

MINUTES
Arizona Supreme Court
Monday, October 23, 2006

No. 1527

CR-06-0218-PR

STATE OF ARIZONA v FERMIN RODRIGUEZ JR

(1)

Court of Appeals Division Two

2 CA-CR 05-0084

ORDERED: Petition for Review = DENIED.

CV-06-0117-PR

CASPIAN TRADING COMPANY v HARTFORD FIRE INSURANCE

(2)

Court of Appeals Division One

1 CA-CV 05-0234

ORDERED: Petition for Review by Plaintiff-Appellant = DENIED.

CV-06-0121-PR

MELVIN MONROE v EDGARDO ZAVALA-ALARCON et al

(3)

Court of Appeals Division One

1 CA-CV 05-0368

ORDERED: Petition for Review = DENIED.

CV-06-0129-PR

PAMELA MANIC v HON. KATE DAWES/TUCSON CITY ATTY

(4)

Court of Appeals Division Two

2 CA-CV 05-0128

ORDERED: Petition for Review of Decision of the Court of Appeals = DENIED.

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No. 1527

CV-06-0142-PR **TIMOTHY SCHWARTZ v CITY OF GLENDALE**
(5) *Court of Appeals Division One* *1 CA-CV 05-0401*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellee Schwartz] = DENIED.

CV-06-0214-PR **JEFFREY ABUHL v HON. HOWELL/PHOENIX PROSECUTOR**
(6) *Court of Appeals Division One* *1 CA-CV 05-0611*

ORDERED: Petition for Review = DENIED.

CV-06-0231-PR **CITY OF TUCSON v HON. BERNINI/MELINDA PRESTON**
(7) *Court of Appeals Division Two* *2 CA-SA 06-0033*

ORDERED: Petition for Review = DENIED.

CV-06-0249-PR **BORIS ROZIN v ST LUKE'S MEDICAL CENTER/SHAHVAR**
(8) *Court of Appeals Division One* *1 CA-CV 05-0600*

ORDERED: Petition for Review to Supreme Court = DENIED.

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CR-06-0157-PR **STATE OF ARIZONA v MATTHEW A KOOLE**
(9) *Court of Appeals Division One* *1 CA-CR 04-0474*

ORDERED: Petition for Review of Decision of the Court of Appeals = DENIED.

CR-06-0167-PR **STATE OF ARIZONA v PATRICK JUNIOR MOLINA**
(10) *Court of Appeals Division Two* *2 CA-CR 04-0256*

ORDERED: Petition for Review = DENIED.

CR-06-0209-PR **STATE OF ARIZONA v HILMAN C MOFFETT**
(11) *Court of Appeals Division One* *1 CA-CR 04-0865*

ORDERED: Appellant's Petition for Review = DENIED.

CR-06-0225-PR **STATE OF ARIZONA v JOHN PARI WINDFELDT**
(12) *Court of Appeals Division One* *1 CA-CR 05-0671 PRPC*

ORDERED: Motion for Request to Present 2 Documents Pro Se. Affidavit from Trial Attorney Bruce Blumberg with Motion of Summary Judgment Originaly [sic] Improperly Sent June 25, 2006 = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

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CR-06-0234-PR **STATE OF ARIZONA v GABRIEL VICTOR VILLARREAL**
(13) *Court of Appeals Division One* *1 CA-CR 05-0855*

ORDERED: Petition for Review = DENIED.

CV-06-0169-PR **KARI C. v ADES/ZACHARY D./LEILA D.**
(14) *Court of Appeals Division One* *1 CA-JV 05-0061*

ORDERED: Petition for Review to Arizona Supreme Court = DENIED.

CV-06-0235-PR **C HERNANDEZ/J HAMPTON/MACDONALD et ux v R V GOSE**
(15) *Court of Appeals Division One* *1 CA-CV 05-0656*

ORDERED: Appellant's Petition for Review Before the Arizona Supreme Court = DENIED.

CV-06-0238-PR **MODULAR MINING v JIGSAW TECHNOLOGIES et al**
(16) *Court of Appeals Division Two* *2 CA-CV 05-0085*

ORDERED: Petition for Review = DENIED.

Justice Bales did not participate in the determination of this matter.

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No. 1527

CR-06-0264-PR
(20)

STATE OF ARIZONA v DAVE ANTHONY CAMPBELL
Court of Appeals Division Two *2 CA-CR 05-0101*

ORDERED: Petition for Review Pursuant to Rule 31.19 = DENIED.

CV-06-0122-PR
(21)

FRED McNAIR JR v ARIZONA DEPT OF CORRECTIONS et al
Court of Appeals Division One *1 CA-CV 05-0448*

ORDERED: Petition for Review by the Supreme Court of Arizona = DENIED.

CV-06-0125-PR
(22)

STATE ex rel ADES v KEVIN LEE DEMETZ
Court of Appeals Division One *1 CA-CV 05-0148*

ORDERED: Petition for Review = DENIED.

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No. 1527

CV-06-0126-PR
(23)

JUDY L LOMBARD v WILLIAM C MILLER

Court of Appeals Division One

1 CA-CV 05-0269

ORDERED: Motion to Withdraw as Attorney of Record [Murray for Appellant Lombard] = GRANTED.

FURTHER ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellant Lombard] = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellee Miller] = DENIED.

CV-06-0132-PR
(24)

ALLAN SOBOL v JERRY MARSH

Court of Appeals Division One

1 CA-CV 05-0199

ORDERED: Petitioner's Petition for Review = DENIED.

CV-06-0134-PR
(25)

FRANK CASTRO et ux v PATRICK GALLOWAY et ux et al

Court of Appeals Division Two

2 CA-CV 05-0034

ORDERED: Petition for Review = DENIED.

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No. 1527

CV-06-0167-PR **PATRICK GALLOWAY et al v HON. VANDERPOOL/CASTRO**
(26) *Court of Appeals Division Two* 2 CA-SA 05-0048

ORDERED: Petition for Review = DENIED.

CR-06-0149-PR **STATE OF ARIZONA v JEFFREY ARTHUR GASTELUM**
(27) *Court of Appeals Division One* 1 CA-CR 04-0661

ORDERED: The State of Arizona's Petition for Review by the Supreme Court = CONTINUED.

CR-06-0159-PR **STATE OF ARIZONA v GEORGE SALCIDO MIRANDA JR**
(28) *Court of Appeals Division Two* 2 CA-CR 04-0412

ORDERED: Petition for Review by the Arizona Supreme Court = DENIED.

CR-06-0169-PR **STATE OF ARIZONA v GARY ALLEN MATSEN**
(29) *Court of Appeals Division One* 1 CA-CR 05-0742 PRPC

ORDERED: Defendant's Petition for Review to the Supreme Court = DENIED.

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No. 1527

CR-06-0175-PR
(30)

STATE OF ARIZONA v GERRAN LAMONT WHEATON
Court of Appeals Division One *1 CA-CR 05-0425 PRPC*

ORDERED: Petition for Review = DENIED.

CR-06-0178-PR
(31)

STATE OF ARIZONA v PAUL FRANCIS BRIEN
Court of Appeals Division Two *2 CA-CR 04-0163*

ORDERED: Petition for Review = DENIED.

CR-06-0183-PR
(32)

STATE OF ARIZONA v HUMBERTO GAMA
Court of Appeals Division Two *2 CA-CR 05-0257 PRPC*

ORDERED: Petition for Review by the Arizona Supreme Court from Post-Conviction Denial of Relief = DENIED.

CR-06-0247-PR
(33)

STATE OF ARIZONA v SALVATORE JOHN FRATTALONE
Court of Appeals Division One *1 CA-CR 05-0868 PRPC*

ORDERED: Petition for Review = DENIED.

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CR-06-0272-PR
(34)

STATE OF ARIZONA v YVONNE VERNA MONTANO
Court of Appeals Division Two *2 CA-CR 05-0359 PRPC*

ORDERED: Petition for Further Review (Denial of Post-Conviction Relief) = DENIED.

CR-06-0274-PR
(35)

STATE OF ARIZONA v ALFRED LARRY DAVIS
Court of Appeals Division One *1 CA-CR 04-0167*

ORDERED: Petition for Review to the Arizona Supreme Court = DENIED.

CR-06-0282-PR
(36)

STATE OF ARIZONA v PAUL DAVID RICHARDSON
Court of Appeals Division Two *2 CA-CR 05-0318*

ORDERED: Petition for Review by the Arizona Supreme Court = DENIED.

CV-06-0131-PR
(37)

STATE OF ARIZONA v INDUSTRIAL COMMISSION/POPE
Court of Appeals Division Two *2 CA-IC 05-0017*

ORDERED: Petition for Review = DENIED.

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CV-06-0145-PR **NICOLE FORD v JOHN J COREY MD et ux/HEALTHSOUTH**
(38) *Court of Appeals Division One* *1 CA-CV 05-0304*

ORDERED: Plaintiff-Appellant's Petition for Review = DENIED.

Chief Justice McGregor did not participate in the determination of this matter.

CV-06-0147-PR **F LYNCH/K PARMENTER v HUMBOLDT UNIFIED SCHOOL**
(39) *Court of Appeals Division One* *1 CA-CV 05-0294*

ORDERED: Plaintiffs/Appellants' Petition for Review = DENIED.

CV-06-0152-PR **DOUGLAS LANGE v FOCUS INC/DONALD MEDOFF**
(40) *Court of Appeals Division Two* *2 CA-CV 05-0145*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellant Medoff] = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellee Lange] = DENIED.

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CV-06-0158-PR
(41)

STATE ex rel ADES v DANIEL GRAHAM

Court of Appeals Division One

1 CA-CV 05-0156

ORDERED: Petition for Review = GRANTED. The Court will decide this matter on the documents submitted.

FURTHER ORDERED: Request for Attorneys' Fees [Appellee Graham] = CONTINUED.

CV-06-0160-PR
(42)

In Re HYRUM H/JACOB H

Court of Appeals Division One

1 CA-JV 05-0101

1 CA-JV 05-0102

ORDERED: Petition for Review = DENIED.

CV-06-0244-PR
(43)

LEASEHOLD CONSULTANTS v RUSS LYON REALTY COMPANY

Court of Appeals Division One

1 CA-CV 05-0384

ORDERED: Appellant's Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellee Leasehold Consultants] = GRANTED.

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No. 1527

CV-06-0248-PR
(44)

CHRISTI HELMUTH v JAMES HELMUTH

Court of Appeals Division One

1 CA-CV 05-0338

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Petitioner/Appellant Christi Helmuth] = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Respondent/Appellee James Helmuth] = DENIED.

CV-06-0254-PR
(45)

ROBERT MURILLO et ux v DONALD GARVIN

Court of Appeals Division Two

2 CA-CV 05-0019

ORDERED: Petition for Review = DENIED.

CV-06-0265-PR
(46)

ROBIN DYE et al v GUIDANCE CENTER/DR LINSKEY

Court of Appeals Division One

1 CA-CV 05-0240

ORDERED: Plaintiffs'/Appellants' Petition for Review to the Arizona Supreme Court = DENIED.

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CV-06-0275-PR
(47)

DEER VALLEY v HON. ROBERT HOUSER/PAMELA McDONALD
Court of Appeals Division One *1 CA-SA 06-0143*

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = GRANTED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter.

CV-06-0320-PR
(48)

DAVID GARCIA v HON. CHRISTOPHER BROWNING/STATE
Court of Appeals Division Two *2 CA-SA 06-0040*

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = GRANTED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter.

FURTHER ORDERED: Motion for Depublication = DENIED.

FURTHER ORDERED: Request for Consolidated Review [with CV-06-0188-PR and CV-06-0195-PR] = DENIED.

FURTHER ORDERED: Motion to Stay Application of Garcia v. Browning = DENIED.

FURTHER ORDERED: Motion for Leave to File Brief of Amicus Curiae, the Maricopa County Attorney's Office = GRANTED.

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No. 1527

CV-05-0221-PR/A
(49)

MARGIT WORSHAM v JAMES S ARCHER

Court of Appeals Division One

1 CA-CV 04-0783 A

ORDERED: Petition for Review = CONTINUED.

CV-06-0089-PR
(50)

DIETZ CRANE HOMES INC v AVANTI INDUSTRIES INC

Court of Appeals Division One

1 CA-CV 05-0137

ORDERED: Petition for Review = CONTINUED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellee Avanti] = CONTINUED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellant Dietz Crane] = CONTINUED.