

NOTICE: NOT FOR PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION DOES NOT CREATE
LEGAL PRECEDENT AND MAY NOT BE CITED EXCEPT AS AUTHORIZED.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

IN RE: THE DETENTION OF RORY S. FOLEY, *Petitioner*,

v.

THE HONORABLE ANDREW KLEIN, Judge of the SUPERIOR COURT
OF THE STATE OF ARIZONA, in and for the County of MARICOPA,
Respondent Judge,

STATE OF ARIZONA, *Real Party in Interest*.

No. 1 CA-SA 14-0059
FILED 5-6-2014

Appeal from the Superior Court in Maricopa County
No. MS2014-000003
The Honorable Gerald R. Grant, Judge

JURISDICTION ACCEPTED, RELIEF DENIED

COUNSEL

Maricopa County Legal Advocate's Office, Phoenix
By Sara Xochitl Orozco
Counsel for Petitioner

Maricopa County Attorney, Phoenix
By Gerald R. Grant
Counsel for Real Party in Interest

FOLEY v. HON KLEIN/STATE
Decision of the Court

DECISION ORDER

Judge John C. Gemmill delivered the decision of the Court, in which Presiding Judge Samuel A. Thumma and Judge Randall M. Howe joined.

G E M M I L L, Judge:

¶1 Petitioner Rory S. Foley seeks special action review of the superior court's order postponing his SVP (sexually violent person) trial from June 2014 to September 2014. After consideration of the applicable statutes, case law, and record including the petition for special action, response, reply, and appendices, this court concludes that special action jurisdiction is appropriately exercised in this matter and that the superior court did not abuse its discretion in the postponement ruling. Accordingly,

¶2 **IT IS ORDERED** accepting special action jurisdiction in this matter but denying relief. It is anticipated that the superior court will make every reasonable effort to accomplish the SVP trial in September 2014, without additional delay.



Ruth A. Willingham · Clerk of the Court
FILED: MJT