

Court of Appeals, Division One

Criminal

1 CA-CR 13-0762

STATE v. ORTIZ

Appellate Case Information

Case Filed: 22-Oct-2013
Case Closed:

Dept/Composition

Department D
Hon. John C Gemmill
Hon. Donn Kessler
Hon. Diane M Johnsen

Side 1. STATE OF ARIZONA, Appellee
(Litigant Group) STATE OF ARIZONA

State of Arizona

Attorneys for: Appellee
Terry M Crist, Esq. (AZ Bar No. 28348)

Side 2. NERY EFRAIN BLAS ORTIZ, Appellant
(Litigant Group) NERY EFRAIN BLAS ORTIZ

Nery Efrain Blas Ortiz

Attorneys for: Appellant
Stephen Whelihan, Esq. (AZ Bar No. 13448)

CASE STATUS

Dec 16, 2016....Pending Closure

Table with 6 columns: PREDECESSOR CASE (S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2008-009274-001, See File, See File, William L Brotherton, Sentencing, JURY

DESCENDENT CASE (S)

ASC CR-16-0502-PR

OPEN DUE DATE

Petition for Review to ASC due Due By: Thursday, February 2, 2017 [1 extension]

Re: ORDERED: Motion for Reconsideration (Appellant) = DENIED. Hon Donn Kessler - Author

CASE DECISION

22-Nov-2016 MEMORANDUM DECISION

Donn Kessler.....Author
John Gemmill.....Concur
Diane Johnsen.....Concur

Filed: 22-Nov-2016 Mandate:
Decision Disposition
Affirmed

79 PROCEEDING ENTRIES

- 1. 22-Oct-2013 FILED: Notice of Appeal from Maricopa County Superior Court filed 10/17/13. Notification to Court Reporters dated 10/21/2013.
2. 28-Oct-2013 ORDERED: Appointing Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Transcripts due 11/25/2013 [sic]. Anthony Mackey ProTem Judge - Author
3. 1-Nov-2013 FILED: Reporter's transcript - 06/11/2013 - Jury Trial (Melody O'Donnell)
4. 18-Nov-2013 FILED: Reporter's Transcripts - 06/12/13 (Marla Arnold)
5. 19-Nov-2013 FILED: Reporter's Transcripts: 06-10-13 (Marla Arnold)
6. 21-Nov-2013 FILED: Reporter's Transcripts - 06/13/13 Trial Day 4 (Marla Arnold)
7. 22-Nov-2013 FILED: Reporter's Transcript 08/27/13-Trial Day 23 (Marla Arnold)
8. 26-Nov-2013 FILED: Courtesy Copy of Designation of Record for Appeal filed in Maricopa County Superior Court

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9. 27-Nov-2013 FILED:e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None
10. 27-Nov-2013 FILED: Additional Record on Appeal:
Exhibits: Hearing date 11/5/10 - List and # 3, 5 in manila envelope; Hearing Date 6/5/13 - List and # 11, 13, 21, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 144, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 278, 280, 300, 302, 303, 304, 309, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 347, 348, 350 in white box; Confidential Criminal History in manila envelope; Sealed Items: Medical Reports in manila envelope; Motion to Change Counsel filed 6/17/10 in manila envelope; Juror Questionnaires filed 9/4/13 in manila envelope; Juror questionnaires filed 9/4/13 in manila envelope
11. 3-Dec-2013 FILED: Reporter's Transcripts - 08/14/13 - Trial - Day 17 (Vanessa Gartner)
12. 3-Dec-2013 FILED: Reporter's Transcripts - 08/13/13 - Trial - Day 16 (Vanessa Gartner)
13. 3-Dec-2013 FILED: Reporter's Transcripts - 08/19/13 - Trial - Day 18 (Vanessa Gartner)
14. 3-Dec-2013 FILED: Reporter's Transcripts - 08/20/13 - Trial - Day 19 (Vanessa Gartner)
15. 4-Dec-2013 FILED: Reporter's Transcript-08/26/13 Day 22 (Marla Arnold)
16. 6-Dec-2013 FILED: Reporter's Transcript - 7/08/10 - Oral Argument Re: Change of Counsel (Roman)
17. 7-Dec-2013 FILED: Reporter's Transcript - 8-21-13 - Trial; Afternoon Session (Court Reporter Barbara Stockford)
18. 12-Dec-2013 FILED: Reporter's Transcript - Trial - Day 24 - 8/28/2013 by (Amy Weaver)
19. 16-Dec-2013 FILED: Reporters Transcript - 8/22/13 - Trial (Marylynn LeMoine)
20. 26-Dec-2013 ORDERED: Court Reporter Brenda J Brown due date EXTENDED from Monday, 12-02-2013 to Monday, 01-27-2014 for transcript of (AM) on 06/11/2013. Hon Michael J Brown - Author
21. 26-Dec-2013 ORDERED: Court Reporter Vanessa Gartner due dates EXTENDED to 01/27/2014 for Transcripts dated 06/24/2013, 06/25/2013, 07/01/2013, 07/02/2013, 07/03/2013, 07/08/2013, 07/09/2013, 07/22/2013, 07/24/2013, 07/29/2013, 07/30/2013, 08/21/2013, 10/01/2013. Hon Michael J Brown - Author
22. 26-Dec-2013 ORDERED: Court Reporter Helene Paustian due date EXTENDED from Monday, 12-02-2013 to Monday, 01-27-2014 for transcript of (AM) on 08/22/2013. Hon Michael J Brown - Author
23. 26-Dec-2013 ORDERED: Court Reporter Amy E Stewart due date EXTENDED from Monday, 12-02-2013 to Monday, 01-27-2014 for transcript of proceedings held on 08/22/2013. Hon Michael J Brown - Author
24. 26-Dec-2013 ORDERED: Court Reporter Hilda E Lopez due dates EXTENDED to 01/27/2014 for Transcripts dated 11/05/2010, 01/21/2011, 03/25/2011, 04/08/2011. Hon Michael J Brown - Author
25. 26-Dec-2013 ORDERED: Court Reporter Gail Ferguson due date EXTENDED from Monday, 12-02-2013 to Monday, 01-27-2014 for transcript of proceedings held on 04/01/2011. Hon Michael J Brown - Author
26. 10-Jan-2014 FILED: Reporter's Transcript - 11-5-10 - Hearing - (Hilda E. Lopez)
27. 10-Jan-2014 FILED: Reporter's Transcript - 1-21-11 - Hearing Continued - (Hilda E. Lopez)
28. 23-Jan-2014 FILED: Reporter's Transcript - 03-25-2011 - Hearing - (Hilda E. Lopez)

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29. 23-Jan-2014 FILED: Reporter's Transcript - 04-08-2011 - Hearing - (Hilda E. Lopez)
30. 24-Jan-2014 FILED: Reporter's Transcript - Jury Trial - 6/11/13 AM - (Brenda J Brown)
31. 27-Jan-2014 FILED: Reporter's Transcript - 8//22/13 - Jury Trial (Helene Paustian)
32. 10-Feb-2014 ORDERED: Court Reporter Gail Ferguson due date EXTENDED from Monday, 01-27-2014 to Wednesday, 03-12-2014 for transcript of proceedings held on 04/01/2011 or OSC 03/19/2014. Hon Michael J Brown - Author
33. 10-Feb-2014 ORDERED: Court Reporter Vanessa Gartner due dates EXTENDED to 03/12/2014 for transcripts dated 06/24/2013, 06/25/2013, 07/01/2013, 07/02/2013, 07/03/2013, 07/08/2013, 07/09/2013, 07/22/2013, 07/24/2013, 07/29/2013, 07/30/2013, 08/21/2013, 10/01/2013 or OSC 03/19/2014. Hon Michael J Brown - Author
34. 6-Mar-2014 FILED: Reporter's Transcripts - 07/30/13 - Trial - Day 15 (Vanessa Gartner)
35. 7-Mar-2014 FILED: Reporter's Transcripts - 06/24/13 - Trial - Day 5 (Vanessa Gartner)
36. 7-Mar-2014 FILED: Reporter's Transcripts - 06/25/13 - Trial - Day 6 (Vanessa Gartner)
37. 7-Mar-2014 FILED: Reporter's Transcripts - 07/01/13 - Trial - Day 7 (Vanessa Gartner)
38. 7-Mar-2014 FILED: Reporter's Transcripts - 07/02/13 - Trial - Day 8 (Vanessa Gartner)
39. 7-Mar-2014 FILED: Reporter's Transcripts - 07/03/13 - Trial - Day 9 (Vanessa Gartner)
40. 7-Mar-2014 FILED: Reporter's Transcripts - 07/08/13 - Trial - Day10 (Vanessa Gartner)
41. 7-Mar-2014 FILED: Reporter's Transcripts - 07/09/13 - Trial - Day11 (Vanessa Gartner)
42. 7-Mar-2014 FILED: Reporter's Transcripts - 10/01/13 - Sentencing (Vanessa Gartner)
43. 11-Mar-2014 FILED: Reporter's Transcripts - 07/22/13 - Trial - Day 12 (Vanessa Gartner)
44. 11-Mar-2014 FILED: Reporter's Transcripts - 07/24/13 - Trial - Day 13 (Vanessa Gartner)
45. 11-Mar-2014 FILED: Reporter's Transcripts - 07/29/13 - Trial - Day 14 (Vanessa Gartner)
46. 11-Mar-2014 FILED: Reporter's Transcripts - 08/21/13 - Trial - Day 20 (Vanessa Gartner)
47. 12-Mar-2014 FILED: Reporter's Transcripts: 04/01/2011 settlement conference (Gail Ferguson)
48. 18-Mar-2014 FILED: Notice of Completion of Record
49. 2-May-2014 FILED: Motion to Unseal Documents and Extend the Time for Filing the Opening Brief; Certificate of Service (Appellant)
50. 7-May-2014 ORDERED: Motion to Unseal Documents (Appellant) = GRANTED/ Unsealing the questionnaires and jury list, Items 267 and 268, and the psychological evaluations by Dr. Luz Mogrovejo and Dr. Jack Potts, Item No. 50 for this appeal only. FURTHER ORDERED: Extend the Time for Filing the Opening Brief = GRANTED/Due date EXTENDED from Friday, 05-02-2014 to Monday, 06-16-2014. Anthony Mackey ProTem Judge - Author
51. 24-Jun-2014 FILED: Motion to Supplement the Record and Extend the Time for Filing the Opening Brief; Certificate of Service (Appellant)
52. 30-Jun-2014 FILED: Motion to Reconstruct the Record and Extend the Time for Filing the Opening Brief; Certificate of Service (Appellant)
53. 3-Jul-2014 ORDERED: MOTION TO SUPPLEMENT THE RECORD and EXTEND THE TIME FOR FILING THE OPENING BRIEF (Appellant) = GRANTED/court reporter Vanessa Gartner file transcript held on 7/23/13 by 7/31/14. FURTHER ORDERED Clerk of Maricopa County Superior Court supplement record on appeal by forwarding certified copy of minute entry dated 7/23/13, filed on 7/30/13, fby 7/21/14. FURTHER ORDERED extending time for filing opening brief to/including 9/2/14. Anthony Mackey ProTem Judge - Author
54. 3-Jul-2014 ORDERED: MOTION TO RECONSTRUCT THE RECORD (Appellant) = GRANTED/suspending appeal to/including 8/11/14, reverting jurisdiction in superior court for purpose of permitting that court and parties to reconstruct any proceedings conducted between 7/24/13 and 7/29/13. FURTHER ORDERED superior court transmit reconstructed materials no later than 8/12/14. FURTHER ORDERED: appeal shall be automatically reinstated on 8/12/14 without further notice. Anthony Mackey ProTem Judge - Author
55. 30-Jul-2014 FILED: Reporter's Transcripts - 07/23/13 - Status Conference (PM) (Vanessa Gartner)

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56. 29-Aug-2014 FILED: Reporter's Transcripts - 07/25/13 - Evidentiary Hearing Re: Defendant's Motion in Limine (Vanessa Gartner)
57. 2-Sep-2014 FILED: Motion to Extend Time To File The Opening Brief; Certificate of Service (Appellant)
58. 3-Sep-2014 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Duplicate Copies of Transcripts Filed Directly With COA 1)
59. 4-Sep-2014 ORDERED: Motion to Extend Time To File The Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 09-02-2014 to Thursday, 10-02-2014. Anthony Mackey ProTem Judge - Author
60. 2-Oct-2014 FILED: Motion to Extend Time to File the Opening Brief; Certificate of Service (Appellant)
61. 6-Oct-2014 ORDERED: Motion to Extend Time to File the Opening Brief (Appellant) due date EXTENDED from Thursday, 10-02-2014 to Monday, 11-03-2014 or OSC 11/19/2014 (Attorney Stephen Whelihan). Anthony Mackey ProTem Judge - Author
62. 3-Nov-2014 FILED: Appellant's Opening Brief; Appellant's Certificate of Compliance with Rule 31.13 (b), ARCP; Certificate of Service (Appellant)
63. 18-Nov-2014 FILED: Notice of Appearance; Certificate of Service (Appellee)
64. 22-Dec-2014 FILED: Notice, 12/9/14, re: Attorney Stephen Whelihan moving to Maricopa Public Advocate's Office
65. 23-Dec-2014 ORDERED: Answering brief due date EXTENDED from Monday, 12-22-2014 to Wednesday, 01-21-2015. Fred Cole ProTem Judge - Author
66. 20-Jan-2015 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
67. 28-Jan-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
68. 6-Feb-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
69. 17-Feb-2015 ORDERED: Reply Brief due date EXTENDED from Tuesday, 02-17-2015 to Monday, 03-09-2015. Fred Cole ProTem Judge - Author
70. 27-Feb-2015 CLNDR: CONFERENCE, Department D, 4-7-15, COURTROOM 2.
71. 5-Mar-2015 FILED: Appellant's Reply Brief; Appellant's Certificate of Compliance; Appellant's Certificate of Service (Appellant)
72. 10-Mar-2015 FILED: Notice of Errata; Certificate of Service (Appellee)
73. 28-Jul-2015 FILED: Notice of Supplemental Authority; Certificate of Service (Appellant)
74. 22-Nov-2016 MEMORANDUM DECISION (Affirmed) Hon Donn Kessler - Author; Hon John C Gemmill - Concur; Hon Diane M Johnsen - Concur
75. 22-Nov-2016 FILED: Memorandum Decision Distribution List
76. 7-Dec-2016 FILED: Motion for Reconsideration; Certificate of Compliance; Certificate of Service (Appellant)
77. 16-Dec-2016 ORDERED: Motion for Reconsideration (Appellant) = DENIED. Hon Donn Kessler - Author
78. 19-Dec-2016 FILED: ASC Order filed 12/19/2016 re: extending time for filing Petition for Review to 02/02/2017.
79. 3-Feb-2017 FILED: ASC Order filed 02/03/2017 re: granting Appellant's motion to exceed the word count limit on the Petition for Review