

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

LC2012-000264-001 DT

05/14/2012

HONORABLE JOSEPH KREAMER

CLERK OF THE COURT
E. Aguilar
Deputy

SAMUEL V LOPEZ

JULIE S HALL

v.

JANICE K BREWER (001)
ARIZONA BOARD OF EXECUTIVE
CLEMENCY (001)
EXECUTIVE CLEMENCY SELECTION
COMMITTEE (001)
CHARLES RYAN (001)
ROBERT HALLIDAY (001)
EILEEN KLEIN (001)
JOE SCIARROTTA (001)
SCOTT SMITH (001)
OFFICE OF BOARDS & COMMISSIONS (001)
LINDA STILES (001)
STATE OF ARIZONA (001)

DENISE I YOUNG
KENT E. CATTANI
DAVID R COLE
SUSANNE B. BLOMO
CAPITAL CASE MANAGER
REMAND DESK-LCA-CCC

MINUTE ENTRY

3:30 p.m.

This is the time set for Oral Argument on Petition for Special Action.

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The Court has received and reviewed the Petitioner's Petition for Writ of Mandamus and Petition for Special Action, the State's and Real Parties in Interest's Responses and Petitioner's Replies.

For the reasons set forth on the record, the Court finds a follows:

1. The Court accepts special action jurisdiction in this matter.
2. The Court finds that under the standards set forth in McGee v Arizona State Board of Pardons and Paroles, Petitioner has established a strong likelihood of success on his claim that the Respondents failed to comply with the minimal requirements of the law, and therefore his due process rights were violated because he was not afforded a hearing in a substantial sense.
3. IT IS ORDERED, setting an Evidentiary Hearing on July 16, 2012, at 9:30 a.m. to determine whether the Arizona Board of Executive Clemency was illegally constituted because either (1) the appointed members did not "complete a four week course relating to the duties and activities of the board" and/or because a board member or members had not "demonstrated an interest in the state's correctional program." See A.R.S. § 31-401(B) and (C).

/ s / HON. JOSEPH C. KREAMER

JUDICIAL OFFICER OF THE SUPERIOR COURT