

Court of Appeals, Division One
Criminal - Anders Appeal

1 CA-CR 14-0520

STATE v. LOMELI

Appellate Case Information

Case Filed: 27-Jul-2014
Case Closed:

Dept/Composition

Department E
Hon. Patricia K Norris
Hon. Patricia A Orozco
Hon. Kent E Cattani

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

- State of Arizona

Attorneys for: Appellee

Michael O'Toole, Esq. (AZ Bar No. 19555)

Side 2. DAMIAN JOSE LOMELI, Appellant
(Litigant Group) DAMIAN JOSE LOMELI

- Damian Jose Lomeli

Attorneys for: Appellant

Eduardo H Coronado, Esq. (AZ Bar No. 22397)
Kai M Henderson, Esq. (AZ Bar No. 30395)

CASE STATUS

Nov 15, 2016....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
NAV S0900CR201300371	See File	See File	Ralph E Hatch, Sentencing	JURY	
NAV S0900CR201300609			Ralph E Hatch, Sentencing		

2 OPEN DUE DATES

Petition for Review to ASC due **Due By:** Tuesday, December 20, 2016

Re: MEMORANDUM DECISION (Affirmed in Part, Vacated in Part) Hon Kent E Cattani - Author; Hon Patricia K Norris - Concur; Hon Patricia A Orozco - Concur (Motion for reconsideration extended thirty days from date of this decision.)

Motion for Reconsideration Due **Due By:** Monday, January 9, 2017

Re: MEMORANDUM DECISION (Affirmed in Part, Vacated in Part) Hon Kent E Cattani - Author; Hon Patricia K Norris - Concur; Hon Patricia A Orozco - Concur (Motion for reconsideration extended thirty days from date of this decision.) [1 extension]

CASE DECISION

15-Nov-2016 MEMORANDUM DECISION

Kent Cattani.....Author
Patricia Norris.....Concur
Patricia Orozco.....Concur

Filed: **15-Nov-2016** Mandate:

Decision Disposition

Affirmed in Part
Vacated in Part

43 PROCEEDING ENTRIES

- 27-Jul-2014 FILED: Notice of Appeal from Navajo County Superior Court filed 06/24/14.
- 27-Jul-2014 FILED: e-Record on Appeal: (S0900CR2013-00609)
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None
- 10-Aug-2014 FILED: e-Record on Appeal: (S0900CR2013-00371)
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None

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4. 12-Sep-2014 ORDERED: Court Reporter Josie M Roper transcript due Dates EXTENDED to 10/14/2014 for for proceedings held on 03/12/2014, 03/13/2014, 03/14/2014, 03/17/2014, 03/19/2014, 06/03/2014. Hon Michael J Brown - Author
5. 14-Oct-2014 FILED: Reporters Transcript (03/12/14, 03/13/14, 03/14/14, 03/17/14, 03/19/14, 06/03/14) [Josie M Roper]
6. 27-Oct-2014 FILED: Notice of Completion of Record
7. 27-Oct-2014 FILED: Motion for Extension of Time to File Appellant's Opening Brief; Certificate of Service (Appellant)
8. 29-Oct-2014 ORDERED: Motion for Extension of Time to File Appellant's Opening Brief (Appellant)= GRANTED. Opening brief due date extended to 01/12/2015. Anthony Mackey ProTem Judge - Author
9. 20-Nov-2014 FILED: Appellant's Motion for an Order RE: Transcript; Certificate of Service (Appellant)
10. 25-Nov-2014 ORDERED: Appellant's Motion for an Order RE: Transcript; (Appellant) = GRANTED/Transcript due 12/24/2014. FURTHER ORDERED: Opening Brief due date EXTENDED to 01/23/2015. Anthony Mackey ProTem Judge - Author
11. 17-Dec-2014 FILED: Reporters Transcript (06/23/14 [Kelly Palmer])
12. 9-Jan-2015 FILED: Motion for Extension of Time to File Appellant's Opening Brief; Certificate of Service (Appellant)
13. 12-Jan-2015 ORDERED: Motion for Extension of Time to File Appellant's Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 01-23-2015 to Monday, 02-23-2015 or OSC 03/04/15. Anthony Mackey ProTem Judge - Author
14. 23-Feb-2015 FILED: Anders Part I; Certificate of Compliance; Certificate of Service (Appellant)
15. 23-Feb-2015 FILED: Anders Brief Part II; Certificate of Compliance; Certificate of Service (Appellant)
16. 23-Feb-2015 FILED: Motion to Allow Appellant to File Supplemental Brief in Pro Per & Extend Time to File Brief; Certificate of Service (Appellant)
17. 23-Feb-2015 FILED: Letter, 2/23/15, to appellant from counsel re: forwarding record on appeal
18. 24-Feb-2015 FILED: Letter, 2/23/15, to appellant from counsel re: forwarding record on appeal (duplicate)
19. 24-Feb-2015 ORDERED: Allowing appellant to file supplemental brief in propria persona; FURTHER ORDERED: Counsel to send copy of record to appellant, and copy of transmittal letter to Clerk/AG; FURTHER ORDERED: Appellant may raise additional points on/before 4/6/15; FURTHER ORDERED: Answering brief to await court order. Anthony Mackey ProTem Judge - Author
20. 8-Apr-2015 FILED: Motion for Extension of Time to File Supplemental Brief in Propria Persona (Exceptional Circumstances) (Appellant, Pro Per)
21. 9-Apr-2015 ORDERED: Motion for Extension of Time to File Supplemental Brief in Propria Persona (Exceptional Circumstances) (Appellant, Pro Per) = GRANTED. Due date EXTENDED from Monday, 04-06-2015 to Monday, 05-11-2015. Anthony Mackey ProTem Judge - Author
22. 11-May-2015 FILED: Motion for Extension of Time to File Supplemental Brief in Propria Pesona [SIC] (Exceptional Circumstances) (Appellant Pro Per)
23. 14-May-2015 ORDERED: Motion for Extension of Time to File Supplemental Brief in Propria Pesona [SIC] (Exceptional Circumstances) (Appellant Pro Per) = GRANTED. Due date EXTENDED from Monday, 05-11-2015 to Friday, 06-15-2015. Anthony Mackey ProTem Judge - Author
24. 11-Jun-2015 FILED: Motion for Extension of Time to File Supplemental Brief in Propria Persona (Exceptional Circumstances) (Appellant, Pro Per)
25. 24-Jun-2015 FILED: Assigning Anders appeal to Dept E for consideration and disposition. [Ruth Willingham, Clerk]
26. 24-Jun-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
27. 24-Jun-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
28. 8-Jul-2015 FILED: Appellant's Supplemental Brief in Propria Persona (Appellant, Pro Per)

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29. 3-Aug-2015 FILED: Additional Record on Appeal (S0900CR201300371)
Amended Index of Record
Exhibits:
States Exhibits - # 1 7 (Two CD's)
30. 27-Jun-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
31. 2-Aug-2016 ORDERED: Counsel for Appellant and counsel for Appellee shall by 08/29/2016, simultaneously file briefs. Hon Kent E Cattani
Judge - Author
32. 8-Aug-2016 FILED: Motion to Extend Time to File Supplemental Brief; Certificate of Service (Appellant)
33. 8-Aug-2016 FILED: Notice of Appearance; Certificate of Service (Appellee)
34. 9-Aug-2016 ORDERED: Motion to Extend Time to File Supplemental Brief (Appellant) = GRANTED/Due date EXTENDED from Monday,
08-29-2016 to Wednesday, 09-28-2016. Hon Kent E Cattani Judge - Author
35. 27-Sep-2016 FILED: Appellant's Penson Brief; Appellant's Certificate of Service (Appellant)
36. 28-Sep-2016 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
37. 13-Oct-2016 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
38. 18-Oct-2016 FILED: Notice of Errata; Certificate of Service (Appellee)
39. 14-Nov-2016 ORDERED: Motion for Extension of Time to File Supplemental Brief in Propria Persona (Exceptional Circumstances) (Appellant,
Pro Per) = GRANTED/Accepting Appellant's Supplemental Brief in Propria Persona as filed. Hon Kent E Cattani - Author
40. 15-Nov-2016 MEMORANDUM DECISION (Affirmed in Part, Vacated in Part) Hon Kent E Cattani - Author; Hon Patricia K Norris - Concur; Hon
Patricia A Orozco - Concur (Motion for reconsideration extended thirty days from date of this decision.)
41. 15-Nov-2016 FILED: Memorandum Decision Distribution List
42. 15-Dec-2016 FILED: Request for Extension of Time to File his Motion for Reconsideration (Appellant)
43. 19-Dec-2016 ORDERED: Request for Extension of Time to File his Motion for Reconsideration (Appellant) = GRANTED/Due date EXTENDED
from Tuesday, 12-20-2016 to Monday, 01-09-2017. Hon Kent E Cattani - Author