

Arizona Supreme Court

Civil Special Action

CV-24-0127-SA

AZ ATTORNEY GENERAL v MARICOPA COUNTY ATTORNEY

Appellate Case Information

Case Filed: 19-Jun-2024

Case Closed:

Dept/Composition

Side 1. KRISTIN K. MAYES, ARIZONA ATTORNEY GENERAL, Petitioner

(Litigant Group) KRISTIN K. MAYES, ARIZONA ATTORNEY GENERAL

- Kristin K Mayes, Arizona Attorney General's Office

Attorneys for: Petitioner

Alexander W Samuels, Esq. (AZ Bar No. 28926)

Emma H Mark, Esq. (AZ Bar No. 32249)

Joshua D Bendor, Esq. (AZ Bar No. 31908)

Side 2. RACHEL H. MITCHELL, MARICOPA COUNTY ATTORNEY, Respondent

(Litigant Group) RACHEL H. MITCHELL, MARICOPA COUNTY ATTORNEY

- Rachel H Mitchell, Maricopa County Attorney's Office

Attorneys for: Respondent

Nicholas Klingerman, Esq. (AZ Bar No. 28231)

Blaine D Gadow, Esq. (AZ Bar No. 15741)

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CASE STATUS

Jun 19, 2024....Pending

PREDECESSOR CASE(S)

MAR CR2003-038541

Cause/Charge/Class

Judgment/Sentence

Judge, Role <Comments>

Trial

Dispo

4 PROCEEDING ENTRIES

- 1. 19-Jun-2024 FILED: State of Arizona's Motion to Strike Non-Party Maricopa County Attorney's Motion to Set Briefing Schedule for Motion for Warrant of Execution (Treated as a Petition for Special Action); Certificate of Service (Petitioner Kristen Mayes)
2. 24-Jun-2024 On June 20, 2024, on its own motion, the Court, in CR-13-0282-AP ordered that it would consider the issue presented by Petitioner Mayes' State of Arizona's Motion to Strike Nonparty Maricopa County Attorney's Motion to Set Briefing Schedule for Motion for Warrant of Execution filed in response to Respondent Mitchell's Motion to Set Briefing Schedule for Motion for Warrant of Execution as a separate standalone petition for special action relief.
In that same order, the Court further stated that in this special action it would consider:
Whether the constitutional and statutory authority, power, and duty to request a warrant of execution pursuant to A.R.S. § 13-759(A) and Ariz. R. Crim. P. 31.23(a) and (b) rests exclusively with the Arizona Attorney General.
Therefore,
IT IS ORDERED that Petitioner Mayes and Respondent Mitchell file simultaneous supplemental briefs on or before July 22, 2024, not to exceed 5,000 words. Real Party in Interest Gunches may file a simultaneous brief addressing the above issue on or before July 22, 2024, not to exceed 5,000 words.
IT IS FURTHER ORDERED that any amicus curiae may file briefs pursuant to ARCAP 16 and in accordance with ARCAP 16(d)(2) on or before August 5, 2024.
IT IS FURTHER ORDERED that Petitioner and Respondent may file omnibus responses to any briefs of amicus curiae not to exceed 5,000 words on or before August 19, 2024.
IT IS FURTHER ORDERED that, although A.R.S. § 12-1841 does not explicitly apply to the issue before the Court in this matter, counsel for the Arizona Attorney General shall notify the Speaker of the House of Representative and the President of the Senate of this matter by serving copies of the pending pleadings and this order within five court days of this order and shall file an appropriate certificate of service with the Court. (Hon. Robert Brutinel)
3. 25-Jun-2024 FILED: Amended Order (Correcting date of referenced order) (see Docket number 3)
4. 27-Jun-2024 FILED: Certificate of Service; Certificate of Service (Petitioner AZ Attorney General)