

**Chapter 1 : Supreme Court rejects appeal in "dark money" ballot disqualification " Arizona Capito**

*The Supreme Court's primary judicial duties under Article VI, Â§5 of the Arizona Constitution, are to review appeals and to provide rules of procedure for all the courts in Arizona. It is the highest court in the state of Arizona and is often called the court of last resort.*

Background[ edit ] Legal aid movement[ edit ] During the s, a movement which provided defendants with legal aid emerged from the collective efforts of various bar associations. Illinois , a case which closely foreshadowed Miranda, provided for the presence of counsel during police interrogation. This concept extended to a concern over police interrogation practices, which were considered by many[ who? Coercive interrogation tactics were known in period slang as the " third degree ". Before being presented with the form on which he was asked to write out the confession he had already given orally, he was not advised of his right to remain silent, nor was he informed that his statements during the interrogation would be used against him. He was sentenced to 20"30 years of imprisonment on each charge, with sentences to run concurrently. In affirmation, the Arizona Supreme emphasized heavily the fact that Miranda did not specifically request an attorney. The person in custody must, prior to interrogation, be clearly informed that he has the right to remain silent, and that anything he says will be used against him in court; he must be clearly informed that he has the right to consult with a lawyer and to have the lawyer with him during interrogation, and that, if he is indigent, a lawyer will be appointed to represent him. The Court also made clear what had to happen if the suspect chose to exercise his or her rights: If the individual indicates in any manner, at any time prior to or during questioning, that he wishes to remain silent, the interrogation must cease If the individual states that he wants an attorney, the interrogation must cease until an attorney is present. At that time, the individual must have an opportunity to confer with the attorney and to have him present during any subsequent questioning. Warren pointed to the existing practice of the Federal Bureau of Investigation FBI and the rules of the Uniform Code of Military Justice , both of which required notifying a suspect of his right to remain silent; the FBI warning included notice of the right to counsel. However, the dissenting justices accused the majority of overreacting to the problem of coercive interrogations, and anticipated a drastic effect. They believed that, once warned, suspects would always demand attorneys, and deny the police the ability to gain confessions. Clark argued that the Warren Court went "too far too fast". Instead, Justice Clark would use the " totality of the circumstances " test enunciated by Justice Goldberg in Haynes v. Under this test, the court would: In the absence of warnings, the burden would be on the State to prove that counsel was knowingly and intelligently waived or that in the totality of the circumstances, including the failure to give the necessary warnings, the confession was clearly voluntary. Harlan closed his remarks by quoting former Justice Robert H. White further warned of the dire consequences of the majority opinion: I have no desire whatsoever to share the responsibility for any such impact on the present criminal process. As a consequence, there will not be a gain, but a loss, in human dignity. Retrial[ edit ] Miranda was retried in after the original case against him was thrown out. This time the prosecution, instead of using the confession, introduced other evidence and called witnesses. One witness was Twila Hoffman, a woman with whom Miranda was living at the time of the offense; she testified that he had told her of committing the crime. He was stabbed to death during an argument in a bar on January 31, With no evidence against him, he was released. Richard Nixon and other conservatives denounced Miranda for undermining the efficiency of the police, and argued the ruling would contribute to an increase in crime. Nixon, upon becoming President, promised to appoint judges who would be "strict constructionists" and who would exercise judicial restraint. Since it is usually required that the suspects be asked if they understand their rights, courts have also ruled that any subsequent waiver of Miranda rights must be knowing, intelligent, and voluntary. The exceptions and developments that occurred over the years included: The Court found in Harris v. New York , U. The Court found in Rhode Island v. Innis , U. The Court found in Berkemer v. McCarty , U. The Court found in New York v. Quarles , U. In , the California Supreme Court upheld the conviction of Richard Allen Davis , finding that the public safety exception applied despite the fact that 64 days had passed from the disappearance of the girl later found to be murdered. Connelly , U. Garibay pointed out an important

matter in regards to expansion of Miranda. Garibay barely spoke English and clearly showed a lack of understanding; indeed, "the agent admitted that he had to rephrase questions when the defendant appeared confused. Garibay was missing all items that they were looking for: United States , U. At issue was whether the Miranda warnings were actually compelled by the Constitution, or were rather merely measures enacted as a matter of judicial policy. In dissent, Justice Scalia argued Miranda warnings were not constitutionally required. In the case of *Missouri v. Seibert* , U. Missouri police were deliberately withholding Miranda warnings and questioning suspects until they obtained confessions, then giving the warnings, getting waivers, and getting confessions again. Justice Souter wrote for the plurality: Thompkins persevered for almost three hours before succumbing to his interrogators. In finding a waiver on these facts, Thompkins gives us an implied waiver doctrine on steroids.

**Chapter 2 : Appeals | United States Courts**

*Arizona has two appellate courts: the court of appeals is the intermediate appellate court and the Supreme Court is the court of last resort. The court of appeals was established in as the first level of appeal up from superior court.*

The purpose of the order was to establish a procedure for early review of substantial questions in the Gila River Adjudication. Any party could petition the Arizona Supreme Court to review by interlocutory appeal any ruling of the Superior Court, and the Superior Court could certify to the Supreme Court questions deemed substantial for review. On June 27, , the Arizona Supreme Court consolidated the petitions for interlocutory review. On December 11, , the Court granted review on six issues. Each issue was argued and decided separately. The issues and their determinations are: Do the procedures for filing and service of pleadings adopted by the trial court in its Pretrial Order Number 1 comport with due process under the United States and Arizona Constitutions? In the Matter of the Rights to the Use of the Gila River March 19, - court held that the procedures for filing and service of pleadings adopted in Pretrial Order Number 1 comport with due process under the United States and Arizona Constitutions. The opinion is reported in Ariz. On June 25, , the U. What is the appropriate standard to be applied in determining the amount of water reserved for federal lands? Is non-appropriable groundwater subject to federal reserved rights? In re the General Adjudication of All Rights to Use Water in the Gila River System and Source November 19, - court held that federal reserved rights extend to groundwater to the extent groundwater is necessary to accomplish the purpose of a reservation. Do federal reserved rights holders enjoy greater protection from groundwater pumping than holders of state law rights? In re the General Adjudication of All Rights to Use Water in the Gila River System and Source November 19, - court held that holders of federal reserved water rights enjoy greater protection from groundwater pumping than do holders of state law rights to the extent that greater protection may be necessary to maintain sufficient water to accomplish the purpose of a reservation. Must claims of conflicting water use or interference with water rights be resolved as part of the general adjudication? The following are interlocutory appeals arising from orders of the Superior Court. On May 3, , the Court denied reconsideration. *San Carlos Apache Tribe v. Arizona and Phelps Dodge Corp.* *San Carlos Apache Tribe, U.* The opinion concerned appeal WCIR. The Salt River Project moved to voluntarily dismiss its cross-petition for interlocutory review.

**Chapter 3 : AZ Supreme Court**

*On Thursday, the Arizona Court of Appeals released the first decision to consider the constitutionality of LGBTQ nondiscrimination laws in the wake of the U.S. Supreme Court's ruling in.*

Where it is feasible, a syllabus headnote will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. At his bench trial*, Clark did not contest that he shot the officer or that the officer died, but relied on his own undisputed paranoid schizophrenia at the time of the incident to deny that he had the specific intent to shoot an officer or knowledge that he was doing so. Accordingly, the prosecutor offered circumstantial evidence that Clark knew the victim was a police officer and testimony indicating that Clark had previously stated he wanted to shoot police and had lured the victim to the scene to kill him. In presenting the defense case, Clark claimed mental illness, which he sought to introduce for two purposes. As to his insanity, then, Clark presented lay testimony describing his increasingly bizarre behavior over the year before the shooting. The trial court denied the motion. The second part presents an ostensibly alternative basis for recognizing a defense of insanity understood as a lack of moral capacity: Under current Arizona law, a defendant will not be adjudged insane unless he demonstrates that at the time of the crime, he was afflicted with a mental disease or defect of such severity that he did not know the criminal act was wrong. *New York, U.* The claim entails no light burden, and Clark does not carry it. Even a cursory examination of the traditional Anglo-American approaches to insanity reveals significant differences among them, with four traditional strains variously combined to yield a diversity of American standards. The alternatives are multiplied further by variations in the prescribed insanity verdict. This varied background makes clear that no particular formulation has evolved into a baseline for due process, and that the insanity rule, like the conceptualization of criminal offenses, is substantially open to state choice. In practical terms, if a defendant did not know what he was doing when he acted, he could not have known that he was performing the wrongful act charged as a crime. The Arizona appeals court acknowledged as much in this case. Clark can point to no evidence bearing on insanity that was excluded. The modern tendency is to describe the mens rea required to prove particular offenses in specific terms, as shown in the Arizona statute requiring the State to prove that in acting to kill the victim, Clark intended to kill a law enforcement officer on duty or knew that the victim was such an officer on duty. See *In re Winship, U. United States, U.* There are two points where the sanity or capacity presumption may be placed in issue. The burden a defendant raising the insanity issue must carry defines the strength of the sanity presumption. A State may, for example, place the burden of persuasion on a defendant to prove insanity as the applicable law defines it, whether by a preponderance of the evidence or to some more convincing degree. Evidence tending to show that a defendant suffers from mental disease and lacks capacity to form mens rea is relevant to rebut evidence that he did in fact form the required mens rea at the time in question. Thus, Clark claims a right to require the factfinder in this case to consider testimony about his mental illness and his incapacity directly, when weighing the persuasiveness of other evidence tending to show mens rea, which the prosecution has the burden to prove. However, the right to introduce relevant evidence can be curtailed if there is a good reason for doing so. *South Carolina, U.* And if evidence may be kept out entirely, its consideration may be subject to limitation, which Arizona claims the power to impose here. If a State is to have this authority in practice as well as in theory, it must be able to deny a defendant the opportunity to displace the sanity presumption more easily when addressing a different issue during the criminal trial. Yet just such an opportunity would be available if expert testimony of mental disease and incapacity could be considered for whatever a factfinder might think it was worth on the mens rea issue. The sanity presumption would then be only as strong as the evidence a factfinder would accept as enough to raise a reasonable doubt about mens rea; once reasonable doubt was found, acquittal would be required, and the standards established for the insanity defense would go by the boards. What counts for due process is simply that a State wishing to avoid a second avenue for exploring capacity, less stringent for a defendant, has a good reason for confining the consideration of mental

disease and incapacity evidence to the insanity defense. The controversial character of some categories of mental disease, the potential of mental-disease evidence to mislead, and the danger of according greater certainty to capacity evidence than experts claim for it give rise to risks that may reasonably be hedged by channeling the consideration of such evidence to the insanity issue on which, in States like Arizona, a defendant has the burden of persuasion. First, the diagnosis may mask vigorous debate within the psychiatric profession about the very contours of the mental disease itself. Though mental-disease evidence is certainly not condemned wholesale, the consequence of this professional ferment is a general caution in treating psychological classifications as predicates for excusing otherwise criminal conduct. Next, there is the potential of mental-disease evidence to mislead jurors when they are the factfinders through the power of this kind of evidence to suggest that a defendant suffering from a recognized mental disease lacks cognitive, moral, volitional, or other capacity, when that may not be a sound conclusion at all. The limits of the utility of a professional disease diagnosis are evident in the dispute between the two testifying experts in this case; they agree that Clark was schizophrenic, but they reach opposite conclusions on whether his mental disease left him bereft of cognitive or moral capacity. Finally, there are particular risks inherent in the opinions of the experts who supplement the mental-disease classifications with opinions on incapacity: Unlike observational evidence bearing on mens rea, capacity evidence consists of judgment, and judgment is fraught with multiple perils. Although such capacity judgments may be given in the utmost good faith, their potentially tenuous character is indicated by the candor of the defense expert in this very case. Even when an expert is confident that his understanding of the mind is reliable, judgment addressing the basic categories of capacity requires a leap from the concepts of psychology, which are devised for thinking about treatment, to the concepts of legal sanity, which are devised for thinking about criminal responsibility.

**Chapter 4 : Arizona Supreme Court - Wikipedia**

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The Criminal Division is comprised of six sections: Capital Litigation Capital Litigation handles all appellate and post-conviction proceedings involving the death-row inmates in Arizona. Those proceedings include the direct appeal to the Arizona Supreme Court and the United States Supreme Court following conviction and sentencing; state post-conviction relief proceedings in the trial court and the Arizona Supreme Court; and federal habeas proceedings in federal district court, the United States Court of Appeals for the Ninth Circuit and the United States Supreme Court. The Section also assists trial lawyers with advice, as well as research briefing in pending trial matters. The Section also represents the State in the United States District Court and the Ninth Circuit Court of Appeals when those defendants challenge their convictions and sentences in federal habeas corpus petitions. In addition to representing the State in criminal appellate litigation, the Section provides periodic legal advice to county attorneys throughout Arizona regarding criminal trial prosecutions.

Criminal Prosecutions Criminal Prosecutions consists of four units: The Fraud and Public Corruption Unit prosecutes white collar crime and fraud by individuals and organized criminal groups and organizations. The Unit typically prosecutes criminal fraud in areas such as securities, insurance, real estate, banking, taxes, government, telemarketing, computers, AHCCCS provider fraud and other areas of financial activity. The Unit also focuses on gang related crimes and handles conflict matters from other counties. The Drug Unit combats drug trafficking and money laundering organizations operating within Arizona. The Medicaid Fraud Control Unit is federally-funded and charged with investigating and prosecuting Medicaid AHCCCS fraud; fraud in the administration of the Medicaid program; and abuse, neglect or financial exploitation occurring in Medicaid facilities or committed by Medicaid providers or their employees. Annual certification is authorized by the Secretary of the U. Department of Health and Human Services. The Unit has prosecutorial authority pursuant to A. The Unit also works with multi-jurisdictional groups in southern Arizona to prosecute abuse and financial exploitation of the elderly and vulnerable adults. Its cases concentrate on ongoing criminal enterprises, mostly in the areas of illegal drugs and major fraud, but have also included other forms of organized crime, such as auto theft, prostitution and trafficking in stolen property. Virtually all of its cases allege the conduct of a criminal enterprise A. Financial Remedies is comprised of 7 attorneys, 10 investigators, 12 analysts, a property manager, paralegal and support staff. The Section attempts to identify areas of concern and implement proactive solutions, emphasizing long-term results and employing all available remedies, including coordinated regulation, civil prosecution and criminal prosecution. It attempts to identify areas of concern and implement proactive solutions. OVS provides financial and technical support to state, county and municipal law enforcement, custodial, prosecutorial, correctional agencies and courts. In addition, OVS participates in numerous collaborative efforts to provide leadership and increase awareness of the issues that crime victims face.

**Chapter 5 : Browse - Arizona Court Rules**

*Plaintiffs Appeal Arizona Supreme Court Water Decision The federal government and environmentalists are asking the Arizona Supreme Court to undo a decision they say could be detrimental to one of.*

Facts and Case Summary - Miranda v. Arizona addressed four different cases involving custodial interrogations. In each of these cases, the defendant was questioned by police officers, detectives, or a prosecuting attorney in a room in which he was cut off from the outside world. In none of these cases was the defendant given a full and effective warning of his rights at the outset of the interrogation process. In all the cases, the questioning elicited oral admissions and, in three of them, signed statements that were admitted at trial. Miranda was arrested at his home and taken in custody to a police station where he was identified by the complaining witness. He was then interrogated by two police officers for two hours, which resulted in a signed, written confession. At trial, the oral and written confessions were presented to the jury. Miranda was found guilty of kidnapping and rape and was sentenced to years imprisonment on each count. Vignera was picked up by New York police in connection with the robbery of a dress shop that had occurred three days prior. He was first taken to the 17th Detective Squad headquarters. He was then taken to the 66th Detective Squad, where he orally admitted the robbery and was placed under formal arrest. He was then taken to the 70th Precinct for detention, where he was questioned by an assistant district attorney in the presence of a hearing reporter who transcribed the questions and answers. At trial, the oral confession and the transcript were presented to the jury. Vignera was found guilty of first degree robbery and sentenced to years imprisonment. The conviction was affirmed without opinion by the Appellate Division and the Court of Appeals. Westover was arrested by local police in Kansas City as a suspect in two Kansas City robberies and taken to a local police station. Westover was interrogated the night of the arrest and the next morning by local police. Then, FBI agents continued the interrogation at the station. After two-and-a-half hours of interrogation by the FBI, Westover signed separate confessions, which had been prepared by one of the agents during the interrogation, to each of the two robberies in California. These statements were introduced at trial. The conviction was affirmed by the Court of Appeals for the Ninth Circuit. In the course of investigating a series of purse-snatch robberies in which one of the victims died of injuries inflicted by her assailant, Stewart was identified as the endorser of checks stolen in one of the robberies. Stewart was arrested at his home. Stewart was placed in a cell, and, over the next five days, was interrogated on nine different occasions. During the ninth interrogation session, Stewart stated that he had robbed the deceased, but had not meant to hurt her. At that time, police released the four other people arrested with Stewart because there was no evidence to connect any of them with the crime. Stewart was convicted of robbery and first-degree murder and sentenced to death. The Supreme Court of California reversed, holding that Stewart should have been advised of his right to remain silent and his right to counsel. By custodial interrogation, we mean questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way. June 13, Vote: Dissenting in part opinion written by Justice Clark. Miranda was once again convicted and sentenced to years in prison.

## Chapter 6 : Facts and Case Summary - Miranda v. Arizona | United States Courts

*The Arizona Supreme Court is the state supreme court of the U.S. state of Arizona. It consists of a chief justice, a vice chief justice, and five associate justices. Each justice is appointed by the governor of Arizona from a list recommended by a bipartisan commission.*

Main content Appeals The losing party in a decision by a trial court in the federal courts normally is entitled to appeal the decision to a federal court of appeals. The Process Although some cases are decided based on written briefs alone, many cases are selected for an "oral argument" before the court. Oral argument in the court of appeals is a structured discussion between the appellate lawyers and the panel of judges focusing on the legal principles in dispute. Each side is given a short time – usually about 15 minutes – to present arguments to the court. Most appeals are final. The court of appeals decision usually will be the final word in the case, unless it sends the case back to the trial court for additional proceedings, or the parties ask the U. Supreme Court to review the case. In some cases the decision may be reviewed en banc, that is, by a larger group of judges usually all of the court of appeals for the circuit. A litigant who loses in a federal court of appeals, or in the highest court of a state, may file a petition for a "writ of certiorari," which is a document asking the Supreme Court to review the case. The Supreme Court, however, does not have to grant review. The Court typically will agree to hear a case only when it involves an unusually important legal principle, or when two or more federal appellate courts have interpreted a law differently. There are also a small number of special circumstances in which the Supreme Court is required by law to hear an appeal. Different types of cases are handled differently during an appeal. Civil Case Either side may appeal the verdict. Criminal Case The defendant may appeal a guilty verdict, but the government may not appeal if a defendant is found not guilty. Either side in a criminal case may appeal with respect to the sentence that is imposed after a guilty verdict. Bankruptcy Case An appeal of a ruling by a bankruptcy judge may be taken to the district court. Several courts of appeals, however, have established a bankruptcy appellate panel consisting of three bankruptcy judges to hear appeals directly from the bankruptcy courts. In either situation, the party that loses in the initial bankruptcy appeal may then appeal to the court of appeals. Appeals are decided by panels of three judges working together. The appellant presents legal arguments to the panel, in writing, in a document called a "brief. On the other hand, the party defending against the appeal, known as the "appellee," tries in its brief to show why the trial court decision was correct, or why any error made by the trial court was not significant enough to affect the outcome of the case. Other Types of Appeals A litigant who is not satisfied with a decision made by a federal administrative agency usually may file a petition for review of the agency decision by a court of appeals. Judicial review in cases involving certain federal agencies or programs – for example, disputes over Social Security benefits – may be obtained first in a district court rather than a court of appeals.

## Chapter 7 : Miranda v. Arizona - Wikipedia

*Arizona Supreme Court Appeal In a post on its website, Alliance Defending Freedom said the Arizona Court of Appeals "brushed aside the Masterpiece Cakeshop ruling," which led the organization to.*

## Chapter 8 : View Document - Arizona Court Rules

*PHOENIX - Arizona Gov. Jan Brewer filed an appeal Wednesday with the U.S. Supreme Court to overturn a ruling that put on hold key parts of the state's immigration enforcement law. The appeal.*

## Chapter 9 : Adjudications: Interlocutory Appeals

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