

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2009-154132-001 DT

08/12/2014

HONORABLE BRUCE R. COHEN

CLERK OF THE COURT
K. Sotello-Stevenson
Deputy

STATE OF ARIZONA

DIANE M MELOCHE

v.

GARY LYNN FOSHEE (001)

GARY LYNN FOSHEE
#271369 ASPC-YUMA CIBOLA
PO BOX 8820
SAN LUIS AZ 85349
APPEALS PUBLIC DEFENDER
CHARLES K SHELL

COURT ADMIN-CRIMINAL-PCR

**INITIATION OF RULE 32 PROCEEDING FOLLOWING TRIAL
APPOINTMENT OF COUNSEL
BRIEFING SCHEDULE SET**

The Court has received Defendant's Notice of Intent to Seek Relief Pursuant to Rule 32 Arizona Rules of Criminal Procedure filed July 19, 2014 and Notice of Post-Conviction Relief filed July 31, 2014. Defendant also requests the appointment of counsel. Pursuant to the defendant's Affidavit of Indigency, the Court finds the defendant is indigent.

IT IS ORDERED as follows:

- 1) The Office of the Public Defender is appointed to represent the defendant.
- 2) Trial counsel shall produce the defendant's entire file, including transcripts if in counsel's possession, to PCR counsel for review and copying no later than August 27, 2014.

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Trial counsel shall file a Notice of Compliance of such no later than August 27, 2014. The Notice of Compliance shall include an itemized list of what constituted "the file."

3) Appellate counsel produce the defendant's entire file, including transcripts, if in counsel's possession, to PCR counsel for review and copying no later than August 27, 2014. Appellate counsel shall file a Notice of Compliance of such no later than August 27, 2014. The Notice of Compliance shall include an itemized list of what constituted "the file."

4) A copy of all pleadings filed in this matter shall be served only upon the Rule 32 Management Unit until this matter is assigned to a judge for ruling.

5) The Petition for Post-Conviction Relief shall be filed no later than October 13, 2014.

6) The State's Response to the Petition shall be filed within 45 days after the Petition is filed.

7) The defendant may file the Reply within 15 days after the Response is filed.

8) When all pleadings have been filed, the matter will be assigned to the appropriate judicial officer to determine whether to dismiss the Petition summarily, set it for an informal conference, or set an evidentiary hearing. Rule 32.6(c), 32.7, 32.8, Arizona Rules of Criminal Procedure.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.