

No. 25-_____

In the
Supreme Court of the United States

Robert Armendaris,
Petitioner,

v.

State of Arizona,
Respondent.

Motion for Leave to Proceed *In Forma Pauperis*

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MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Petitioner Robert Armendaris asks leave to file the attached Petition for a Writ of Certiorari to the Arizona Court of Appeals without prepayment of costs and to proceed *in forma pauperis* pursuant to Supreme Court Rule 39.

Mr. Armendaris was found indigent and the Office of the Maricopa County Public Defender was appointed to represent Mr. Armendaris on April 18, 2023. A copy of the order is attached. The Public Defender's Office has represented Mr. Armendaris since, including through his appeal.

Respectfully submitted,

/s/ Mikel Steinfeld
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SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2023-006577-001 DT

04/18/2023

HONORABLE RICHARD J. HINZ

CLERK OF THE COURT
T. Garbison
Deputy

STATE OF ARIZONA

JOHN EDWARD HUDSON

v.

ROBERT ARMENDARIS (001)

CCC PUBLIC DEFENDER-

COMM. COATES
COMM. HINZ
JUDGE PALMER
PSA - RELEASE & REPORTS
VICTIM WITNESS DIV-AG-CCC

NOT GUILTY ARRAIGNMENT

9:22 a.m.

Courtroom CCB LL4

State's Attorney: Lisa Parsons virtually via Teams
Defendant's Attorney: Catherine Parker-Williams
Defendant: Present

A record of the proceedings is made digitally in lieu of a court reporter.

Defendant was present for the group advisement given on the record at 8:40 a.m. this date in CCB LL4.

IT IS ORDERED appointing Public Defender's Office to represent the Defendant for all further proceedings in this case.

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Defense counsel waives formal reading of the charge(s).

IT IS ORDERED entering a Not Guilty Plea to all charges on behalf of the Defendant at this time.

As to Count(s) 1-2, for which the Court conducts an Initial Appearance this date,

IT IS ORDERED releasing the Defendant, subject to the supervision of Pretrial Services, to include and electronic monitoring.

IT IS FURTHER ORDERED the Defendant may not have contact with minors with the exception of the Defendant's minor child.

IT IS ORDERED the Defendant submit to DNA testing within five days of today at the arresting agency. Failure to comply with this order will result in the Defendant's release being revoked.

In preparation for the Initial Pretrial Conference (IPTC), the parties shall do the following:

1. The defense attorney shall conduct a conflicts check within the office to determine whether a conflict exists. If a conflict exists, counsel shall staff the conflict with the appropriate supervisor, and counsel shall file the appropriate Motion to Withdraw so new counsel can appear at the Initial Pretrial Conference.
2. Motions to Modify Release Conditions shall be heard at the Initial Pretrial Conference. Motions shall be filed with the assigned Commissioner not later than 10 days prior to the Initial Pretrial Conference.
3. If a plea agreement is extended by the State, the State shall extend the plea not later than 10 days before the Initial Pretrial Conference. Defense Counsel shall make reasonable efforts to present the plea to in custody defendants before the Initial Pretrial Conference.
4. Motion for Rule 11 Evaluations shall be heard at the Initial Pretrial Conference. Motions shall be filed with the assigned Commissioner not less than 10 days before the Initial Pretrial Conference.

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5. Defense Counsel shall prepare and file a List of Specific Items of Discovery required under Rule 15.1 (b), but which were not disclosed. See Rule 15.2(e). Such list shall be filed with the assigned Commissioner not less than 5 days before the Initial Pretrial Conference.

6. All electronic media (audio tapes, CD's, etc.) or documents which require language translation shall be submitted to the Court Interpretation and Translation Department (CITS) on or before the IPTC hearing date.

7. The Initial Pretrial Statement shall be filed with the assigned Commissioner not less than 3 days before the Initial Pretrial Conference hearing date.

ANY MOTION TO MODIFY RELEASE CONDITIONS, OR RULE 11 MOTIONS NOT FILED BEFORE THE INITIAL PRETRIAL CONFERENCE WILL BE HEARD AT THE COMPREHENSIVE PRETRIAL CONFERENCE BEFORE THE DESIGNATED MASTER CALENDAR JUDICIAL OFFICER. ALL MOTIONS SHALL BE IN WRITING WITH SPECIFIC FACTS TO SUPPORT THE MOTIONS.

This case is assigned to Judge Palmer.

Defendant having failed to provide proof of ten-print fingerprints in accordance with A.R.S. § 41-1750,

IT IS ORDERED that Defendant report to the Maricopa County Sheriff's Office for ten-print fingerprinting in accordance with A.R.S. § 41-1750 following conclusion of today's proceedings but no later than 20 calendar days from today, and bring proof of same to the next court hearing.

IT IS FURTHER ORDERED setting an Initial Pretrial Conference for 06/07/2023 at 8:15 a.m. before Commissioner Coates.

IT IS ORDERED setting a Comprehensive Pretrial Conference for 07/11/2023 at 8:30 a.m. before Judge Palmer.

IT IS ORDERED that the attorneys for both the State and Defense be prepared to provide the court with the following information at the Comprehensive Pretrial Conference (CPTC):

A. The status of plea negotiations. This includes whether or not the State has tendered an offer; if so, when it expires; the results of the settlement conference; and whether or not a Donald advisement is required.

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B. The status of disclosure by both the State and Defense. This includes what discovery has been disclosed and what discovery still needs to be disclosed. If any discovery is left undisclosed, it is required that all parties comply with Rule 15.6 and provide appropriate affidavits.

C. The number of days required for trial.

D. The number of witnesses to be used at trial, including any out-of-town witnesses. And the number of expert witnesses to be used at trial.

E. The status of interviews. This includes how many interviews have been conducted and how many are left to complete. This includes whether or not any depositions are going to be required. If depositions are required, it is ordered that the party file a motion requesting same no later than two days before the CPTC date.

F. Whether or not an interpreter is going to be required for either a witness or the defendant or both.

G. The number of jurors required for trial along with the recommended number of alternates.

H. Whether or not the State is requesting an aggravating factors trial to the jury.

I. Any special jury instructions.

J. Whether or not either party is requesting a lesser-included offense.

K. Whether or not there are any anticipated substantive motions to be filed by either party.

L. Whether or not there are any motions in limine anticipated.

IT IS FURTHER ORDERED setting a Final Trial Management Conference (FTMC) on 09/07/2023 at 8:30 a.m. before Judge Palmer.

IT IS ORDERED setting the Trial Assignment date on 09/14/2023 at 9:00 a.m. before the Master Calendar Assignment Judge. The Trial Assignment hearing is in person for all lawyers and defendants. The parties should contact the Trial Assignment division prior to the Trial Assignment date to request to appear virtually. The purpose of the hearing is to set dates for (1) the Trial Procedure Conference and (2) the jury selection date.

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All self- represented litigants shall appear in person at the trial assignment date unless otherwise ordered. All in custody defendants shall be transported unless otherwise ordered.

Should the Trial Assignment Judge approve a virtual appearance, the Assignment Judge's division will email parties instructions and a link to join the Court Connect videoconference (for more information, visit <https://superiorcourt.maricopa.gov/court-connect/>). A hearing participant can also join by telephone by dialing 917-781-4590 and entering Access Code 103 815 458#. If a virtual appearance has been approved counsel of record and defendants are ordered to appear via videoconference with their webcams enabled.

IT IS ORDERED that the Defendant shall contact and meet with his/her attorney in person no later than three weeks from this date, for the purpose of preparing for the Initial Pretrial Conference.

NOTICE TO DEFENDANTS:

Failure to comply with the above orders may result in revocation of Defendant's release from custody and/or the imposition of other sanctions.

The Defendant may be tried in his/her absence if he/she fails to appear for trial.

The Defendant is advised that, if convicted, the Defendant will be required to appear for sentencing. If the Defendant chooses not to appear, and the Defendant's absence prevents the Defendant from being sentenced within ninety days from the conviction, the Defendant may lose the right to a direct appeal.

LAST DAY: 10/15/2023.

IT IS FURTHER ORDERED affirming prior release orders.

Defendant is directed to appear at all scheduled court hearings and advised of the potential consequences should he/she fail to appear.

9:28 a.m. Matter concludes.