

SUPREME COURT OF ARIZONA

STATE OF ARIZONA,)	Arizona Supreme Court
)	No. CR-13-0282-AP
Appellee,)	
)	Maricopa County
v.)	Superior Court
)	No. CR2003-038541-001
AARON BRIAN GUNCHES,)	
)	FILED 4/5/2023
Appellant.)	
)	
_____)	

O R D E R

On March 31, 2023, Crime Victim Karen Price and Maricopa County Attorney Rachel H. Mitchell on behalf of Crime Victim Brittney Kay, filed a *Motion to Extend Warrant of Execution* requesting that this Court extend the Warrant of Execution the Court issued on March 2, 2023, stating it "shall be sufficient authority to [the Director of the Department of Corrections and the Superintendent or Warden of the State Prison], pursuant to A.R.S. § 13-759(A) and Ariz. R. Crim. P. 31.23(c)(4), for the execution of AARON BRIAN GUNCHES" on April 6, 2023.

The *Motion to Extend Warrant of Execution* requests that the Court extend the date of execution twenty-five days to May 1, 2023, pursuant to A.R.S. § 13-4437(A) and (C) and Ariz. R. Crim. P. 31.23(c).

On April 3, 2023, the Court issued an Order that the Court would consider the *Motion to Extend Warrant of Execution* following expedited briefing and set dates for simultaneous briefing by Crime Victim Karen Price and Maricopa County Attorney Rachel H. Mitchell on behalf of Crime Victim Brittney Kay, Appellee, Appellant, and any *Amicus Curiae* that wished to file an *amicus* brief, and for responses to *amicus* briefs by Crime Victim Karen Price and Maricopa County Attorney Rachel H. Mitchell on behalf of Crime Victim Brittney Kay, Appellee, and Appellant.

On April 4, 2023, prior to the deadlines imposed in the Court's April 3, 2023, order, the Court received briefs from Crime Victim Karen Price and Maricopa County Attorney Rachel H. Mitchell on behalf of Crime Victim Brittney Kay, Appellee, and Appellant. The Court also received *amicus curiae* briefs and motions to appear as *amicus curiae* from Arizona Attorneys for Criminal Justice, American Civil Liberties Union and American Civil Liberties Union of Arizona, and the Federal Public Defender for the District of Arizona. The Court also received *Crime Victims' Joint Response to Amici* filed by Crime Victim Karen Price and Maricopa County Attorney Rachel H. Mitchell on behalf of Crime Victim Brittney Kay.

Upon consideration by the Court, and GOOD CAUSE APPEARING,

IT IS ORDERED that the individual motions to appear as *amicus curiae* filed by Arizona Attorneys for Criminal Justice, American Civil Liberties Union and American Civil Liberties Union of Arizona, and the Federal Public Defender for the District of Arizona are granted. The *amicus* briefs shall be filed as of April 4, 2023.

IT IS FURTHER ORDERED that the *Motion to Extend Warrant of Execution* is denied, without prejudice to ongoing proceedings in the trial court or foreclosing future appropriate relief.

IT IS FURTHER ORDERED striking Part IV of Arizona Attorneys for Criminal Justice *amicus curiae* brief, entitled "This litigation is designed solely to generate press." This part of the brief is not a substantive argument on the motion and instead is an improper attack on the motivations and ethics of the Victim and opposing counsel. Counsel for Arizona Attorneys for Criminal Justice are admonished to review Rules of the Supreme Court of Arizona 41(b)(7), the Oath of Admission, and the State Bar of Arizona Creed of Professionalism for rules of appropriate conduct toward opposing parties and counsel.

DATED this 5th day of April 2023.

/s/

ROBERT BRUTINEL
Chief Justice

Justice John R. Lopez IV, Justice James P. Beene, and Justice William G. Montgomery are recused and did not participate in the determination of this matter.

Pursuant to Article 6, Section 3 of the Arizona Constitution, by prior order of this Court, the Honorable John Pelander, Justice (Retired) of the Arizona Supreme Court, was designated to sit on this case until it is finally determined.

TO:

Colleen Clase

Rachel H Mitchell

Nicholas Klingerman

Emily Skinner

Aaron Brian Gunches, ADOC 145371, Arizona State Prison, Florence -

Eyman Complex-Rynning

Kristin K. Mayes

Alexander W Samuels

Jeffrey L Sparks

John Pressley Todd

David J Euchner

Charlotte G Merrill

Jared G Keenan

Sambo Dul

Noah Gabrielsen

Joshua D. Bendor

Philip Casey Grove

Kevin D Heade

Brett William Johnson

Colin P Ahler

Tracy Olson

Rusty D Crandell

Linley Wilson

Jon M Sands

Cary S Sandman

Amy Armstrong

Therese Day

Jason Lewis

Alberto Rodriguez