

APPENDIX

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(2a)

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.

Tracie K. Lindeman, Clerk

(3a)

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

(6a)

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.

Tracie K. Lindeman, Clerk

(8a)

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.

Tracie K. Lindeman, Clerk

(10a)

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.

Tracie K. Lindeman, Clerk

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

(13a)

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.

Tracie K. Lindeman, Clerk