

## **APPENDIX**

## **APPENDIX TABLE OF CONTENTS**

**APPENDIX A-1:** Order of the Arizona Supreme Court, *GORDON M MAYHEW v. STATE, et al*, No. CR-25-0198 (Aug. 19, 2025) – Denial of Petition for Review.

**APPENDIX A-2:** Order of the Arizona Court of Appeals, Division One, *GORDON M MAYHEW v. STATE OF ARIZONA; MARICOPA COUNTY ATTORNEY'S OFFICE*, No. 1 CA-SA 25-0159 (June 16, 2025) – Denial of Special Action Relief.

**APPENDIX A-3:** Order of the Superior Court of Arizona, Maricopa County, *STATE OF ARIZONA v. GORDON M MAYHEW*, No. CR2014-002075-001 DT (May 15, 2025) – Denial of Motion for Early Termination of Probation.

## **APPENDIX B: CONSTITUTIONAL AND STATUTORY PROVISIONS** *(with full texts)*

**APPENDIX B-1:** U.S. Const. Amend. I (Free Exercise of Religion clause)

**APPENDIX B-2:** U.S. Const. Amend. I (Petition for Redress of Grievances  
clause)

**APPENDIX B-3:** U.S. Const. Amend. V (Due Process)

**APPENDIX B-4:** U.S. Const. Amend. XIV (State Due Process)

**APPENDIX B-5:** U.S. Const. Art. VI (Supremacy clause)

**APPENDIX B-6:** A.R.S. § 13-901(E) (Early termination of probation)

**APPENDIX B-7:** A.R.S. § 41-1493.01 (Arizona Free Exercise of Religion Act –  
FERA)

**APPENDIX B-8:** 28 C.F.R. Pt. 38(c) (DOJ equal treatment for faith-based  
providers)

**APPENDIX B-9:** 42 C.F.R. Pt. 54a (SAMHSA charitable-choice protections)

# **APPENDIX A-1**

Order of the:  
Supreme Court, State of Arizona

Denial of PETITION FOR REVIEW OF SPECIAL ACTION  
Filed: August 19, 2025

“ORDERED: Petition for Review of Special Action = DENIED.”



# Supreme Court

STATE OF ARIZONA

ANN A. SCOTT TIMMER  
Chief Justice

ARIZONA STATE COURTS BUILDING  
1501 WEST WASHINGTON STREET, SUITE 402  
PHOENIX, ARIZONA 85007  
TELEPHONE: (602) 452-3396

AARON C. NASH  
Clerk of the Court

August 21, 2025

**RE: GORDON M. MAYHEW v STATE et al**  
Arizona Supreme Court No. CR-25-0198-PR  
Court of Appeals, Division One No. 1 CA-SA 25-0159  
Maricopa County Superior Court No. CR2014-002075-001

**GREETINGS:**

The following action was taken by the Supreme Court of the State of Arizona on August 19, 2025, in regard to the above-referenced cause:

**ORDERED: Petition for Review of Special Action = DENIED.**

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

Aaron C. Nash, Clerk

TO:  
Alice Jones  
Elisa Ramunno  
Gordon M Mayhew  
Matthew J Martin  
ar

## **APPENDIX A-2**

Order of the:  
Arizona Court of Appeals, Division One

Denial of SPECIAL ACTION  
Filed: June 16, 2025

**“ORDER DECLINING SPECIAL ACTION JURISDICTION”**



IN THE  
**COURT OF APPEALS**  
STATE OF ARIZONA  
DIVISION ONE

DIVISION ONE  
FILED: 06/16/2025  
MATTHEW J. MARTIN,  
CLERK  
BY: MVW

GORDON M MAYHEW, ) Court of Appeals  
Petitioner, ) Division One  
 ) No. 1 CA-SA 25-0159  
 )  
 v. ) Maricopa County  
 ) Superior Court  
 STATE OF ARIZONA, MARICOPA ) No. CR2014-002075-001  
 COUNTY ATTORNEY'S OFFICE, )  
 )  
 Respondents. )  
)

**ORDER DECLINING SPECIAL ACTION JURISDICTION**

The Court, Presiding Judge Jennifer M. Perkins, Judge James B. Morse Jr., and Judge D. Steven Williams, has considered the petition for special action and appendix.

**IT IS ORDERED** that the Court of Appeals, in the exercise of its discretion, declines to accept jurisdiction of this special action. See RPSA 12(a), (18)a.

/s/  
Jennifer M. Perkins, Presiding Judge

A copy of the foregoing  
was sent to:

Gordon M Mayhew  
Elisa Ramunno  
Hon Pamela Hearn Dunne

## **APPENDIX A-3**

**Order of the:  
SUPERIOR COURT OF ARIZONA, MARICOPA COUNTY**

**Denial of MOTION FOR EARLY TERMINATION OF  
PROBATION**

**Filed: May 15, 2025**

**“IT IS ORDERED denying Defendant’s motion”**

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2014-002075-001 DT

05/15/2025

HONORABLE PAMELA D. DUNNE

CLERK OF THE COURT

J. Vu  
Deputy

STATE OF ARIZONA

ELISA MARIA RAMUNNO

v.

GORDON M MAYHEW (001)

GORDON M MAYHEW  
7115 S 78TH DR  
LAVEEN AZ 85339  
KATHRYN KREJCI

APO - SPECIFIC ACTION  
JUDGE DUNNE

MINUTE ENTRY

The Court has reviewed Defendant's Motion for Early Termination of Probation Based Upon New Evidence and for Reconsideration, filed on 03/11/2025, the Memo to the Court from probation, filed on 04/17/2025, the State's Response, filed on 05/02/2025, and Defendant's Reply, filed on 05/13/2025.

The Defendant has been on lifetime probation for 10 ½ years. He applied for early termination approximately 1 year ago. In reviewing the record in the interim, little has changed. The Court shares Judge Minder's findings: "Given the struggles with treatment and probation, as well as the length and nature of the underlying offense, the Court is not willing to set aside post-treatment supervision here and fully expects that period of time to be lengthier than what is considered to be the minimum (generally understood to be two years)." See Order dated 03/26/2024. Here, it is unclear whether the treatment the Defendant received from Dr. Rice is a sufficient substitute for an APO approved sex offender treatment program. Even if it is, he only completed it a little more than a year ago, which is not sufficient time to show he has internalized treatment, and given the history of his case, the Court finds he will need longer than two years post-treatment.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2014-002075-001 DT

05/15/2025

Both probation and the State argue the Defendant has not done a recent polygraph. The Defendant argues in his Reply that he did one on 04/18/2025, the day after the APO Memo to the Court. However, it is concerning that on 02/24/2025, he was directed to schedule his maintenance polygraph, and as of 04/09/2025, he had not. See APO memo dated 04/17/2025, page 2. It is likely not coincidental that he did the maintenance polygraph one day after the APO memo recommended he not be terminated early from probation.

Of further concern is that the Defendant has not participated in an end of treatment MSI-II. His previous ABEL assessment results from 2019 were alarming, showing objective interest in females aged 5 or less, and males and females aged 6-13. Also of great concern is his treatment history. Issues arising therein, as outlined on page 4 of the APO memo. Finally, as to any possible reunification with the victim, “the APO is not able to properly address and assess the request for reunification as Mr. Mayhew did not participate in a “traditional” sex offender treatment program and *continues to deny aspects of his index offense against his daughter.*” See APO memo, page 7. Emphasis added.

The Defendant’s performance on probation does not warrant early termination of probation, and the Court finds termination would not meet the ends of justice.

For the foregoing reasons,

IT IS ORDERED denying Defendant’s motion.

# **APPENDIX B**

## CONSTITUTIONAL AND STATUTORY PROVISIONS

*(with full texts)*

## **APPENDIX B-1**

**U.S. CONST. Amend. I (Free Exercise of Religion clause)**

**Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.**

## APPENDIX B-2

### U.S. CONST. Amend. I (Petition for Redress of Grievances clause)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, **and to petition the Government for a redress of grievances.**

*(reproduced separately here because Petitioner invokes this clause independently)*

## APPENDIX B-3

### U.S. CONST. Amend. V (Due Process clause)

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, **nor be deprived of life, liberty, or property, without due process of law**; nor shall private property be taken for public use, without just compensation.

## **APPENDIX B-4**

### **U.S. CONST. Amend. XIV (State Due Process clause)**

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, **without due process of law**; nor deny to any person within its jurisdiction the equal protection of the laws.

## **APPENDIX B-5**

**U.S. CONST. Art. VI (Supremacy clause)**

**This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.**

## **APPENDIX B-6**

### **A.R.S. § 13-901(E) (Early Termination of Probation)**

"The court, on its own initiative or on application of the probationer, after notice and an opportunity to be heard for the prosecuting attorney and, on request, the victim, may terminate the period of probation or intensive probation and discharge the defendant at a time earlier than that originally imposed if in the court's opinion the ends of justice will be served and if the conduct of the defendant on probation warrants it."

## **APPENDIX B-7**

### **A.R.S. § 41-1493.01 (Arizona Free Exercise of Religion Act – FERA)**

- A. Free exercise of religion is a fundamental right that applies in this state even if laws, rules or regulations are of general applicability.**
- B. Government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability, unless the government demonstrates that application of the burden to the person is both:**
  - 1. In furtherance of a compelling governmental interest.**
  - 2. The least restrictive means of furthering that compelling governmental interest.**
- C. A person whose religious exercise is burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government.**

## APPENDIX B-8

### 28 C.F.R. Pt. 38 (DOJ Equal Treatment for Faith-Based Providers)

#### § 38.1 Purpose.

The purpose of this part is to ensure that organizations are able to compete on an equal footing for DOJ funding, without discrimination based on an organization's religious character or affiliation, and that DOJ programs are implemented in a manner consistent with the Establishment Clause and Free Exercise Clause of the U.S. Constitution.

#### § 38.2 Equal Treatment.

Faith-based organizations are eligible, on the same basis as any other organization, to participate in any DOJ program for which they are otherwise eligible. Neither DOJ nor any State or local government receiving DOJ funds shall discriminate against an organization on the basis of the organization's religious character or affiliation.

*(excerpted relevant provisions)*

## **APPENDIX B-9**

### **42 C.F.R. Pt. 54a (SAMHSA Charitable Choice Protections)**

#### **§ 54a.3 Nondiscrimination against religious organizations.**

- (a) Religious organizations are eligible, on the same basis as any other organization, to participate in SAMHSA programs for which they are otherwise eligible.
- (b) Neither the Federal Government nor a State or local government receiving funds under applicable programs shall discriminate against an organization on the basis of the organization's religious character or affiliation.

#### **§ 54a.8 Nondiscrimination against beneficiaries.**

No organization providing services funded under applicable programs shall discriminate against a beneficiary or prospective beneficiary on the basis of religion, a religious belief, or a refusal to hold a religious belief.

*(excerpted relevant provisions)*