

**Arizona Supreme Court**  
**Criminal Petition for Review - Special Action**

**CR-24-0058-PR**

**JOHN ASHLEY JAMES v HON. CAMACHO/STATE**

**Appellate Case Information**

Case Filed: **4-Mar-2024**

Case Closed:

**Dept/Composition**

**Side 1. JOHN ASHLEY JAMES, Petitioner**

(Litigant Group) JOHN ASHLEY JAMES

- John Ashley James

**Attorneys for: Petitioner**

Jon Gillenwater, Esq. (AZ Bar No. 30457)

Paul Gerard Amann, Esq. (AZ Bar No. 35809)

**Side 2. HON. DOUG CAMACHO, JUDGE OF THE SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of Mohave, Respondent Judge**

(Litigant Group) HON. DOUG CAMACHO, JUDGE OF THE SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of Mohave

- Hon Douglas Camacho, Mohave County Superior Court

**Side 3. STATE OF ARIZONA, Real Party in Interest**

(Litigant Group) STATE OF ARIZONA

- State of Arizona

**Attorneys for: Real Party in Interest**

James M Schoppmann, Esq. (AZ Bar No. 23452)

**CASE STATUS**

Mar 4, 2024.....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-SA 24-0027				
MOH	CR-2021-00621		Douglas Camacho, Authoring Judge of Order Comments: (none)		

**9 PROCEEDING ENTRIES**

- 4-Mar-2024 FILED: [STRICKEN Per ASC Order Filed 3/6/24] A Special Action Decision of the Court of Appeals Petition for Review of; Certificate of Compliance; Certificate of Service; Appendix (Petitioner James)
- 4-Mar-2024 FILED: Court of Appeals Order Declining Special Action Jurisdiction (Petitioner James)
- 6-Mar-2024 On March 4, 2024, Petitioner James filed a 4,733-word Petition for Review of a Special Action Decision of the Court of Appeals. In the certificate of compliance, counsel for Petitioner certifies that the petition complies with Arizona Rules of Procedure for Special Actions 7(e). Pursuant to Special Action Rule 8(e), "If a special action seeks relief in a criminal case, review of the decision of the Court of Appeals by the Supreme Court shall be by way of a petition for review pursuant to Rule 31.21, Arizona Rules of Criminal Procedure." Rule 31.21(g)(2) limits a petition for review to 3,500 words. The petition for review does not comply with the rule. Accordingly,  
  
IT IS ORDERED the petition for review is stricken.  
  
IT IS FURTHER ORDERED Petitioner may file a petition for review that complies with Rule 31.21(g)(2), consisting of 3,500 words, by April 5, 2024.  
  
IT IS FURTHER ORDERED if a compliant petition for review is not filed by April 5, 2024, this matter may be dismissed. (Hon James P Beene)
- 18-Mar-2024 FILED: Petition for Review of a Special Action Decision of the Court of Appeals; Certificate of Service; Certificate of Compliance; Exhibits (Petitioner James)
- 18-Mar-2024 FILED: Appointment of Counsel (Petitioner James)
- 19-Mar-2024 FILED: Record from CofA: Electronic Record
- 23-Apr-2024 FILED: Motion for Interlocutory Stay in the Trial Court; Certificate of Service; Exhibit A (Petitioner James)
- 23-Apr-2024 FILED: (Copy of) Arraignment (Petitioner James)

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**9 PROCEEDING ENTRIES**

9. 25-Apr-2024 On March 18, 2024, Petitioner James filed a Petition for Review of a Special Action Decision of the Court of Appeals, requesting that the Court grant review of the Court of Appeals' order summarily declining special action jurisdiction of Petitioner's Petition for Special Action, filed on February 2, 2024. Petitioner requested that the Court of Appeals accept jurisdiction and find that Respondent Judge abused his discretion by denying Petitioner's motion to dismiss. He argued that special action relief was warranted because he "has no other remedy available to him and his petition involves an important question of law."
- On April 23, 2024, Petitioner filed a Motion for Interlocutory Stay in the Trial Court requesting that this Court stay the ongoing proceedings in the superior court pursuant to A.R.S. § 13-4517(A)(4) and A.R.S. § 13-4521 et seq., pending the Court's consideration of Petitioner's petition for review.  
Upon consideration by the Court,
- Initially, the Court observes, without deciding the question, that although A.R.S. § 13-4517(A)(4) and A.R.S. § 13-4521 et seq. are, similar to the Sexually Violent Persons Act, A.R.S. § 36-3701 through § 36-3716 (Supp. 2000), silent as to any right of appeal, A.R.S. § 12-2101(A)(1) provides for an appeal "[f]rom a final judgment entered in an action or special proceeding commenced in a superior court." See *In re Leon G.*, 199 Ariz. 375, 377 ¶ 6 (App. 2001), judgment vacated by *In re Leon G.*, 200 Ariz. 298 (2001). A.R.S. § 12-2101(A)(3) provides for an appeal "[f]rom any order affecting a substantial right made in any action when the order in effect determines the action and prevents judgment from which an appeal might be taken." See also A.R.S. § 36-546.01 (providing that "[a]n order for court ordered treatment may be reviewed by appeal to the court of appeals as prescribed in the Arizona Rules of Civil Procedure or by special action").
- Furthermore, a final decision by the Court of Appeals is reviewable on a petition for review to this Court pursuant to Arizona Constitution Article 6, Section 5.3, Ariz. R. Civ. P. 23, and A.R.S. § 12-120.24. See *In re Leon G.*, 200 Ariz. 298 (2001), judgment vacated by *Glick v. Arizona*, 535 U.S. 982 (2002).  
Therefore,
- IT IS ORDERED that Petitioner's Motion for Interlocutory Stay in the Trial Court is denied.
- The Court will consider Petitioner's Petition for Review of a Special Action Decision of the Court of Appeals in due course. (Hon. John R Lopez IV)