

**MINUTES**  
*Arizona Supreme Court*  
**Tuesday, September 26, 2006**

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No. 1512

**CR-06-0047-PR**      **STATE OF ARIZONA v SEON DELON JONAS**  
(1)                      *Court of Appeals Division One*                      *1 CA-CR 03-1026*

ORDERED: Petition for Review = DENIED.

**CR-06-0079-PR**      **STATE OF ARIZONA v SAM ALFRED BERSANE**  
(2)                      *Court of Appeals Division One*                      *1 CA-CR 05-0385 PRPC*

ORDERED: Petition for Review of Court of Appeals Order Denying Petition for Review of Trial Court's Denial of Petition for Post Conviction = DENIED.

**CR-06-0092-PR**      **STATE OF ARIZONA v DANIEL DE LA CRUZ**  
(3)                      *Court of Appeals Division Two*                      *2 CA-CR 05-0038*

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

**CR-06-0119-PR**      **STATE OF ARIZONA v RONALD MALDONADO RUELAS**  
(4)                      *Court of Appeals Division One*                      *1 CA-CR 05-0572 PRPC*

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



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**CV-06-0087-PR**                    **BERNARD HERRERA v HON. WILLIAM KIGER/STATE**  
(9)                                    *Court of Appeals Division One*                    *1 CA-SA 06-0047*

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

**CV-06-0097-PR**                    **JUVENTINO MARTINEZ v BROCK'S CONSTRUCTION et al**  
(10)                                    *Court of Appeals Division One*                    *1 CA-CV 05-0610*

ORDERED: Petition for Review = DENIED.

**CV-06-0170-PR**                    **CHRISTOPHER HUERSTEL v HON. FRANK DAWLEY/STATE**  
(11)                                    *Court of Appeals Division Two*                    *2 CA-SA 06-0024*

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals (Oral Argument Requested) = DENIED.

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

**CR-06-0189-PR**                    **STATE OF ARIZONA v PEDRO ANDRADE FERNANDEZ**  
(12)                                    *Court of Appeals Division Two*                    *2 CA-CR 05-0136 PRPC*

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

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**CR-06-0196-PR**  
(13)

**STATE OF ARIZONA v SECUNDINO B COCIO**  
*Court of Appeals Division Two*                      *2 CA-CR 05-0294 PRPC*

ORDERED: Petition for Further Review = DENIED.

**CV-06-0039-PR**  
(14)

**LATOYA TELLINGHUISEN et vir v BENNETT/PIKE et al**  
*Court of Appeals Division Two*                      *2 CA-CV 05-0007*

ORDERED: Petition for Review = DENIED.

**CV-06-0051-PR**  
(15)

**DANIEL P./LISA A. v ADES/SHAWN P.**  
*Court of Appeals Division One*                      *1 CA-JV 04-0222*

ORDERED: Appellant Daniel P.'s Petition for Review = DENIED.

**CV-06-0069-PR**  
(16)

**LANDAMERICA/HALLCRAFT et al v USA/IRS et al**  
*Court of Appeals Division One*                      *1 CA-CV 04-0672*

ORDERED: Applicant-Appellee's Petition for Review = DENIED.

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

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**CV-06-0089-PR**  
(17)

**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.

**CV-06-0091-PR**  
(18)

**D CANTOR v HON. GAMA/STATE/MUNEERAH ALI AL-TARRAH**  
*Court of Appeals Division One*                      *1 CA-SA 06-0067*

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

**CV-06-0100-PR**  
(19)

**SUSAN GIPSON v LARRY KASEY/JANE DOE KASEY**  
*Court of Appeals Division One*                      *1 CA-CV 05-0119*

ORDERED: Petition for Review = GRANTED as to Issue 1.

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.



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**CR-06-0081-PR**  
(23)

**STATE OF ARIZONA v ADELITA ANDRADE**  
*Court of Appeals Division Two*                      2 CA-CR 05-0128

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

**CR-06-0083-PR**  
(24)

**STATE OF ARIZONA v ROBERT MICHAEL HOLLENBACK**  
*Court of Appeals Division Two*                      2 CA-CR 04-0139

ORDERED: Petition for Review = DENIED.

**CR-06-0152-PR**  
(25)

**STATE OF ARIZONA v RUPERT RAY DIXON**  
*Court of Appeals Division Two*                      2 CA-CR 04-0279

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

**CR-06-0199-PR**  
(26)

**STATE OF ARIZONA v WESLEY IAN AARON**  
*Court of Appeals Division Two*                      2 CA-CR 04-0248

ORDERED: Petition for Review of Memorandum Decision = DENIED.

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**CV-06-0047-PR**  
(27)

**CAMDEN DEVELOPMENT INC v CITY OF SCOTTSDALE**  
*Court of Appeals Division One*                      *1 CA-TX 04-0020*

ORDERED: Petition for Review = DENIED.

**CV-06-0092-PR**  
(28)

**JEFFREY HUSBY v MELISSA SCHLADWEILER**  
*Court of Appeals Division One*                      *1 CA-CV 05-0067*

ORDERED: Petition for Review = DENIED.

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

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

**CV-06-0128-PR**  
(29)

**STATE ex rel THOMAS v HON. SCHNEIDER/HANNA et al**  
*Court of Appeals Division One*                      *1 CA-SA 05-0022*

ORDERED: Petition for Review = DENIED.

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

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**CV-06-0163-PR**  
(30)

**GARY FILER et al v TOHONO O'ODHAM GAMING/ROSE**  
*Court of Appeals Division Two*                      *2 CA-CV 05-0129*

ORDERED: Petition for Review = DENIED.

**CV-06-0185-PR**  
(31)

**JOE C JIMINEZ v ICA/HACIENDA LIGHTING/STATE COMP**  
*Court of Appeals Division One*                      *1 CA-IC 05-0111*

ORDERED: Motion for Request for Oral Argument = DENIED.

FURTHER ORDERED: Motion to Review and Notice Documents Filed C.O.A. 1 thru 18 and A. 1 thru U. 21, 1 thru 21 = GRANTED with respect only to those documents that are part of the record on appeal in Case No. 1 CA-IC 05-0111.

FURTHER ORDERED: Motion to Review Decisions, Letters of Joann C. Gaffaney A.L.J. = DENIED.

FURTHER ORDERED: Motion for Order Because Defendants Didn't Respond to Motions and Petition for Review = DENIED.

FURTHER ORDERED: Motion to Resubmit Exhibits/Witnesses 1 Thru 40 and Pictures All Motions and Supporting Affidavits of Joe C. Jiminez S.R. = DENIED

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

**CV-06-0203-PR**  
(32)

**KENNETH BORING v MESA AIR GROUP INC/MESA AIRLINES**  
*Court of Appeals Division One*                      *1 CA-CV 05-0346*

ORDERED: Appellees' Petition for Review = DENIED.

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**CR-06-0080-PR**      **STATE OF ARIZONA v BARON SYLVESTER GREEN II**  
(33)                      *Court of Appeals Division Two*                      2 CA-CR 03-0385

ORDERED: Petition for Review to Supreme Court from Denial of Appeal = DENIED.

**CR-06-0086-PR**      **STATE OF ARIZONA v CYNTHIA BROOK MAINVILLE**  
(34)                      *Court of Appeals Division One*                      1 CA-CR 05-0275 PRPC

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

**CR-06-0134-PR**      **STATE OF ARIZONA v ROBERT LARUE BROWN JR**  
(35)                      *Court of Appeals Division One*                      1 CA-CR 05-0229 PRPC

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

**CR-06-0138-PR**      **STATE OF ARIZONA v CORDELL GROUNDS**  
(36)                      *Court of Appeals Division One*                      1 CA-CR 05-0527

ORDERED: Petition for Review = DENIED.

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**CR-06-0237-PR**  
(37)

**STATE OF ARIZONA v JUAN ARNOLDO ROMAN**  
*Court of Appeals Division Two*                      *2 CA-CR 05-0273 PRPC*

ORDERED: Petition for Review = DENIED.

**CV-06-0084-PR**  
(38)

**MIRAGE HOMES CONST et al v AUTO-OWNERS INS et al**  
*Court of Appeals Division One*                      *1 CA-CV 05-0114*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Appellants Mirage Homes Construction/Mirage Homes] = DENIED.

**CV-06-0099-PR**  
(39)

**SARAH ANN CARMON v CORRECTIONS CORPORATION**  
*Court of Appeals Division Two*                      *2 CA-CV 04-0207*

ORDERED: Petition for Review = DENIED.

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**CV-06-0188-PR**  
(40)

**HAROLD ARTHUR FISH v HON. MARK MORAN/STATE**  
*Court of Appeals Division One*                      *1 CA-SA 06-0109*

ORDERED: Motion to Consolidate Fish's Petition for Review with Petition in State v. Hon. Bethany Hicks (Mendez), Scheduled for Consideration on September 26, 2006 = DENIED.

FURTHER ORDERED: Petition for Review (Expedited) of the Court of Appeals' Decision Declining Special Action Jurisdiction = DENIED.

**CV-06-0195-PR**  
(41)

**STATE ex rel THOMAS v HON. BETHANY HICKS/MENDEZ**  
*Court of Appeals Division One*                      *1 CA-SA 06-0107*

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals Expedited Review and Oral Argument Requested = DENIED.

**CV-06-0198-PR**  
(42)

**GEORGE KAYER v HON. KIGER/STATE ex rel GODDARD**  
*Court of Appeals Division One*                      *1 CA-SA 06-0125*

ORDERED: Petitioner's Request for Order from this Court to Respondent Judge for Production of Transcripts for Purposes of Filing a Competent Motion for Rehearing = DENIED.

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

FURTHER ORDERED: Renewed Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

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**CV-06-0209-PR**      **LORETTA HENRY/CHARLES ARNOLD v FLAGSTAFF MEDICAL**  
(43)                      *Court of Appeals Division One*                      *1 CA-CV 05-0123*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: The Court of Appeals' Opinion shall not be published, pursuant to Rule 111(g), Arizona Rules of the Supreme Court.

**CV-06-0213-PR**      **ED LIU v HON. TRUJILLO/STATE ex rel THOMAS**  
(44)                      *Court of Appeals Division One*                      *1 CA-SA 06-0132*

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

**CV-06-0054-PR**      **FIRST AMERICAN TITLE v WESTERN THRIFT & LOAN**  
(45)                      *Court of Appeals Division One*                      *1 CA-CV 05-0075*

ORDERED: Petition for Review = DENIED.

**CV-06-0066-PR**      **DAVID W DODSON v DARLA LEE DODSON**  
(46)                      *Court of Appeals Division One*                      *1 CA-CV 05-0343*

ORDERED: Petition for Review = DENIED.

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**CV-06-0081-PR**  
(47)

**MARILYN KAYE BARTH v SAMUEL JAMES KOLMAN**  
*Court of Appeals Division One*                      *1 CA-CV 05-0120*

ORDERED: Petition for Review = DENIED.

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

**CV-06-0096-PR**  
(48)

**CBI GROUP v BROE/GUIDANCE INVESTORS LIMITED et al**  
*Court of Appeals Division One*                      *1 CA-CV 04-0798*

ORDERED: Petition for Review = DENIED.

**CV-06-0109-PR**  
(49)

**FEDERAL NATIONAL MORTGAGE v JOHN P WILDE**  
*Court of Appeals Division One*                      *1 CA-CV 05-0201*

ORDERED: Appellant's Petition for Review by Supreme Court = DENIED.

**CV-06-0144-PR**  
(50)

**ADES v CAROL M. et al**  
*Court of Appeals Division One*                      *1 CA-JV 05-0135*

ORDERED: Appellee Carol M.'s Petition for Review = DENIED.

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**CV-06-0164-PR**  
(51)

**JANETTE SMITH RIEPE v BRANDY RIEPE**  
*Court of Appeals Division One*                      *1 CA-CV 04-0754*

ORDERED: Petition for Review = DENIED.

**CV-06-0191-PR**  
(52)

**HECTOR MONTOYA v HON. HOWARD FELL/STATE OF ARIZONA**  
*Court of Appeals Division Two*                      *2 CA-SA 06-0007*

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

**CV-06-0212-PR**  
(53)

**A1 TEAM USA LLC v HON. KATZ/SCOTT SPEED INC**  
*Court of Appeals Division One*                      *1 CA-SA 06-0124*

ORDERED: Petition for Review (Oral Argument Requested) = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Petitioner A1 Team USA] = DENIED.

**CV-06-0216-PR**  
(54)

**SWIFT TRANSPORTATION CO v HON. GAMA/STEVEN et al**  
*Court of Appeals Division One*                      *1 CA-SA 06-0029*

ORDERED: Petition for Review = DENIED.

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**CR-06-0210-PC**  
(55)

**STATE OF ARIZONA v DONALD EDWARD BEATY**  
*Maricopa County Superior Court*                      *CR-140790*

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

**CR-06-0133-PR**  
(56)

**STATE OF ARIZONA v SIDNEY GRANT WOOD**  
*Court of Appeals Division One*                      *1 CA-CR 04-0539*

ORDERED: Petition for Review = DENIED.

**CV-06-0050-PR**  
(57)

**STATE ex rel POMBIER v HON. ALLEN/EZEL**  
*Court of Appeals Division One*                      *1 CA-CV 05-0359*

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

**CV-06-0057-PR**  
(58)

**STATE BAR OF ARIZONA v BERT J MARTINEZ**  
*Court of Appeals Division One*                      *1 CA-CV 05-0250*

ORDERED: Petition for Review By The Supreme Court Oral Arguments Requested = DENIED.

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**CV-06-0070-PR**      **BHP COPPER v TRAVELERS CASUALTY & SURETY et al**  
(59)                      *Court of Appeals Division One*                      *1 CA-CV 03-0825*

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

**CV-06-0094-PR**      **JAMES BURKE v AZ STATE RETIREMENT SYSTEM et al**  
(60)                      *Court of Appeals Division Two*                      *2 CA-CV 05-0062*

ORDERED: Petition for Review = DENIED.

**CV-06-0101-PR**      **MARY PETERSON v HON. FRENCH/THOMAS FERGUSON**  
(61)                      *Court of Appeals Division One*                      *1 CA-SA 06-0026*

ORDERED: Petition for Review Special Action Decision [Real Party Ferguson] = DENIED.

FURTHER ORDERED: Petition for Review of Special Action Decision [Petitioner Peterson] = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Real Party Ferguson] = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees [Petitioner Peterson] = DENIED.

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**CV-06-0115-PR**  
(62)

**BERT J MARTINEZ v MIKE GREEN et ux**  
*Court of Appeals Division One*                      *1 CA-CV 05-0079*

ORDERED: Petition for Review by the Supreme Court Oral Arguments Requested = DENIED.

**CV-06-0118-PR**  
(63)

**CALLAN et al v HON. BERNINI/LUIS PIMBER et ux**  
*Court of Appeals Division Two*                      *2 CA-SA 05-0085*

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals (Oral Argument Requested) = DENIED.

**CV-06-0133-PR**  
(64)

**LYDIA LOPEZ v SAFEWAY STORES INC**  
*Court of Appeals Division Two*                      *2 CA-CV 05-0057*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request to Participate in Oral Argument [Amicus Curiae Arizona Association of Defense Counsel] = DENIED.

**CV-06-0156-PR**  
(65)

**KYLE BOHSANCURT v HON. EISENBERG/TUCSON CITY PROS**  
*Court of Appeals Division Two*                      *2 CA-CV 05-0017*

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

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**CV-06-0217-PR**  
(66)

**NW HOSPITAL/MEDICAL CENTER v HON. CORNELIO et al**  
*Court of Appeals Division Two*                      *2 CA-SA 06-0011*

ORDERED: Petition for Review = DENIED.

**CV-05-0221-PR/A**  
(67)

**MARGIT WORSHAM v JAMES S ARCHER**  
*Court of Appeals Division One*                      *1 CA-CV 04-0783 A*

ORDERED: Petition for Review = CONTINUED.