

# APPENDIX

A

Decision of the Arizona  
Supreme Court

Supreme Court of Arizona  
order filed November 20, 2018

1. November 20, 2018 order  
denying Barlett's rehearing  
motion

2. November 1, 2018 order denying  
Barlett's petition for review

3. CR-18-0186-PR docket on  
appeal

(26)

SUPREME COURT OF ARIZONA

ALAN BARTLETT, ) Arizona Supreme Court  
Petitioner, ) No. CR-18-0186-PR  
v. ) Court of Appeals  
THE HON. SUSANNA PINEDA, JUDGE ) Division One  
OF THE SUPERIOR COURT OF THE ) Maricopa County  
STATE OF ARIZONA, in and for the ) Superior Court  
County of Maricopa, ) No. CR2013-003413  
Respondent Judge, ) **FILED 11/20/2018**  
STATE OF ARIZONA, )  
Real Party in Interest. )

ORDER

On November 1, 2018, a panel composed of Vice Chief Justice Brutinel, Justice Timmer, Justice Bolick and Justice Gould denied Petitioner Bartlett's "Petition for Review." On November 15, 2018, Petitioner Bartlett filed a "Petition for Rehearing." In accordance with Arizona Rules of Criminal Procedure Rule 31.20(f), unless permitted by specific order of the appellate court, no party shall file a motion for reconsideration of an order denying a petition for review. Therefore,

**IT IS ORDERED** dismissing Petitioner's petition for rehearing.

**IT IS FURTHER ORDERED** that the Clerk of the Supreme Court shall not accept further filings in this case.

DATED this 20<sup>th</sup> day of November, 2018.

/S/  
ANDREW W. GOULD  
Duty Justice



SCOTT BALES  
CHIEF JUSTICE

JANET JOHNSON  
CLERK OF THE COURT

# Supreme Court

STATE OF ARIZONA  
ARIZONA STATE COURTS BUILDING  
1501 WEST WASHINGTON STREET, SUITE 402  
PHOENIX, ARIZONA 85007-3231

TELEPHONE: (602) 452-3396

November 1, 2018

RE: **ALAN BARTLETT v HON. PINEDA/STATE**  
Arizona Supreme Court No. CR-18-0186-PR  
Court of Appeals, Division One No. 1 CA-SA 17-0258  
Maricopa County Superior Court No. CR2013-003413

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on November 1, 2018, in regard to the above-referenced cause:

**ORDERED: Motion to Correct Court's Case Docket = DENIED.**

**FURTHER ORDERED: Petitioner's Omnibus Motion to Correct Docket and Order Briefing Schedule = DENIED.**

**FURTHER ORDERED: Petition for Review = DENIED.**

A panel composed of Vice Chief Justice Brutinel, Justice Timmer, Justice Bolick and Justice Gould participated in the determination of this matter.

Janet Johnson, Clerk

TO:

Alan Michael Bartlett, T242560, Maricopa County Jail,  
Lower Buckeye  
Hon. Susanna C Pineda  
Joseph T Maziarz  
Erica Johnson Mandigo  
Amy M Wood  
tel

**Arizona Supreme Court****Criminal Petition for Review - Special Action****CR-18-0186-PR****ALAN BARTLETT v HON. PINEDA/STATE****Appellate Case Information**Case Filed: **23-Mar-2018**

Case Closed:

**Dept/Composition****Side 1. ALAN BARTLETT, Petitioner**(Litigant Group) **ALAN BARTLETT**

- Alan Michael Bartlett, Pro Se

PRO SE Attorneys for: Petitioner

**Side 2. THE HON. SUSANNA PINEDA, JUDGE OF THE SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of Maricopa, Respondent Judge**(Litigant Group) **THE HON. SUSANNA PINEDA, JUDGE OF THE SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of Maricopa**

- Hon. Susanna C Pineda

**Side 3. STATE OF ARIZONA, Real Party in Interest**(Litigant Group) **STATE OF ARIZONA**

- State of Arizona

Attorneys for: Real Party in Interest

Erica Johnson Mandigo, Esq. (AZ Bar No. 25302)

**CASE STATUS**

Aug 9, 2018.....Pending

Mar 23, 2018....Awaiting Petition for Review

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA	1 CA-SA 17-0258				
↳ MAR	CR2013-003413		Susanna C Pineda, Authoring Judge of Order Comments: (none)		

**21 PROCEEDING ENTRIES**

1. 23-Mar-2018 FILED: Notice of Appeal (Petitioner Bartlett, Pro Se) (Rec'd from CofA on 03/23/18 by email)

\*See Dkt No 7. Petitioner Bartlett's Notice of Appeal shall not be treated as his Petition for Review.

2. 6-Apr-2018 FILED: Lost/Missing Notice of Appeal in COA Special Action Case No: 1 CA-SA 17-0258 (Petitioner Bartlett, Pro Se)
3. 9-Apr-2018 SENT: Letter to Petitioner Bartlett, Pro Se, Re: Certificate of Service
4. 11-Apr-2018 FILED: Record from CofA: Electronic Record
5. 18-Apr-2018 FILED: Motion to Correct Docket; Letter from Petitioner (Petitioner Bartlett, Pro Se)
6. 18-Apr-2018 FILED: Motion for Modification of Deadline to File Petition for Review (Petitioner Bartlett, Pro Se)
7. 24-Apr-2018 On April 18, 2018, Petitioner Bartlett, Pro Se, filed a "Motion to Correct Docket" and "Motion for Modification of Deadline to File Petition for Review."

On March 23, 2018, the Court of Appeals, Division One, forwarded a Notice of Appeal from Petitioner Bartlett and that Court's order interpreting the Notice of Appeal as a Petition for Review.

IT IS ORDERED granting the motion to correct the docket. The document filed on March 23, 2018 shall be treated as a Notice of Appeal.

IT IS FURTHER ORDERED granting a first extension of time to file the petition for review on or before June 8, 2018. 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 June 8, 2018. (Janet Johnson, Clerk)

8. 24-Apr-2018 FILED: (Duplicate) Motion for Modification of Deadline to File Petition for Review (Petitioner Bartlett, Pro Se)
9. 17-May-2018 FILED: Preparation of the Record for Appeal (Petitioner Bartlett, Pro Se)

[144490] **Case Docket as of 16-Aug-2018**

Information presented in this document may not reflect all case activity and is subject to change without notice.

**Arizona Supreme Court**

**Criminal Petition for Review - Special Action**

**CR-18-0186-PR**

**ALAN BARTLETT v HON. PINEDA/STATE**

**21 PROCEEDING ENTRIES**

10. 18-Jun-2018 FILED: Motion for Appointment of Advisory Counsel (Petitioner Bartlett, Pro Se)

11. 18-Jun-2018 FILED: Please Correct the Docket on 0610 and 0186 to reflect Marc Brnovich, Joseph T. Mazoriz, or Diane Meloche from the State AG Office is the real party intrest [sic] (Petitioner Bartlett, Pro Se)

12. 25-Jun-2018 Petitioner Bartlett, Pro Se, filed a "Motion for Appointment of Advisory Counsel" on June 18, 2018. After consideration,  
IT IS ORDERED denying the motion.  
IT IS FURTHER ORDERED granting a second extension of time to file the petition for review on or before July 9, 2018. 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 July 9, 2018. (Hon. John Pelander)

13. 25-Jun-2018 RECEIVED: Letter from Petitioner Bartlett, Pro Se, Re: Docket Corrections

14. 25-Jun-2018 FILED: Petitioner's Motion for Extension of Time Rule 11.1(d)(2), AZ.R.Civ.App.P. (Petitioner Bartlett, Pro Se)

15. 29-Jun-2018 On May 17, 2018, Petitioner Bartlett filed a motion entitled "Preparation of the Record for Appeal," asking this Court for an order directing "the preparation of the record." On June 25, 2018, in response to another motion, this Court entered an order extending the deadline for Petitioner to file a petition for review until July 9, 2018. On the same date, Petitioner filed a motion entitled "Petitioner's Motion for Extension of Time" under ARCAP 11, asking for an indefinite extension of time in which to file a petition for review pending this Court's ruling on Petitioner's May 17 motion and presumably pending "the preparation of the record" and Petitioner's use of it in preparing a petition for review. Having considered the motions,  
IT IS ORDERED denying Petitioner's motion entitled "Preparation of the Record for Appeal." Because the underlying proceeding is a special action, ARCAP 11 and 11.1 do not apply and the superior court is not required to "prepare the record" as it would in a regular civil appeal. Rather, the special action petitioner is required to submit the relevant portions of the record in an appendix accompanying the special action petition. Ariz. R.P. Spec. Act. 7(e). Hon. John Pelander  
IT IS FURTHER ORDERED denying "Petitioner's Motion for Extension of Time," but granting a third extension of time in which to file a petition for review on or before August 9, 2018. No further extensions of time will be granted absent extraordinary circumstances. This matter is subject to dismissal if the petition for review is not filed by August 9, 2018. (Hon. John Pelander)

16. 8-Aug-2018 RECEIVED: Letter from Petitioner Bartlett, Pro Se, Re: Docket Corrections

17. 9-Aug-2018 FILED: Petition for Review (Petitioner Bartlett, Pro Se)

18. 9-Aug-2018 FILED: Application for Deferral or Waiver of Court Fees or Costs and Consent to Entry of Judgement (Petitioner Bartlett, Pro Se)

19. 13-Aug-2018 RECEIVED: Postcard from Petitioner Bartlett Pro Se, Re: Request Opposing Party Briefing Schedule

20. 16-Aug-2018 SENT: Letter to Petitioner Bartlett, Pro Se, Re: Opposing Party Briefing Schedule and Copy of Docket

21. 16-Aug-2018 On August 9, 2018, Petitioner Bartlett, Pro Se filed an "Application for Deferral or Waiver of Court Fees or Costs and Consent to Entry of Judgment." The Clerk of the Court having been authorized by the Supreme Court to enter orders granting or denying requests for Deferral/Waiver of Court Fees and/or Costs,  
IT IS ORDERED denying Petitioner's Application for Deferral or Waiver of Court Fees and/or Costs and Consent to Entry of Judgment as moot. (Janet Johnson, Clerk)

# APPENDIX

## B

### Decision of the Arizona Court of Appeals

Arizona Court of Appeals order  
Filed November 10, 2018

1. November 10, 2017 order  
declining jurisdiction

2. Certified copy of the November 10,  
November 10, 2017 order

3. 1 CA-SA 17-0258 docket  
on appeal

IN THE  
COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE



DIVISION ONE  
FILED: 10/10/2017  
AMY M. WOOD,  
CLERK  
BY: JT

ALAN BARTLETT, ) Court of Appeals  
Petitioner, ) Division One  
v. ) No. 1 CA-SA 17-0258  
THE HONORABLE SUSANNA PINEDA, ) Maricopa County  
Judge of the SUPERIOR COURT OF ) Superior Court  
THE STATE OF ARIZONA, in and for ) No. CR2013-003413  
the County of MARICOPA, )  
Respondent Judge, )  
STATE OF ARIZONA, )  
Real Party in Interest. )

11/19/18 2:25pm  
FILED  
CHRIS DEROSSE, Clerk  
By F. Rivas  
F. Rivas, Deputy

**ORDER DECLINING JURISDICTION**

The court, Presiding Judge James P. Beene and Judges Randall M. Howe and Kent E. Cattani participating, has received a petition for special action related to the trial court's order of August 2, 2017, denying the motion to suppress. After consideration,

**IT IS ORDERED**, in the exercise of its discretion, the court declines to accept jurisdiction of the special action.

/S/

JAMES P. BEENE, Judge

A copy of the foregoing  
was sent to:  
Alan Michael Bartlett, T242560 (mailed)  
Erica Johnson Mandigo  
Hon Susanna C Pineda

The foregoing instrument is a full, true and correct  
copy of the original file in this office.  
ATTEST 11-19-2018  
AMY M. WOOD, CLERK OF THE COURT  
of Division One Court of Appeals,  
State of Arizona  
BY DN



## Court of Appeals

AMY M. WOOD  
CLERK OF THE COURT

STATE OF ARIZONA  
DIVISION ONE  
STATE COURTS BUILDING  
1501 WEST WASHINGTON STREET  
PHOENIX, ARIZONA 85007

Phone: (602) 452-6700  
Fax: (602) 452-3226

November 19, 2018

Chris DeRose, Clerk  
Maricopa County Superior Court  
201 West Jefferson Street  
Phoenix, Arizona 85003



DIVISION ONE  
FILED: 11/19/18  
AMY M. WOOD,  
CLERK  
BY: DN

Dear Mr. DeRose:

RE: 1 CA-SA 17-0258

BARTLETT v. HON PINEDA/STATE  
Maricopa County Superior Court  
CR2013-003413

Certified copy of ORDER declining jurisdiction of special action is included herewith in the above entitled and numbered cause.

There are no physical record items to be returned to your Court.

Any electronically filed materials will be retained by the Court of Appeals.

AMY M. WOOD, CLERK

By dtm  
Deputy Clerk

Enclosures (as noted)

C:

Alan Michael Bartlett  
Erica Johnson Mandigo  
Hon Susanna C Pineda

**Court of Appeals, Division One****Special Action****1 CA-SA 17-0258****BARTLETT v. HON PINEDA/STATE****Appellate Case Information**

Case Filed: 2-Oct-2017  
 Case Closed: 13-Nov-2017  
 Reinstated x 1: 23-Mar-2018 Jurisdiction Declined  
 Re-Closed:

**Dept/Composition****Department C**

Hon. James P Beene  
 Hon. Randall M Howe  
 Hon. Kent E Cattani

**Side 1. ALAN BARTLETT, Petitioner**

(Litigant Group) BARTLETT

- Alan Michael Bartlett PRO SE

Side 2. THE HONORABLE SUSANNA PINEDA, Judge of the SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of MARICOPA,

Respondent Judge,

STATE OF ARIZONA,

**Real Party in Interest, Respondent**

(Litigant Group) HON PINEDA

- Hon. Susanna C Pineda, Respondent Judge

(Litigant Group) STATE

- State of Arizona, Real Party in Interest

Attorney for: Real Party in Interest

Erica Johnson Mandigo, Esq. (AZ Bar No. 25302)

**CASE STATUS**

Apr 9, 2018.....Pending in ASC

Mar 23, 2018....Reinstated Case

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CR2013-003413		Susanna C Pineda, Authoring Judge of Order		

**DESCENDENT CASE(S)**

ASC CR-18-0186-PR

**CASE DECISION**

10-Oct-2017 ORDER

ORDERED: Petition for Special Action = JURISDICTION DECLINED. (Judges Beene, Howe, Cattani)

Filed: 10-Oct-2017

Mandate:

Decision Disposition

Jurisdiction Declined

James Beene.....Author

**17 PROCEEDING ENTRIES**

1. 2-Oct-2017 FILED: Notice of Special Action Appeal (Suppression) (Petitioner Pro Per)
2. 5-Oct-2017 FILED: Copy of Order re: Indigence
3. 5-Oct-2017 FILED: Order Setting Dates/petition set for am of 10/25/17 by Dept C, Judges Beene, Howe, Cattani
4. 10-Oct-2017 ORDERED: Petition for Special Action = JURISDICTION DECLINED. (Judges Beene, Howe, Cattani)
5. 13-Nov-2017 FILED: Letter, 11/13/17, Certified Copy of Order declining jurisdiction of special action. No records to be returned to clerk, Maricopa County Superior Court
6. 8-Jan-2018 FILED: Letter, 1/3/18, from Petitioner to Court re: 'Notice of Appeal' filed 10/16/17
7. 11-Jan-2018 FILED: Letter, 1/11/18, from Court to Petitioner, enclosing copy of docket
8. 23-Feb-2018 FILED: Letter, 2/19/18, from Petitioner to Court re: Status of PR
9. 7-Mar-2018 FILED: (Untitled) Motion Regarding Status of Appeal (Petitioner Pro Per)

**Court of Appeals, Division One**

**Special Action**

**1 CA-SA 17-0258**

**BARTLETT v. HON PINEDA/STATE**

**17 PROCEEDING ENTRIES**

10. 12-Mar-2018 FILED: Postcard, 3/1/18, from Petitioner to Court re: 10/16/17 Notice of Appeal
11. 13-Mar-2018 FILED: Motion to Reinstate Appealability to Supreme Court of Arizona (Petitioner Pro Per)
12. 14-Mar-2018 FILED: Request for Reinstatement of Appeal to Supreme Court of Arizona by Petition for Review (Petitioner Pro Per)
13. 15-Mar-2018 FILED: Letter, 3/15/18, from Court to Petitioner, enclosing copy of docket
14. 16-Mar-2018 ORDERED: the Clerk of Court shall mail Petitioner a copy of the October 10, 2017 order. Hon James P Beene - Author
15. 23-Mar-2018 ORDERED: Reinstating this appeal for purpose of forwarding Notice of Appeal to Arizona Supreme Court for disposition as deemed appropriate; FURTHER ORDERED: Motion to Reinstate Appealability to Supreme Court of Arizona (Petitioner Pro Per) = DENIED as moot. Hon James P Beene - Author
16. 9-Apr-2018 FILED: Email Notice from ASC re: Petition for Review filed 4/9/18; request for partial record
17. 11-Apr-2018 FILED: Letter forwarding partial record to Arizona Supreme Court

# APPENDIX

C

Decision of Judge Russell C.  
Pineda, for the Maricopa County  
Superior Court, in the State of  
Arizona

Maricopa County Superior Court  
order filed

1. Order denying motion  
to suppress

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

✓ CR2013-003413-001 DT

✓ 08/02/2017

The Court, counsel and *pro per* Defendant discuss pretrial matters.

✓ The Court having received and reviewed Defendant's *pro per* Motion to Suppress regarding a Terry Stop,

IT IS ORDERED denying the motion.

The Court having received and reviewed Defendant's *pro per* Motion to Dismiss Pre-Indictment Delay,

IT IS ORDERED denying the motion.

The Court having received Defendant's *pro per* Motion to Dismiss for Lack of Speedy Trial and State's Response,

IT IS ORDERED allowing Defendant ten (10) days to reply before the Court will make a decision.

Discussion is held regarding Defendant's *pro per* Motion to Continue.

Having considered the Motion to Continue by Defendant, the Court finds,

1. The nonmoving party or parties: Do Not Object.
2. The Arraignment date was: No Information Provided.
3. The Original last day was: No Information Provided.
4. The existing date of the trial when the motion was filed: 09/06/2017.
5. The number of continuances granted before this continuance was: No Information Provided.
6. The motion was: In writing.
7. The motion was filed at least 5 days before trial: Yes.
8. If filed untimely, the motion sets forth with specificity the reasons for its untimeliness: Does Not Apply.

Michael K. Jeanes, Clerk of Court  
\*\*\* Electronically Filed \*\*\*  
08/10/2017 8:00 AM

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2013-003413-001 DT

08/02/2017

HONORABLE SUSANNA C. PINEDA

CLERK OF THE COURT

J. Hoskins  
Deputy

STATE OF ARIZONA

ERICA JOHNSON MANDIGO

v.

ALAN M BARTLETT (001)

ALAN M BARTLETT  
T242560  
MCSO INMATE MAIL --- 00000  
NIKOLAS D FORNER

CORRECTIONAL HEALTH SERVICES  
INMATE LEGAL SERVICES  
JUDGE SAM MYERS

TRIAL CONTINUANCE PAST LAST DAY

8:45 a.m.

Courtroom SCT 7C

State's Attorney: Erica Johnson Mandigo  
Defendant's Advisory Attorney: Nikolas Forner  
Defendant: Present

Court Reporter, Jeanne Kappedal, is present.

A record of the proceedings is also made digitally.

This is the time set for a Status Conference.

CERTIFICATE

Case No. \_\_\_\_\_

ALAN MICHAEL BARTLETT

Defendant - Petitioner

vs.

ARIZONA

Plaintiff - Respondent

I certify that this paper copy is identical/  
in every way to the corresponding document  
that was mailed / delivered, submitted,  
accepted, and lodged with the Clerk  
of the Supreme Court of the United States  
in this matter.

DATED this 18<sup>th</sup> day of February, 2019.

Alan M. Bartlett

Petitioner - Pro Se