Prather, Esq. (AZ Bar No. 29390)

Rachel H Mitchell, Esq. (AZ Bar No. 14560)

Side 2. LARRY GRANT GENTRY, Petitioner

(Litigant Group) LARRY GRANT GENTRY

- Larry Grant Gentry

PRO SE

CASE STATUS

Aug 1, 2023.....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-CR 22-0299 PRPC				
MAR	CR2016-127930-001		Danielle J Viola, Judge on PC Comments: (none)		

4 PROCEEDING ENTRIES

- 1-Aug-2023 FILED: Petition for Review (Petitioner Gentry, Pro Se)
- 4-Aug-2023 FILED: Record from CofA: Electronic Record
- 23-Feb-2024 The Clerk of the Supreme Court having been authorized by the Supreme Court to order any party to file a response to a petition for review at the direction of a Supreme Court staff attorney,

IT IS ORDERED that Respondent State shall file a response to the petition for review on or before March 25, 2024, addressing the following issues:

1. Did the Superior Court abuse its discretion in construing appointed Rule 32 counsel's statements about trial counsel's performance at pp. 1 and 18-21 in the "Notice of Completion under Rule 32.6(c) and Request for Extension of Time for Filing Pro Se Petition for Post-Conviction Relief" as suggesting that counsel did not advance any colorable claim of ineffective assistance of counsel?

2. Were the Court of Appeals' finding of "invited error" on direct appeal in this case, see State v. Gentry, 247 Ariz. 381 ¶ 30 (App. 2019), and the State's substantial reliance upon the theory of invited error, Answering Brief at 32-36, material to whether appointed Rule 32 counsel's ineffective assistance of counsel claim was colorable, requiring an evidentiary hearing in the Superior Court?

3. Did the Superior Court abuse its discretion by finding that Defendant cannot establish the prejudice prong under Strickland v. Washington, 466 U.S. 668 (1984) on his ineffective assistance of counsel claim that trial counsel should have requested an instruction on A.R.S. §13-1204(A)(5)?

IT IS FURTHER ORDERED no extensions of time shall be granted absent extraordinary circumstances. (Tracie K. Lindeman, Clerk)
- 25-Mar-2024 FILED: Response to Petition for Review; Certificate of Service; Certificate of Compliance (Respondent State)