

Arizona Supreme Court
Criminal Petition for Review - Appeal

CR-23-0197-PR

STATE OF ARIZONA v JEFFREY ALVAREZ

Appellate Case Information

Case Filed: 8-Aug-2023
Case Closed:

Dept/Composition

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

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

Side 2. JEFFREY ALVAREZ, Appellant

(Litigant Group) JEFFREY ALVAREZ

- Jeffrey Alvarez

Attorneys for: Appellant

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

Side 3. CORINA GARCIA, Crime Victim

(Litigant Group) CORINA GARCIA

- Corina Garcia

Attorneys for: Crime Victim

Colleen Clase, Esq. (AZ Bar No. 29360)

CASE STATUS

Aug 8, 2023.....Pending

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-CR 22-0273					
MAR	CR2019-003621-001	See File	See File	Suzanne E Cohen, Sentencing Comments: (none)	JURY	

9 PROCEEDING ENTRIES

- 8-Aug-2023 FILED: Motion for Procedural Order: Motion for Extension of Time to File Petition for Review; Certificate of Service (Appellant Alvarez)
- 8-Aug-2023 A "Motion for Procedural Order: Motion for Extension of Time to File Petition for Review" (Appellant Alvarez) having been filed on August 8, 2023,

IT IS ORDERED granting a first extension of time to file the petition for review on or before September 13, 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 13, 2023. (Tracie K. Lindeman Clerk)
- 13-Sep-2023 FILED: [Replaced by Amended Petition for Review Filed 10/17/23] Petition for Review; Certificate of Service; Certificate of Compliance; Decision (Appellant Alvarez)
- 14-Sep-2023 FILED: Record from CoFA: Electronic Record
- 18-Sep-2023 FILED: Notice of Acknowledgement; Certificate of Service (Appellee State)
- 28-Sep-2023 FILED: [STRICKEN Per ASC Order Filed 10/3/23] Supplement to Petition For Review; Certificate of Service (Appellant Alvarez)

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7. 3-Oct-2023 On September 13, 2023, Appellant Jeffrey Alvarez filed a Petition for Review requesting that this Court grant review and reverse the court of appeals' July 13, 2023, memorandum decision. The Appellee State of Arizona, citing Ariz. R. Crim P. 31.21(f)(1), filed a Notice of Acknowledgment.
- Subsequently, on September 28, 2023, and prior to the Court acting on Appellant's petition for review, Appellant filed a Supplement to Petition for Review, stating that it was filed "in light of this Court's [] opinion" in State ex rel. Mitchel v. Hon. Cooper (Bassett), No. CR-22-0227-PR, 2023 WL 6053536 (September 18, 2023). Appellant did not file a procedural motion requesting the Court's permission to file the Supplement to Petition for Review.
- Additionally, there is no provision in Ariz. R. Crim. P. 31.21 that allows a party to file a supplement to a petition for review; particularly, without seeking permission from the Court in advance.
- Therefore, on the Court's own motion,
- IT IS ORDERED striking Appellant's Supplement to Petition for Review from the record without prejudice to Appellant filing an amended petition for review on or before October 17, 2023, prior to 3:00 p.m. This deadline will not be extended absent extraordinary circumstances.
- IT IS FURTHER ORDERED that any amended petition will replace Appellant's September 13, 2023 Petition for Review and shall comply with the requirements of Ariz. R. Crim. P. 31.21(d), (e), (g), and (h) that outline the requirements for the contents, appendix, form and length, and service of a petition for review. No procedural motions to extend or expand the requirements of Rule 31.21 will be granted absent extraordinary circumstances.
- IT IS FURTHER ORDERED that if Appellant does not file an amended petition by the above deadline, the Court will consider Appellant's September 13, 2023 Petition for Review in due course.
- IT IS FURTHER ORDERED that in the event Appellant files an amended petition, the State may file a response to the amended petition pursuant to Ariz. R. Crim. P. 31.21(f), (g), and (h). (Hon. Clint Bolick)
8. 17-Oct-2023 FILED: Amended Petition for Review; Certificate of Service; Certificate of Compliance (Appellant Alvarez)
9. 17-Nov-2023 FILED: Crime Victim's Notice of Appearance Under A.R.S. § 13-4437(A); Certificate of Service (Crime Victim Garcia)