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APPENDIX A

IN THE COURT OF APPEALS
STATE OF ARIZONA
Division One

No. 1 CA-CR 22-0064 PRPC

STATE OF ARIZONA,

Respondent,

v.

JONATHAN ANDREW ARIAS,

Petitioner.

Maricopa County Superior Court No. CA1999-012663-002

Filed 09/25/2023

ORDER GRANTING REVIEW/DENY RELIEF

The court, Presiding Judge Paul J. McMurdie, Chief Judge David B. Gass, and Judge Angela K. Paton participating. On September 19, 2023, the Arizona Supreme Court vacated our memorandum decision dated September 1, 2022, and returned jurisdiction to this court to reconsider our ruling based on its recent decision in State v. Hon. Cooper/Bassett (CR-22-0227-PR) filed on September 19, 2023.

IT IS ORDERED upon reconsideration granting review and denying relief.

______/s/ David B. Gass, Chief Judge

APPENDIX B

SUPREME COURT STATE OF ARIZONA

June 3, 2024

STATE OF ARIZONA,

v

JONATHAN ANDREW ARIAS,

Arizona Supreme Court No. CR-24-0020-PR Court of Appeals, Division One No. 1 CA-CR 22-0064 PRPC Maricopa County Superior Court No. CR1999-012663-002

The following action was taken by the Supreme Court of the State of Arizona on June 3, 2024, in regard to the above-referenced cause:

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

Justice Lopez and Justice Montgomery did not participate in the determination of this matter.

APPENDIX C

IN THE COURT OF APPEALS STATE OF ARIZONA Division One

No. 1 CA-SA 22-0196

STATE OF ARIZONA ex rel. RACHEL H. MITCHELL, Maricopa County Attorney,

Petitioner,

v.

THE HONORABLE JO LYNN GENTRY, Judge of the SUPERIOR COURT OF THE STATE OF ARIZONA, in and for the County of Maricopa,

Respondent Judge,

CHRISTOPHER LEE McLEOD,

Real Party in Interest.

Maricopa County Superior Court No. CR1996-090611

Filed 10/13/2023

ORDER ACCEPTING SPECIAL ACTION JURISDICTION AND GRANTING RELIEF

The court, Presiding Judge David D. Weinzweig, Vice Chief Judge Randall M.

Howe, and Judge D. Steven Williams participating stayed this matter on November

3, 2022, pending issuance of the Arizona Supreme Court's opinion in State ex rel.

Mitchell v. Cooper, 2023 WL 6053536 (Ariz. Sept. 18, 2023). That opinion was recently

published. Therefore,

IT IS ORDERED lifting the stay entered by this court on November 3, 2022.

IT IS FURTHER ORDERED accepting jurisdiction and granting relief.

Petitioner argues that the superior court erred in granting Christopher McLeod, defendant real party in interest, an evidentiary hearing under *State v*. *Valencia*, which held that juvenile offenders were entitled to evidentiary hearings on their Ariz. R. Crim. P. 32.1(g) petitions after making colorable claims for relief based on *Miller v. Alabama*, 567 U.S. 460 (2012). 241 Ariz. 206, 210 ¶ 18 (2016).

In *State ex rel. Mitchell v. Cooper*, 2023 WL 6053536 (Ariz. Sept. 18, 2023, the Arizona Supreme Court overruled *Valencia*, reasoning that *Jones v. Mississippi*, 141 S. Ct. 1307 (2021)— which held that *Miller* did not require "a separate factual finding of permanent incorrigibility," nor an "on-the-record sentencing explanation with an implicit finding of permanent incorrigibility"— had "abrogated the premise of *Valencia's* holding." *Id.* at *10 ¶ 47 (cleaned up).

The trial court here, like the trial court in *Cooper*, had discretion in imposing McLeod's natural life sentence. Thus, McLeod's natural life sentence was not mandatory under *Miller*. As a result, McLeod is not entitled to a *Valencia* hearing and the trial court erred in granting the hearing.

Further, the trial court's understanding of the applicable law was erroneous. In granting the *Valencia* hearing, the court reasoned that *Miller* held that "a statute requiring a life without parole sentence for a juvenile convicted of murder was unconstitutional *unless* the court first made a finding that the crime was the result of irreparable corruption as opposed to transient immaturity of the juvenile." (emphasis added). The supreme court explained in *Cooper* that "Miller and

(5a)

Montgomery imposed no requirement for a court to make a separate factual finding of 'permanent incorrigibility' or provide an 'on-the-record sentencing explanation with an implicit finding of permanent incorrigibility." Id. at *8 ¶ 42. Thus, the trial court erred in granting the Valencia hearing based on an erroneous understanding of the applicable law. We vacate the trial court's ruling granting a Valencia hearing.

/s/ RANDALL M. HOWE, Vice Chief Judge

APPENDIX D

SUPREME COURT STATE OF ARIZONA

June 3, 2024

STATE OF ARIZONA,

v

HON. GENTRY/McLEOD,

Arizona Supreme Court No. CR-23-0285-PR Court of Appeals, Division One No. 1 CA-SA 22-0196 Maricopa County Superior Court No. CR1996-090611

The following action was taken by the Supreme Court of the State of Arizona on June 3, 2024, in regard to the above-referenced cause:

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

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

APPENDIX E

IN THE COURT OF APPEALS
STATE OF ARIZONA
Division One

No. 1 CA-CR 21-0537 PRPC

STATE OF ARIZONA,

Respondent,

v.

THOMAS JAMES ODOM,

Petitioner.

Maricopa County Superior Court No. CR2010-121445-001

Filed 09/25/2023

ORDER GRANTING REVIEW/DENY RELIEF

The court, Presiding Judge Paul J. McMurdie, Chief Judge David B. Gass, and Judge Kent E. Cattani participating. On September 19, 2023, the Arizona Supreme Court vacated our memorandum decision dated September 15, 2022, and returned jurisdiction to this court to reconsider our ruling based on its recent decision in State v. Hon. Cooper/Bassett (CR-22-0227-PR) filed on September 19, 2023.

IT IS ORDERED upon reconsideration granting review and denying relief.

______/s/ David B. Gass, Chief Judge

APPENDIX F

SUPREME COURT STATE OF ARIZONA

May 7, 2024

STATE OF ARIZONA,

v.

THOMAS JAMES ODOM,

Arizona Supreme Court No. CR-23-0265-PR Court of Appeals, Division One No. 1 CA-CR 21-0537 PRPC Maricopa County Superior Court No. CR2010-121445-001

The following action was taken by the Supreme Court of the State of Arizona on May 7, 2024, in regard to the above-referenced cause:

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

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

APPENDIX G

IN THE COURT OF APPEALS
STATE OF ARIZONA
Division One

No. 1 CA-CR 21-0534 PRPC

STATE OF ARIZONA,

Respondent,

v.

FELIPE PETRONE CABANAS,

Petitioner.

Maricopa County Superior Court No. CR1999-006656

Filed 12/06/2023

ORDER GRANTING REVIEW/DENY RELIEF

On September 19, 2023, the Arizona Supreme Court vacated our memorandum decision dated June 21, 2022, and returned jurisdiction to this court to reconsider our ruling based on its recent decision in State v. Hon. Cooper/Bassett (CR-22-0227-PR) filed on September 19, 2023. The parties filed simultaneous supplemental briefs on October 31, 2023. Upon reconsideration, and having reviewed the supreme court's ruling and the parties' supplemental briefs,

IT IS ORDERED granting review of the petition and denying relief.

/s/ Jennifer M. Perkins, Judge

APPENDIX H

SUPREME COURT STATE OF ARIZONA

June 3, 2024

STATE OF ARIZONA,

v

FELIPE PETRONE CABANAS,

Arizona Supreme Court No. CR-23-0331-PR
Court of Appeals, Division One No. 1 CA-CR 21-0534 PRPC
Maricopa County Superior Court No. CR1999-006656

The following action was taken by the Supreme Court of the State of Arizona on June 3, 2024, in regard to the above-referenced cause:

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

Justice Beene and Justice Montgomery did not participate in the determination of this matter.

APPENDIX I

IN THE COURT OF APPEALS
STATE OF ARIZONA
Division One

No. 1 CA-CR 21-0492 PRPC

STATE OF ARIZONA,

Respondent,

v.

CHARLES VINCENT WAGNER, JR.,

Petitioner.

Maricopa County Superior Court No. CR 1994-092394

Filed 12/20/2023

ORDER GRANTING REVIEW AND DENYING RELIEF

On September 19, 2023, the Arizona Supreme Court issued an order vacating our opinion dated May 10, 2022, and directing this court to reconsider our ruling based on its recent decision in *State ex rel. Mitchell v. Cooper*, 256 Ariz. 1 (2023). The Arizona Supreme Court has now issued its mandate revesting jurisdiction in this court.

The court, Presiding Judge Maria Elena Cruz, Judge Samuel A. Thumma, and Judge Michael J. Brown participating, has reconsidered and, having reviewed the Arizona Supreme Court's ruling, now holds that since the trial court considered Wagner's youth as a mitigating factor and was aware it could impose a sentence of

(12a)

life with no possibility of release for 25 years when it chose to sentence Wagner to natural life, and under the Arizona Supreme Court's holding in *Cooper*, Wagner's sentencing complied with *Miller v. Alabama*, 567 U.S. 460, 465 (2012). Because there has not been a significant change in the law that, if applied to Wagner's case, would probably overturn his sentence, Wagner is not entitled to relief under Arizona Criminal Rule of Procedure 32.1(g) and we must deny relief.

IT IS ORDERED granting review of the petition and denying relief.

/s/
MARIA ELENA CRUZ, Presiding Judge

APPENDIX J

SUPREME COURT STATE OF ARIZONA

June 3, 2024

STATE OF ARIZONA,

v.

CHARLES VINCENT WAGNER JR.,

Arizona Supreme Court No. CR-24-0013-PR
Court of Appeals, Division One No. 1 CA-CR 21-0492 PRPC
Maricopa County Superior Court No. CR 1994-092394

The following action was taken by the Supreme Court of the State of Arizona on June 3, 2024, in regard to the above-referenced cause:

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

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