

**Court of Appeals, Division One**  
**Criminal**

**1 CA-CR 13-0895**

**STATE v. MARTINSON**

<p><b>Appellate Case Information</b></p> <p>Case Filed: 13-Dec-2013</p> <p>Case Closed:</p>	<p><b>Dept/Composition</b></p> <p><b>Department D</b></p> <p>Hon. John C Gemmill Hon. Margaret H Downie Hon. Samuel A Thumma</p>
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**Side 1. STATE OF ARIZONA, Appellant/Cross-Appellee**  
(Litigant Group) STATE OF ARIZONA

- State of Arizona
- Attorneys for: Appellant/Cross-Appellee**  
Joseph T Maziarz, Esq. (AZ Bar No. 9212)  
Gerald R Grant, Esq. (AZ Bar No. 4978)

**Side 2. JEFFREY RICHARD MARTINSON, Appellee/Cross-Appellant**  
(Litigant Group) JEFFREY RICHARD MARTINSON

- Jeffrey Richard Martinson
- Co-Counsel for: Appellee/Cross-Appellant**  
Michael Terribile, Esq. (AZ Bar No. 6725)  
Treasure L VanDreumel, Esq. (AZ Bar No. 12392)

**Side 3. K.E., Crime Victim**  
(Litigant Group) K.E.

- K. E.
- Attorneys for: Crime Victim K.E.**  
Colleen Clase, Esq. (AZ Bar No. 29360)  
Paul G Cassell, Esq. (UT Bar No. 6078)

**Side 4. RICHARD MARTINSON, Crime Victim**  
(Litigant Group) RICHARD MARTINSON

- Richard Martinson
- Co-Counsel for: Crime Victim R. Martinson**  
Michael Terribile, Esq. (AZ Bar No. 6725)  
Treasure L VanDreumel, Esq. (AZ Bar No. 12392)

**CASE STATUS**

Oct 25, 2016.....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2004-124662-001			Sally Schneider Duncan, Authoring Judge of Order		
MAR CR2012-007335-001	See order filed 2/27/14				

DESCENDENT CASE(S)	
ASC CR-16-0429-PR	

**CASE DECISION**

22-Sep-2016	<b>OPINION</b>		
Margaret Downie.....	Author	Filed: 22-Sep-2016	Mandate:
John Gemmill.....	Concur	Decision Disposition	
Samuel Thumma.....	Concur	<b>Vacated</b> <b>Remanded</b>	

**232 PROCEEDING ENTRIES**

1. 13-Dec-2013 FILED: State's Notice of Appeal from Maricopa County Superior Court filed 12/06/13
2. 3-Jan-2014 FILED: Reporter's Transcripts: 11/22/2013 - Oral argument (& Release conditions) (Robin Bobbie)
3. 14-Jan-2014 FILED: Notice of Appearance; Certificate of Service (Crime Victim Eberle)

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4. 15-Jan-2014 FILED: Appellee's Objection to Victim's Notice of Appearance and Motion to Strike Same; Certificate of Service RE: Appellee's Objection to Victim's Notice of Appearance and Motion to Strike Same; Order of Appointment on Appeal (For Indigent Appellee) (Appellee/Cross Appellant)
5. 17-Jan-2014 FILED: Additional Record on Appeal:  
Exhibits: Hearing Date 8/19/09 - List and # 1, 2, 3, 4, 5, 6, 7 in manila envelope; Hearing Date 7/28/11 - List and # 2, 5, 6, 7, 8, 9, 10 in manila envelope; Hearing Date 8/5/11 - List and # 16, 18, 19, 20, 21, 22, 24, 26, 27, 30, 31, 32, 35, 36, 37, 40, 41, 42, 44, 45, 48, 49, 50, 53, 54, 55, 56, 57, 59, 61, 63, 64, 66, 69, 70, 71, 72, 75, 77, 78, 80, 81, 87, 88, 89, 91, 94, 96, 97, 98, 99, 100, 101, 103, 104, 105, 106, 107, 108, 110, 111, 112, 114, 115, 117, 121, 122, 123, 124, 125, 126, 127, 128, 134, 135, 136, 137, 138, 139, 141, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 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, 189, 190, 191, 192, 193, 194, 195, 196, 197, 18, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 212, 213, 214, 215, 216, 217, 218, 220, 221, 222, 224, 229, 233, 235, 236, 237, 238, 239, 240, 241, 244, 247, 248, 249, 261, 272, 274, 282, 284, 285, 286, 287, 288, 289, 290, 291, 292, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 321, 322, 324, 325, 333, 3334, 335, 336, 337, 338, 339, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 364, 365, 366, 367, 368, 369, 377, 378, 379, 380, 381, 382, 383, 384, 386, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 411, 412, 413, 414, 415, 418, 419, 420, 421, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 465, 466, 467, 468, 469, 470, 470.001, 471, 472, 473, 474, 475, 476, 478, 479.001, 480, 481, 482, 483, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497 in a box; Hearing Date 9/12/11 - List and # 1, 2 in manila envelope; Hearing date 1/17/12 - List and # 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, in manila envelope; Hearing date 10/3/13 - List and # 1, 2 in manila envelope; Sealed Items - CPS records in manila envelope; Minute Entry dated 8/24/07 in manila envelope; Ex Parte Motion filed 11/8/07 in manila envelope; Mitigation Memorandum filed 1/31/08 in manila envelope; Defendant's Pro Per Motion dated 1/27/08 in manila envelope; Status Report dated 5/23/08 in manila envelope; Victim's Medical Reports in manila envelope; Order Signed by the Court on 8/1/08 in manila envelope; Ex Parte Care Mitigation Status Report 1/20/09 in manila envelope; Copy of Affidavit filed 8/18/09 in manila envelope; Copies of Juvenile Records in manila envelope; Court's Copy of Victim's Medical Records in manila envelope; Email with attachments in manila envelope; emails filed 12/1/09 in manila envelope; Unredacted CPS records in manila envelope; Redacted CPS Records in manila envelope; Miscellaneous Documents in manila envelope; Redacted Baby Doe Record in manila envelope; Ex Party (sic) motion in manila envelope; Supplemental Authority in support of Ex Parte in manila envelope; Minute Entry dated 1/31/11 in manila envelope; Supplemental Authority in Support of Ex Parte Motion filed 2/2/11 in manila envelope; Ex Parte Motion to Order Funding for the Services of a Jury Selection filed 2/2/11 in manila envelope; Copy of Motion for Camera Review of Records in manila envelope; Redacted Transcript of Def's Interview in manila envelope; Juror 6's email exchanges with employer in manila envelope; Juror Question forms in manila envelope; Note from Juror #12 in manila envelope; Original Juror Question Original Public Records in manila envelope; Motion filed 4/30/12 in manila envelope; Ex Parte Motion filed 5/1/12 in manila envelope; Sealed Minute Entry filed 5/10/12 in manila envelope; Ex Parte Motion to Order funding for Services of a Jury Selection filed 5/25/12 in manila envelope
6. 21-Jan-2014 FILED: Motion for Extension of Time (Court Reporter Robin Bobbie)
7. 21-Jan-2014 FILED: e-Record on Appeal: (CR2004-124662-001)  
Instruments/Minute Entries  
Disposition Report: Item 1047 (filed 6/15/12)
8. 21-Jan-2014 FILED: Defendant's Notice of Cross-Appeal from Maricopa County Superior Court filed 12/24/13 (received with electronic record on appeal in CR2004-124662-001)
9. 22-Jan-2014 FILED: Reporter's Transcript - 07/27/11 - Trial - Day 9 (Scott A. Kindle)
10. 22-Jan-2014 FILED: Reporter's Transcript - 08/10/11 - Trial - Day 12 (Scott A. Kindle)
11. 22-Jan-2014 FILED: Reporter's Transcript - 08/18/11 - Trial - Day 15 (Scott A. Kindle)
12. 22-Jan-2014 FILED: Reporter's Transcript - 08/19/11 - Trial - Day 16 (Scott A. Kindle)
13. 22-Jan-2014 FILED: Reporter's Transcript - 08/25/11 - Trial - Day 19 (Scott A. Kindle)
14. 22-Jan-2014 FILED: Reporter's Transcript - 08/26/11 - Trial - Day 20 (Scott A. Kindle)
15. 22-Jan-2014 FILED: Reporter's Transcript - 08/31/11 - Trial - Day 22 (Scott A. Kindle)
16. 22-Jan-2014 FILED: Reporter's Transcript - 09/20/11 - Trial - Day 26 (Scott A. Kindle)
17. 22-Jan-2014 FILED: Reporter's Transcript - 09/21/11 - Trial - Day 27 (Scott A. Kindle)
18. 22-Jan-2014 FILED: Reporter's Transcript - 09/22/11 - Trial - Day 28 AM (Scott A. Kindle)
19. 22-Jan-2014 FILED: Reporter's Transcript - 09/23/11 - Trial - Day 29 AM (Scott A. Kindle)

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20. 24-Jan-2014 ORDERED: Motion for Extension of Time (Court Reporter Robin Bobbie) = GRANTED. Due date EXTENDED from Tuesday, 01-21-2014 to Monday, 02-24-2014 for transcript of proceedings held on 10/03/2013. Hon Michael J Brown - Author
21. 27-Jan-2014 FILED: Reporter's Transcript - 10/21/2011 Jury Trial - Day 42 (Robin Bobbie)
22. 27-Jan-2014 FILED: Reporter's Transcript - 10/24/2011 Jury Trial - Day 43 (Robin Bobbie)
23. 27-Jan-2014 FILED: Reporter's Transcript - 10/25/2011 Jury Trial - Day 44 (Robin Bobbie)
24. 27-Jan-2014 FILED: Reporter's Transcript - 11/01/2011 Jury Trial - Day 46 (Robin Bobbie)
25. 27-Jan-2014 FILED: Reporter's Transcripts: 10/11/2011 Jury Trial - Day 35 (Robin Bobbie)
26. 27-Jan-2014 FILED: Reporter's Transcripts: 10/13/2011 Jury Trial - Day 37 (Robin Bobbie)
27. 27-Jan-2014 FILED: Reporter's Transcripts: 10/12/2011 Jury Trial - Day 36 (Robin Bobbie)
28. 27-Jan-2014 FILED: Reporter's Transcripts: 10/14/2011 Jury Trial - Day 38 (Robin Bobbie)
29. 27-Jan-2014 FILED: Reporter's Transcripts - 09/26/2011 Jury Trial - Day 30 (Robin Bobbie)
30. 27-Jan-2014 FILED: Reporter's Transcripts - 09/27/2011 Jury Trial - Day 31 (Robin Bobbie)
31. 27-Jan-2014 FILED: Reporter's Transcripts - 09/28/2011 Jury Trial - Day 32 (Robin Bobbie)
32. 27-Jan-2014 FILED: Reporter's Transcripts - 09/30/2011 Jury Trial - Day 34 (Robin Bobbie)
33. 27-Jan-2014 FILED: Reporter's Transcripts: 10/17/2011 Jury Trial - Day 39 (Robin Bobbie)
34. 27-Jan-2014 FILED: Reporter's Transcripts: 10/18/2011 Jury Trial - Day 40 (Robin Bobbie)
35. 27-Jan-2014 FILED: Reporter's Transcripts: 10/19/2011 Jury Trial - Day 41 (Robin Bobbie)
36. 27-Jan-2014 FILED: Reporter's Transcripts: 10/20/2011 Oral Argument (Robin Bobbie)
37. 29-Jan-2014 FILED: Crime Victim's Brief in Support of Filing a Notice of Appearance and Response to Appellee's Objection; Certificate of Service; Certificate of Compliance (Crime Victim Eberle)
38. 29-Jan-2014 FILED: Appendix (to Crime Victim's Brief In Support of Filing a Notice of Appearance and Response to Appellee's Objection) (Crime Victim Eberle)
39. 29-Jan-2014 FILED: Reporter's Transcripts: 11/03/2011 Jury Trial - Day 47 (Robin Bobbie)
40. 29-Jan-2014 FILED: Reporter's Transcripts: 11/04/2011 Jury Trial - Day 48 (Robin Bobbie)
41. 29-Jan-2014 FILED: Reporter's Transcripts: 11/07/2011 Jury Trial - Day 49 (Robin Bobbie)
42. 29-Jan-2014 FILED: Reporter's Transcripts: 11/09/2011 Jury Trial - Day 51 (Robin Bobbie)
43. 29-Jan-2014 FILED: Reporter's Transcripts: 12/02/2011 Motions (Robin Bobbie)
44. 29-Jan-2014 FILED: Reporter's Transcripts: 11/21/2011 Motions (Robin Bobbie)
45. 29-Jan-2014 FILED: Reporter's Transcripts: 11/28/2011 Jury Trial - Day 54 Eligibility Phase Day 2 (Robin Bobbie)
46. 29-Jan-2014 FILED: Reporter's Transcripts: 11/29/2011 Jury Trial - Day 55 Penalty Phase - Day 1 (Robin Bobbie)
47. 29-Jan-2014 FILED: Reporter's Transcripts: 11/30/2011 Motions/Telephonic Conference (Robin Bobbie)
48. 29-Jan-2014 FILED: Reporter's Transcripts: 12/05/2011 Jury Trial - Day 56 Penalty Phase Day 2 (Robin Bobbie)
49. 29-Jan-2014 FILED: Reporter's Transcripts: 12/08/2011 Motions (Morning Session) (Robin Bobbie)
50. 29-Jan-2014 FILED: Reporter's Transcripts: 12/08/2011 (Afternoon Session) (Robin Bobbie)
51. 29-Jan-2014 FILED: Reporter's Transcripts: 12/14/2011 Telephonic Status Conference (Robin Bobbie)
52. 29-Jan-2014 FILED: Reporter's Transcripts: 11/14/2011 Jury Trial - Day 52 Verdict Phase 1 (Robin Bobbie)
53. 29-Jan-2014 FILED: 11/15/2011 Jury Trial - Day 53 Eligibility Phase (Robin Bobbie)

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54. 29-Jan-2014 FILED: Reporter's Transcripts: 11/17/2011 Motions (Robin Bobbie)
55. 29-Jan-2014 FILED: Reporter's Transcripts: 11/18/2011 Motions/Status Conference (Robin Bobbie)
56. 29-Jan-2014 FILED: Reporter's Transcripts: 12/19/2011 Jury Trial - Day 57 Penalty Phase Day 3 (Robin Bobbie)
57. 29-Jan-2014 FILED: Reporter's Transcripts: 12/20/2011 Jury Trial - Day 58 Penalty Phase Day 4 (Robin Bobbie)
58. 29-Jan-2014 FILED: Reporter's Transcripts: 12/21/2011 Jury Trial - Day 59 Penalty Phase Day 5 (Robin Bobbie)
59. 29-Jan-2014 FILED: Reporter's Transcripts: 01/17/2012 Hearing - Day 1 (Robin Bobbie)
60. 29-Jan-2014 FILED: Reporter's Transcripts: 01/19/2012 Hearing - Day 2 (Robin Bobbie)
61. 29-Jan-2014 FILED: Reporter's Transcripts: 01/23/2012 Hearing - Day 3 (Robin Bobbie)
62. 29-Jan-2014 FILED: Reporter's Transcripts: 01/25/2012 Hearing - Day 4 (Robin Bobbie)
63. 29-Jan-2014 FILED: Reporter's Transcripts: 02/07/2012 Hearing - Day 5 (Robin Bobbie)
64. 29-Jan-2014 FILED: Reporter's Transcripts: 02/08/2012 Hearing - Day 6 (Robin Bobbie)
65. 29-Jan-2014 FILED: Reporter's Transcripts: 03/26/2012 Oral Argument (Robin Bobbie)
66. 29-Jan-2014 FILED: Reporter's Transcripts: 04/12/2012 Oral Argument/Status Conference (Robin Bobbie)
67. 29-Jan-2014 FILED: Reporter's Transcripts: 05/10/2012 Status Conference (Robin Bobbie)
68. 29-Jan-2014 FILED: Reporter's Transcripts: 05/17/2012 Status Conference (Robin Bobbie)
69. 30-Jan-2014 FILED: Reporter's Transcripts: 09/19/2012 Oral Argument (Robin Bobbie)
70. 30-Jan-2014 FILED: Reporter's Transcripts: 10/03/2012 Jury Selection - Day 2 (Robin Bobbie)
71. 30-Jan-2014 FILED: Reporter's Transcripts: 10/01/2012 Oral Argument (Robin Bobbie)
72. 30-Jan-2014 FILED: Reporter's Transcripts: 07/10/2013 Status Conference (Robin Bobbie)
73. 30-Jan-2014 FILED: Reporter's Transcripts: 09/06/2013 Oral Argument (Robin Bobbie)
74. 30-Jan-2014 FILED: Reporter's Transcripts: 10/03/2013 Oral Argument (Robin Bobbie)
75. 5-Feb-2014 FILED: Appellee's Reply Re: Objection and Motion to Strike Victim's Notice of Appearance; Certificate of Service Re: Reply to Victim's Response to Appellee's Objection to Victim's Notice of Appearance (Appellee/Cross Appellant)
76. 6-Feb-2014 FILED: Reporter's Transcript - 07/29/11 - Status Conference (Scott A. Kindle)
77. 6-Feb-2014 FILED: Reporter's Transcript - 07/12/11 - Trial - Day 1 (Scott A. Kindle)
78. 6-Feb-2014 FILED: Reporter's Transcript - 07/15/11 - Oral Argument and Final Trial Management Conference (Scott A. Kindle)
79. 6-Feb-2014 FILED: Reporter's Transcript - 10/2/12 - Trial - Day 1 (Scott A. Kindle)
80. 7-Feb-2014 FILED: Reporter's Transcripts, 08/01/2011, Motions Hearing (Marylynn LeMoine)
81. 11-Feb-2014 FILED: Appellee's Request for Order Regarding Transcripts (Record on Appeal); Certificate of Service Re: Appellee's Request for Order Regarding Transcripts (Record on Appeal) (Appellee/Cross Appellant)
82. 13-Feb-2014 FILED: Reporter's Transcripts: 12/01/2011 Oral Argument/Motions (Robin Bobbie)
83. 13-Feb-2014 ORDERED: Appellee's Objection to Victim's Notice of Appearance and Motion to Strike Same (Appellee/Cross Appellant) = DENIED. Hon Michael J Brown - Author
84. 20-Feb-2014 FILED: Reporter's Transcript 11/22/2013 - Oral Argument (Robin Bobbie)
85. 20-Feb-2014 FILED: Appellee's Renewed Request for Order Regarding Transcripts (Record on Appeal); Certificate of Service re: Appellee's Renewed Request for Order Regarding Transcripts (Record on Appeal) (Appellee/Cross Appellant)
86. 20-Feb-2014 ORDERED: Appellee's Request for Order Regarding Transcripts (Record on Appeal)(Appellee/Cross Appellant) = DENIED without prejudice. Anthony Mackey ProTem Judge - Author

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87. 24-Feb-2014 FILED: Reporter's Transcripts: 07/13/11, Trial (Marylynn LeMoine)
88. 25-Feb-2014 FILED: Request to Supplement the Record on Appeal; Certificate of Service for Request to Supplement the Record on Appeal (Appellant/Cross Appellee)
89. 27-Feb-2014 ORDERED: Request to Supplement the Record on Appeal (Appellant/Cross Appellee) = GRANTED/Including in record pleadings and minute entries in Maricopa County Superior Court. FURTHER ORDERED: Record due 03/18/2014. Anthony Mackey ProTem Judge - Author
90. 27-Feb-2014 ORDERED: Appellee's Renewed Request for Order Regarding Transcripts (Record on Appeal) (Appellee/Cross Appellant) = GRANTED/Transcripts due 03/28/2014. Anthony Mackey ProTem Judge - Author
91. 28-Feb-2014 FILED: Second Request to Supplement the Record on Appeal; Certificate of Service for Second Request to Supplement the Record on Appeal (Appellant/Cross Appellee)
92. 13-Mar-2014 ORDERED: Second Request to Supplement the Record on Appeal(Appellant/Cross Appellee) = GRANTED/Transcripts due 04/14/2014. Anthony Mackey ProTem Judge - Author
93. 14-Mar-2014 AMENDED ORDER: Second Request to Supplement the Record on Appeal(Appellant/Cross Appellee) = GRANTED/Transcripts due 04/14/2014. Anthony Mackey ProTem Judge - Author
94. 17-Mar-2014 FILED: e-Record on Appeal: (CR2012-007335-001)  
Instruments/Minute Entries: Combined  
Disposition Report: None  
Exhibits: None
95. 18-Mar-2014 FILED: Reporter's Transcripts: 8/30/2011 Trial (Gail Ferguson)
96. 21-Mar-2014 FILED: Reporter's Transcript 08/15/2013 Oral Argument (Robin Bobbie)
97. 1-Apr-2014 FILED: Crime Victim Richard Martinson's Notice of Appearance; Certificate of Service Re: Crime Victim Richard Martinson's Notice of Appearance (Crime Victim)
98. 3-Apr-2014 FILED: Reporter's Transcripts: 08/09/11 Trial (Marylynn LeMoine)
99. 7-Apr-2014 FILED: Reporter's Transcripts: 08/08/11 Trial (Marylynn LeMoine)
100. 9-Apr-2014 FILED: Reporter's Transcript - 08/15/2011 Trial Day 13 (Kristen L. Brown)
101. 9-Apr-2014 FILED: Reporter's Transcript - 08/16/2011 Trial Day 14 (Kristen L. Brown)
102. 11-Apr-2014 FILED: Reporter's Transcript-07/02/13-Conference (Cindy Lineburg)
103. 11-Apr-2014 FILED: Untitled Letter from Court Reporter re: Requesting Extension of Time to File Transcripts (Laura Ashbrook)
104. 13-Apr-2014 FILED: Reporter's Transcript - 06/26/12 - Status Conference (Marmie Guimont)
105. 14-Apr-2014 FILED: Reporter's Transcript - 08/04/11 - Telephonic Status Conference (Scott A. Kindle)
106. 14-Apr-2014 FILED: Reporter's Transcript - 08/11/11 - Telephonic Status Conference (Scott A. Kindle)
107. 14-Apr-2014 FILED: Reporter's Transcript - 09/06/11 - Oral Argument (Scott A. Kindle)
108. 14-Apr-2014 FILED: Reporter's Transcript - 07/12/11 - Trial - Day 1 - Including Voir Dire (Scott A. Kindle)
109. 14-Apr-2014 FILED: Reporter's Transcript - 07/18/11 - Trial - Day 3 (Scott A. Kindle)
110. 16-Apr-2014 FILED: Reporter's Transcript - 07/25/11 - Trial - Day 8 (Scott A. Kindle)
111. 16-Apr-2014 FILED: Reporter's Transcript - 07/27/11 - Trial - Day 9 Voir Dire (Scott A. Kindle)
112. 17-Apr-2014 FILED: Reporter's Transcripts - 07/22/11 Trial Day 7 (Scott A. Kindle)
113. 17-Apr-2014 FILED: Reporter's Transcript - 07/22/11 - Trial - Day 7 (Scott A. Kindle) (Duplicate)

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114. 17-Apr-2014 ORDERED: Untitled Letter from Court Reporter re: Requesting Extension of Time to File Transcripts (Laura Ashbrook) = GRANTED. Due dates EXTENDED to 05/19/2014 for Transcripts dated 09/13/2011, 09/14/2011, 09/15/2011. Hon Michael J Brown - Author
115. 21-Apr-2014 FILED: Reporter's Transcripts: June 7, 2012 - Status Conference (Robin Bobbie)
116. 21-Apr-2014 ORDERED: Court Reporter Miguel A Benitez due date EXTENDED from Friday, 03-28-2014 to Wednesday, 05-21-2014 for transcript of hearing and OA proceedings on 07/28/2011. Hon Michael J Brown - Author
117. 21-Apr-2014 ORDERED: Court Reporter Robin Bobbie due date EXTENDED from Friday, 03-28-2014 to Wednesday, 05-21-2014 for transcript of proceedings held on 06/07/2012. Hon Michael J Brown - Author
118. 21-Apr-2014 ORDERED: Court Reporter Terry Masciola due dates EXTENDED to 05/21/2014 for Transcripts dated 08/19/2009, 08/20/2009. Hon Michael J Brown - Author
119. 21-Apr-2014 ORDERED: Court Reporter Scott Kindle due date EXTENDED from Monday, 04-14-2014 to Wednesday, 05-21-2014 for transcripts dated 07/19/2011, 07/27/2011. Hon Michael J Brown - Author
120. 21-Apr-2014 ORDERED: Court Reporter Janell E Rose due dates EXTENDED to 05/21/2014 for Transcripts dated 07/20/2011, 07/21/2011, 11/02/2011. Hon Michael J Brown - Author
121. 21-Apr-2014 ORDERED: Court Reporter Elva C Lauer due date EXTENDED from Monday, 04-14-2014 to Wednesday, 05-21-2014 for transcript of 2:22 p.m. on 07/27/2011. Hon Michael J Brown - Author
122. 21-Apr-2014 ORDERED: Court Reporter Carrie L Newman due dates EXTENDED to 05/21/2014 for Transcripts dated 08/22/2011, 08/23/2011, 08/24/2011. Hon Michael J Brown - Author
123. 21-Apr-2014 ORDERED: Court Reporter Brenda J Brown due date EXTENDED from Monday, 04-14-2014 to Wednesday, 05-21-2014 for transcript of proceedings held on 09/12/2011. Hon Michael J Brown - Author
124. 21-Apr-2014 ORDERED: Court Reporter Lisa H Vitoff due dates EXTENDED to 05/21/2014 for Transcripts dated 10/26/2011, 10/27/2011, 10/31/2011. Hon Michael J Brown - Author
125. 22-Apr-2014 FILED: Appellee's Third Request to Supplement Record; Certificate of Service Re: Appellee's Third Request to Supplement Record (Appellee/Cross Appellant)
126. 22-Apr-2014 FILED: Reporter's Transcript - 07/28/11 - Motion to Suppress (Miguel Benitez)
127. 26-Apr-2014 FILED: Reporter's Transcript - 8-22-11 - Hearing - (Carrie Newman)
128. 26-Apr-2014 FILED: Reporter's Transcript 8-23-11 - Jury Trial Day 17 (Carrie Newman)
129. 26-Apr-2014 FILED: Reporter's Transcript 8-24-11 - Jury Trial Day 18 (Carrie Newman)
130. 29-Apr-2014 FILED: Untitled - Request for Extension of Time to File Transcripts (Court Reporter Brenda J. Brown)
131. 30-Apr-2014 FILED: Reporter's Transcript - 07/19/11 - Trial - Day 4 (Scott A. Kindle)
132. 30-Apr-2014 ORDERED: Untitled - Request for Extension of Time to File Transcripts (Court Reporter Brenda J. Brown) = GRANTED. Due date EXTENDED from Wednesday, 05-21-2014 to Tuesday, 06-17-2014 for transcript of proceedings held on 09/12/2011 or OSC 06/18/2014. Hon Michael J Brown - Author
133. 1-May-2014 ORDERED: Appellee's Third Request to Supplement Record (Appellee/Cross Appellant) = GRANTED/Transcripts due 05/30/2014. Anthony Mackey ProTem Judge - Author
134. 9-May-2014 FILED: Reporter's Transcript-9/13/11-Evidentiary Hearing- (Laura Ashbrook)
135. 9-May-2014 FILED: Reporter's Transcript-9/14/11-Jury Trial- (Laura Ashbrook)
136. 9-May-2014 FILED: Reporter's Transcript-9/15/11-Jury Trial- (Laura Ashbrook)

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137. 16-May-2014 FILED: Reporter's transcript of Proceedings-07/27/2011-status conference-(Elva Cruz-Lauer)
138. 29-May-2014 FILED: Reporter's transcript - 9/22/11 PM Trial (Scott Coniam)
139. 2-Jun-2014 FILED: Reporter's Transcript of Proceedings: Trial - 07/20/2011 (Janell Rose)
140. 6-Jun-2014 ORDERED: Terry Masciola transcript due dates EXTENDED to 07/07/2014 for Transcripts dated 08/19/2009, 08/20/2009. FURTHER ORDERED: If transcripts not filed by date above, Terry Masciola is to appear before this court on Wednesday, 7/9/14 at 2:30 pm, Dept. E, to show cause why sanctions should not be imposed. Hon Michael J Brown - Author
141. 6-Jun-2014 ORDERED: Court Reporter Janell Rose transcripts held on 7/21/11, 11/2/11 due Dates EXTENDED to 07/07/2014. FURTHER ORDERED: If transcripts not filed by date above, Janell Rose is to appear before this court on Wednesday, 7/9/14 at 2:30 pm, Dept. E, to show cause why sanctions should not be imposed. Hon Michael J Brown - Author
142. 16-Jun-2014 FILED: Reporter's Transcript - 09-12-2011 - Motions - (Brenda J Brown)
143. 17-Jun-2014 ORDERED: Court Reporter Cindy Benner transcript held on 9/23/11 due date EXTENDED from Friday, 05-30-2014 to Thursday, 07-17-2014. Hon Michael J Brown - Author
144. 20-Jun-2014 FILED: Reporter's Transcripts: 08/20/2009 Evidentiary Hearing (Terry Masciola)
145. 20-Jun-2014 FILED: Reporter's Transcripts: 08/19/2009 Evidentiary Hearing (Terry Masciola)
146. 1-Jul-2014 ORDERED: Court Reporter Lisa Vitoff transcripts held on 10/26/11, 10/27/11, 10/31/11 due dates EXTENDED from Wednesday, 05-21-2014 to Thursday, 07-31-2014. FURTHER ORDERED: If transcripts not filed by date above, Lisa Vitoff is to appear before this court on Wednesday, 8/6/14 at 2:30 pm, Dept. E, to show cause why sanctions should not be imposed. Hon Michael J Brown - Author
147. 7-Jul-2014 FILED: Reporter's Transcript of trial proceedings: 07/21/2011 Trial (Janell Rose)
148. 7-Jul-2014 FILED: Reporter's Transcript of trial proceedings: 11/02/2011 Telephonic Conference (Janell Rose)
149. 22-Jul-2014 FILED: Reporter's Transcripts: 09/23/2011 PM trial (Cindy Benner)
150. 23-Jul-2014 FILED: Request to Supplement the Record on Appeal; Certificate of Service for Request to Supplement the Record on Appeal (Appellant/Cross Appellee)
151. 24-Jul-2014 FILED: Supplemental Request for Additional Transcript; Certificate of Service for Supplemental Request for Additional Transcript (Appellant/Cross Appellee)
152. 25-Jul-2014 FILED: Reporter's Transcript--Arguments in PM--- 9/12/11 (Renee Mobley)
153. 31-Jul-2014 ORDERED: Request to Supplement the Record On Appeal and Supplemental Request for Additional Transcript (Appellant/Cross Appellee) = GRANTED/directing court reporter Scott Kindle to file transcripts held on 10/20/09, 11/16/09 and 7/11/11 by 8/28/14. FURTHER ORDERED court reporter Sally Stearman file transcript held on 10/29/09 by 8/28/14. FURTHER ORDERED directing court reporter Cindy Benner to file transcript held on 9/23/11 (P.M. session), by 8/28/14. FURTHER ORDERED court reporter Renee Mobley file transcript held on 9/12/11 (P.M. session), by 8/28/14. FURTHER ORDERED court reporter Robin Bobbie file transcripts held on 8/6/12 and 9/6/12 by 8/28/14. FURTHER ORDERED court reporter Carrie Newman file transcript held on 9/18/12 by 8/28/14. Anthony Mackey ProTem Judge - Author
154. 1-Aug-2014 FILED: Reporter's Transcript--Arguments in PM--- 9/12/11 (Renee Mobley)
155. 1-Aug-2014 FILED: Reporters Transcript (09/12/11 [Renee A Mobley])
156. 5-Aug-2014 ORDERED: court reporter Lisa Vitoff transcript Due Dates EXTENDED to 08/19/2014 for Transcripts dated 10/26/2011, 10/27/2011, 10/31/2011. FURTHER ORDERED if transcripts not filed by 8/19/14, by 12:00pm, monetary sanction be imposed in amount of \$25 per day beginning 8/19/14. FURTHER ORDERED: If transcripts not filed by date above, Lisa Vitoff is to appear before this court on Wednesday, 8/20/14 at 2:30 pm, Dept. E, to show cause why sanctions should not be imposed. Hon Michael J Brown - Author
157. 15-Aug-2014 FILED: Reporter's Transcripts: 10/26/2011 Trial Day 45 (Melissa Gonsalves)
158. 15-Aug-2014 FILED: Reporter's Transcripts: 10/27/2011 Oral Argument (Melissa Gonsalves)
159. 18-Aug-2014 FILED: Reporter's Transcripts: Hearing 10/31/2011 (Lisa Vitoff)

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160. 22-Aug-2014 FILED: Reporter's Transcript - 10/20/09 - Capital Case Management Conference (Scott A. Kindle)
161. 22-Aug-2014 FILED: Reporter's Transcript - 11/16/09 - Capital Case Management Conference (Scott A. Kindle)
162. 27-Aug-2014 FILED: Reporter's Transcript - 09/23/11 - Trial (Cindy Benner)
163. 28-Aug-2014 FILED: Reporter's Transcript - 08/06/2012 - Oral Argument (Robin Bobbie)
164. 28-Aug-2014 FILED: Reporter's Transcript - 09/06/2012 - Oral Argument (Robin Bobbie)
165. 28-Aug-2014 FILED: Reporter's Transcript - 10/29/09 (Sally Stearman)
166. 28-Aug-2014 FILED: Reporter's Transcript - 07/11/11 - Oral Argument (Scott A. Kindle)
167. 17-Sep-2014 ORDERED: Court Reporter Carrie L Newman due date EXTENDED from Thursday, 08-28-2014 to Friday, 10-17-2014 for proceedings held on 09/18/2012.
168. 15-Oct-2014 FILED: Request for Preparation of Additional Transcript; Certificate of Service for Request for Preparation of Additional Transcript (Appellant/Cross Appellee)
169. 22-Oct-2014 FILED: Appellee's Request to Supplement Record; Certificate of Service for Appellee's Request to Supplement Record (Appellee/Cross Appellant)
170. 28-Oct-2014 FILED: Appellee's Request to Supplement Record; Certificate of Service (Appellee/Cross Appellant)
171. 28-Oct-2014 ORDERED: directing court reporter Scott Coniam to file transcript of proceedings held on 08/30/2011 no later than 11/26/2014. FURTHER ORDERED directing court reporter Carrie Newman to file transcript of proceedings held on 09/18/2012 no later than 11/26/2014 or OSC 12/03/2014. Anthony Mackey ProTem Judge - Author
172. 6-Nov-2014 FILED: Reporter's Transcript 9/18/12 Oral Argument (Carrie Newman)
173. 12-Nov-2014 FILED: Reporter's Transcript 8 30 11 - PM Trial (Scott Coniam)
174. 19-Nov-2014 FILED: Notice of Completion of Record
175. 24-Nov-2014 FILED: Motion to Vacate Notice of Completion of Record and Request to Supplement the Record; Certificate of Service for Motion to Vacate Notice of Completion of Record and Request to Supplement the Record (Appellant/Cross Appellee)
176. 2-Dec-2014 ORDERED: Request to Supplement the Record(Appellant/Cross Appellee) = GRANTED/Transcript due 12/26/2014. FURTHER ORDERED: Opening Brief due date EXTENDED to 02/05/2015. Anthony Mackey ProTem Judge - Author
177. 25-Dec-2014 FILED: Reporter's Transcripts: reporters transcript-10-27-11-oral argument (Lisa Vitoff)
178. 22-Jan-2015 ORDERED: Appellee/Cross-Appellant's Opening Brief due date EXTENDED from Thursday, 02-05-2015 to Monday, 03-09-2015 Fred Cole ProTem Judge - Author
179. 4-Feb-2015 ORDERED: Appellant/Cross Appellee's Opening Brief due date EXTENDED to 03/09/2015. Fred Cole ProTem Judge - Author
180. 20-Feb-2015 FILED: Joint Motion to Extend the Time for Filing the Opening Briefs; Certificate of Service for Joint Motion to Extend the Time for Filing the Opening Briefs
181. 24-Feb-2015 ORDERED: Joint Motion to Extend the Time for Filing the Opening Briefs = GRANTED. Due dates EXTENDED from Monday, 03-09-2015 to Wednesday, 04-08-2015. Anthony Mackey ProTem Judge - Author
182. 30-Mar-2015 FILED: Second Joint Motion to Extend the Time for Filing the Opening Briefs; Certificate of Service for Second Joint Motion to Extend the Time for Filing the Opening Briefs
183. 1-Apr-2015 ORDERED: Second Joint Motion to Extend the Time for Filing the Opening Briefs; Certificate of Service for Second Joint Motion to Extend the Time for Filing the Opening Briefs = GRANTED. Both due dates EXTENDED from Wednesday, 04-08-2015 to Friday, 05-08-2015. Anthony Mackey ProTem Judge - Author
184. 8-May-2015 FILED: Appellant's Opening Brief; Certificate of Compliance for Appellant's Opening Brief; Certificate of Service for Appellant's Opening Brief (Appellant/Cross Appellee)

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185. 8-May-2015 FILED: Cross Appellant Martinson's Opening Brief; Cross Appellant Martinson's Certificate of Compliance RE Opening Brief on Cross Appeal; Cross Appellant Martinson's Certificate of Service RE Opening Brief; Order of Appointment of Appellate Counsel for Appellee/Cross Appellee Martinson (Appellee/Cross Appellant)
186. 9-May-2015 FILED: Crime Victims Brief Pursuant to A.R.S. 13-4437(A); Certificate of Compliance - Crime Victim's Brief Pursuant to A.R.S 13-4437 (A); Certificate of Service Crime Victim's Brief Pursuant to ARS 13-4437 (A); Appendix (Crime Victim Eberle)
187. 9-May-2015 FILED: Notice of Filing - Crime Victim's Brief Pursuant to A.R.S 13-4437 (A); Certificate of Service - Notice of Filing Crime Victim's Brief Pursuant to A.R.S 13-4437 (A) (Crime Victim Eberle)
188. 8-Jun-2015 ORDERED: Appellant/Cross-Appellee's answering brief due date extended to/including 07/22/2015. FURTHER ORDERED: Appellee/Cross-Appellant's answering brief due date extended to/including 07/22/2015. Fred Cole ProTem Judge - Author
189. 14-Jul-2015 FILED: Joint Motion to Extend the Time for Filing the Answering Briefs; Certificate of Service for Joint Motion to Extend the Time for Filing the Answering Briefs
190. 16-Jul-2015 ORDERED: Joint Motion to Extend the Time for Filing the Answering Briefs = GRANTED. Due date EXTENDED from Wednesday, 07-22-2015 to Friday, 08-21-2015, Due date EXTENDED from Wednesday, 07-22-2015 to Friday, 08-21-2015. Anthony Mackey ProTem Judge - Author
191. 4-Aug-2015 FILED: Joint Motion re: Permissible Word Limit; Certificate of Service (Appellee/Cross Appellant)
192. 10-Aug-2015 ORDERED: Joint Motion re: Permissible Word Limit (Appellee/Cross Appellant) = DENIED. Hon Lawrence F Winthrop - Author
193. 12-Aug-2015 FILED: Appellee's Objection and Request for Reconsideration; Certificate of Service (Appellee/Cross Appellant)
194. 17-Aug-2015 FILED: Second Joint Motion to Extend the Time for Filing the Answering Briefs; Certificate of Service for Second Joint Motion to Extend the Time for Filing the Answering Briefs
195. 19-Aug-2015 ORDERED: Second Joint Motion to Extend the Time for Filing the Answering Briefs = GRANTED/Appellant's/cross-Appellee's Answering Brief and Appellee/cross-Appellant's Motion Due Date Extended From Friday, 08-21-2015 to Monday, 09-21-2015. Anthony Mackey ProTem Judge - Author
196. 20-Aug-2015 ORDERED: Appellee's Objection and Request for Reconsideration (Appellee/Cross Appellant) = GRANTED/Granting the motion in part and permitting appellee/cross appellant to file an answering brief not to exceed 20,000 words. Hon Lawrence F Winthrop - Author
197. 21-Sep-2015 FILED: Appellee Martinson's Answering Brief; Appellee Martinson's Certificate of Compliance re: Answering Brief; Appellee Martinson's Certificate of Service re: Answering Brief, Appendix, Certificate of Compliance (Appellee/Cross Appellant)
198. 21-Sep-2015 FILED: Appellee's Appendix to Answering Brief (Appellee/Cross Appellant)
199. 21-Sep-2015 FILED: Appellee Martinson's Answering Brief to Opening Brief Filed by Former Victim Eberle and Motion to Strike Eberle's Notice of Appearance and Opening Brief; Appellee Martinson's Certificate of Compliance re: Answering Brief to Opening Brief filed by Former Victim Eberle; Certificate of Service re: Appellee Martinson's Answering Brief to Former Victim Eberle's Opening Brief and Certificate of Compliance (Appellee/Cross Appellant)
200. 21-Sep-2015 FILED: Cross-Appellee's Answering Brief; Certificate of Compliance for Cross-Appellee's Answering Brief; Certificate of Service for Cross-Appellee's Answering Brief (Appellant/Cross Appellee)
201. 30-Sep-2015 ORDERED: Appellant's/Cross-Appellee's Reply Brief due date EXTENDED from Monday, 10-19-2015 to Monday, 11-09-2015. Fred Cole ProTem Judge - Author
202. 6-Oct-2015 ORDERED: Appellee/Cross Appellant's cross-appeal reply brief due date EXTENDED to Monday, 11-09-2015. Fred Cole ProTem Judge - Author
203. 14-Oct-2015 FILED: Crime Victim's Request for an Extension of Time to File Reply Brief; Certificate of Service (Crime Victim Eberle)

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204. 19-Oct-2015 ORDERED: Crime Victim's Request for an Extension of Time to File Reply Brief (Crime Victim Eberle) = GRANTED. Due date EXTENDED from Monday, 10-19-2015 to Thursday, 11-19-2015. Fred Cole ProTem Judge - Author
205. 26-Oct-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
206. 5-Nov-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Re: CR2012-007335-001)
207. 5-Nov-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Re: CR2004-124662-001)
208. 9-Nov-2015 FILED: Cross Appellant Martinson's Request to Exceed Word Count Re: Reply Brief; Cross Appellant Martinson's Certificate of Service Re: Request to Exceed Word Count (Reply Brief) (Appellee/Cross-Appellant)
209. 9-Nov-2015 FILED: Cross Appellant Martinson's Request for Oral Argument; Cross Appellant Martinson's Certificate of Service Re: Request for Oral Argument on Cross Appeal (Appellee/Cross-Appellant)
210. 9-Nov-2015 FILED: Appellee Martinson's Request for Oral Argument; Appellee Martinson's Certificate of Service Re: Request for Oral Argument on Sate's Appeal (Appellee/Cross-Appellant)
211. 9-Nov-2015 FILED: Cross Appellant Martinson's Reply Brief; Cross Appellant Martinson's Certificate of Compliance Re: Reply; Cross Appellant Martinson's Certificate of Service Re: Reply Brief (Appellee/Cross-Appellant)
212. 9-Nov-2015 FILED: Appellant's Reply Brief; Certificate of Compliance for Appellant's Reply Brief; Certificate of Service for Appellant's Reply Brief (Appellant/Cross Appellee)
213. 16-Nov-2015 ORDERED: Cross Appellant Martinson's Request to Exceed Word Count Re: Reply Brief (Reply Brief) (Appellee/Cross-Appellant) = GRANTED/Directing the court to file the tendered brief. Anthony Mackey ProTem Judge - Author
214. 18-Nov-2015 FILED: Crime Victim's Request for Extension of Time to File Reply Brief and Request for Expedited Ruling; Certificate of Service on Request for Extension of Time and Expedited Ruling (Crime Victim Eberle)
215. 18-Nov-2015 ORDERED: Crime Victim's Request for Extension of Time to File Reply Brief and Request for Expedited Ruling (Crime Victim Eberle) = GRANTED. Due date EXTENDED from Monday, 11-19-2015 to Tuesday, 11-24-2015. Anthony Mackey ProTem Judge - Author
216. 24-Nov-2015 FILED: Crime Victim's Reply Brief to Appellee Martinson's Answering Brief To Victim's Brief and Motion to Strike Victim's Notice of Appearance And Opening Brief; Certificate of Compliance; Certificate of Service (Crime Victim Eberle)
217. 27-Nov-2015 FILED: Martinson's Request for Oral Argument Re: Crime Victim Eberle's Briefing; Martinson's Certificate of Service Re: Request for Oral Argument Re: Briefs filed by Ms. Eberle (Appellee/Cross Appellant)
218. 17-Dec-2015 FILED: Availability of Crime Victim's Counsel for Oral Argument; Certificate of Service Availability of Crime Victim's Counsel for Oral Argument (Crime Victim)
219. 29-Feb-2016 CLNDR: CONFERENCE, Department D, 4-27-16, COURTROOM 2.
220. 24-Mar-2016 ORDERED: Granting the request for Oral Argument. Argument will be heard 4/27/16 in Courtroom 2 at 2:00 pm. FURTHER ORDERED: Appellant/Cross-Appellee and Crime Victim are granted 30 minutes of arguing time to be divided as they see fit. Appellee/Cross-Appellant is granted 30 minutes. Hon Andrew W Gould - Author
221. 28-Mar-2016 FILED: Return Receipt Re Oral Argument, signed by Gerald Grant, on 3/24/16 (Appellant/Cross-Appellee)
222. 18-Apr-2016 FILED: Receipt of Notice of Oral Argument, signed by Paul Cassell on 03/24/2016; Certificate of Service - Crime Victim's Return Receipt (Crime Victim Eberle)
223. 19-Apr-2016 FILED: Receipt of Notice of Oral Argument, signed by Treasure Van Dreumel on 03/24/2016; Certificate of Service: Return Receipt for Notice of Oral Argument (Appellee)
224. 27-Apr-2016 FILED: Sign-in Sheet/Case is Under Advisement (Dept D)
225. 8-Aug-2016 FILED: Memorandum: Judge Thumma for Judge Gould (Chief Judge Brown)
226. 22-Sep-2016 OPINION (Vacated, Remanded) Hon Margaret H Downie - Author; Hon John C Gemmill - Concur; Hon Samuel A Thumma - Concur
227. 22-Sep-2016 FILED: Opinion Distribution List
228. 25-Oct-2016 FILED: Email Notice from ASC re: Petition for Review filed 10/25/16; request for partial record

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| 229. | 26-Oct-2016 | FILED: Letter forwarding partial record to Arizona Supreme Court   |
| 230. | 27-Oct-2016 | FILED: ASC Order filed 10/27/2016 re: denying Appellee/Cross Appellant's request to exceed the 3,500 word count stated in Rule 31.19(c). FURTHER ORDERED: Appellee/Cross Appellant may file a Petition for Review that does not exceed 4,500 words no later than 11/25/2016. |
| 231. | 31-Oct-2016 | FILED: Email Notice from ASC re: Petition for Review filed 10/31/16; request for partial record  |
| 232. | 31-Oct-2016 | FILED: Letter forwarding partial record to Arizona Supreme Court   |