

Court of Appeals, Division One

Criminal

1 CA-CR 14-0596

STATE v. COPE

Appellate Case Information

Case Filed: 4-Sep-2014
Case Closed:

Dept/Composition

Department D
Hon. Andrew W. Gould
Hon. Peter B Swann
Hon. Patricia A Orozco

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Eric Knobloch, Esq. (AZ Bar No. 30269)

Side 2. JULIE LYNN COPE, Appellant

(Litigant Group) JULIE LYNN COPE

- Julie Lynn Cope

Attorneys for: Appellant

Michael J Dew, Esq. (AZ Bar No. 4543)

CASE STATUS

Dec 30, 2016....Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2012-153989-001, Pamela Hearn Svoboda, Judge on PC.

OPEN DUE DATE

Petition for Review to ASC due

Due By:

Friday, February 3, 2017

Re: OPINION (Affirmed in Part, Vacated in Part) Hon Patricia A Orozco - Author; Hon Andrew W Gould - Concur; Hon Peter B Swann - Concur

CASE DECISION

30-Dec-2016 OPINION

Patricia Orozco.....Author
Andrew Gould.....Concur
Peter Swann.....Concur

Filed: 30-Dec-2016 Mandate:

Decision Disposition

Affirmed in Part
Vacated in Part

57 PROCEEDING ENTRIES

- 1. 4-Sep-2014 FILED: Notice of Appeal from Maricopa County Superior Court filed 08/08/14. Notification to Court Reporters dated 09/03/2014.
2. 10-Sep-2014 ORDERED: Appointing public defender/transcripts due 09/22/2014. Anthony Mackey ProTem Judge - Author
3. 22-Sep-2014 FILED: Courtesy Copy of Designation of Record for Appeal Filed in Superior Court (Appellant)
4. 23-Sep-2014 FILED: Motion for Extension of Time to File Transcripts (Yvonne M. De La Torre)
5. 25-Sep-2014 ORDERED: Motion for Extension of Time to File Transcripts (Yvonne M. De La Torre) due Dates EXTENDED to 10/27/2014 for proceedings held on 05/21/2014, 05/22/2014, 05/27/2014, 05/28/2014, 08/08/2014. Hon Michael J Brown - Author
6. 29-Sep-2014 ORDERED: Court reporter Elva Cruz-Lauer transcript for proceedings held on 05/28/2014 due on/before 10/29/2014. Hon Michael J Brown - Author
7. 29-Sep-2014 ORDERED: Court reporter Lori Thielmann transcript for proceedings held on 03/25/2014 due on/before 10/29/2014. Hon Michael J Brown - Author

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8. 29-Sep-2014 ORDERED: Ken Crenshaw transcript for proceedings held on 07/29/2013 due on/before 10/29/2014. Hon Michael J Brown - Author
9. 29-Sep-2014 ORDERED: Court reporter Kimberly D McAndrews transcript for proceedings held on 01/31/2013 due on/before 10/29/2014. Hon Michael J Brown - Author
10. 9-Oct-2014 FILED: Additional Record on Appeal
Exhibits:
Hearing Date: 05/22/2014 LIST 9 10 11 12 13 14 15 16 In a Manila Envelope
Hearing Date: 08/08/2014 LIST 1 2 3 4 6 In a Manila Envelope
Confidential Criminal History Addendum in Sealed Manila Envelope
11. 10-Oct-2014 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None
12. 22-Oct-2014 FILED: Reporter's Transcript - 07/29/13 - Continuance (Janice Penfield)
13. 28-Oct-2014 FILED: Reporter's Transcripts: FTMC, 03/25/2014, AM, (Lori Thielmann)
14. 29-Oct-2014 FILED: Motion for Extension of time to file transcripts (Yvonne M. De La Torre)
15. 7-Nov-2014 ORDERED: Court reporter Elva C Lauer due date EXTENDED from Wednesday, 10-29-2014 to Monday, 12-08-2014 for transcript of proceedings hold on 05/28/2014. Hon Michael J Brown - Author
16. 7-Nov-2014 ORDERED: Court reporter Kimberly McAndrews due date EXTENDED from Wednesday, 10-29-2014 to Monday, 12-08-2014 for Transcript of proceedings held on 01/31/2013 or OSC 12/17/2014. Hon Michael J Brown - Author
17. 7-Nov-2014 ORDERED: Motion for Extension of time to file transcripts (Yvonne M. De La Torre) = GRANTED. Due Dates EXTENDED to 12/08/2014 for Transcripts of proceedings held on 05/21/2014, 05/22/2014, 05/27/2014, 05/28/2014, 08/08/2014 or OSC 12/17/2014. Hon Michael J Brown - Author
18. 17-Nov-2014 FILED: Reporter's Transcript 05/27/14 Trial-Day 2 (Yvonne M. De La Torre)
19. 17-Nov-2014 FILED: Reporter's Transcript 05/28/14 Trial-Day 3 a.m. (Yvonne M. De La torre)
20. 26-Nov-2014 FILED: Reporter's Transcript 08/08/14 Sentence (Y. De La Torre)
21. 26-Nov-2014 FILED: Reporter's Transcript 05/22/14 Trial-Day 1 (Y. De La Torre)
22. 26-Nov-2014 FILED: Reporter's Transcript 05/21/14 Evidentiary Hearing (Y. De La Torre)
23. 10-Dec-2014 FILED: Reporter's Transcript - 05/28/14 - Aggravation Phase/Verdict (Elva Cruz-Lauer)
24. 3-Apr-2015 ORDERED: Court Reporter Kimberly McAndrews shall appear for OSC hearing on 04/15/2015. FURTHER ORDERED: Because of McAndrews past, she shall give Superior Court Administrator Lori Dennison, all of her stenographic notes and all proceedings originating in the Maricopa County Superior Court that may be required to be filed with this court for new matters due by 04/15/2015. FURTHER ORDERED: If McAndrews fails to comply, the court may find her in cotempt, impose monetary sanctions or take other action as the court deems proper to accomplish the filing of the January 31,2013 transcript. Hon Michael J Brown - Author
25. 17-Apr-2015 FILED: Returned US Mail, Order w/OSC dated 04/03/15, addressed to Kimberly D McAndrews, undeliverable.
26. 20-Apr-2015 ORDERED: Staying this appeal to/including 6/04/2015 and revesting jurisdiction in the Maricopa County Superior Court. FURTHER ORDERED: Superior Court findings due 6/05/2015. FURTHER ORDERED: Case will be automatically reinstated 6/05/2015. FURTHER ORDERED: Opening Brief due date EXTENDED to 07/06/2015 {sic}.(See Amended Order dated 04/22/2015) Anthony Mackey ProTem Judge - Author

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27. 22-Apr-2015 AMENDED ORDER: Staying this appeal to/including 06/04/2015 and revesting jurisdiction in the Maricopa County Superior Court. FURTHER ORDERED: Superior Court findings due 06/05/2015. FURTHER ORDERED: This appeal shall be automatically reinstated 06/05/2015.(See Order dated 04/20/2015) Anthony Mackey ProTem Judge - Author
28. 27-Apr-2015 FILED: Letter from Mohave County Sheriff's Office Re: Unable to Serve 04/03/15 Court Order on Kimberly McAndrews
29. 1-May-2015 FILED: Returned US Mail, Order Remand dated 04/20/2015, addressed to Kimberly D McAndrews, Insufficient Address
30. 4-May-2015 FILED: Returned US Mail, Amended Order Remand dated 04/22/2015, addressed to Kimberly D McAndrews, Insufficient Address
31. 12-May-2015 FILED: Response to Court's Order Re: Amended Order Remand; Certificate of Service (Appellant)
32. 29-May-2015 FILED: Reporter's Transcript - 01/31/2013 - Settlement Conference/Not Guilty Arraignment (Jovanna Roman)
33. 2-Jun-2015 FILED: Notice of Completion of Record
34. 4-Jun-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes copies of transcripts dated 3/25/14, 1/31/13)
35. 10-Jun-2015 FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
36. 16-Jun-2015 ORDERED: Motion to Withdraw and Substitute New Counsel(Appellant) = GRANTED. FURTHER ORDERED: Appointing Michael Dew as counsel for appellant. FURTHER ORDERED: Maricopa County Public Defender forward all files to newly appointed counsel. FURTHER ORDERED: Motion to Extend Opening Brief Due Date (Appellant) = GRANTED. Due date EXTENDED from Friday, 07-17-2015 to Thursday, 07-30-2015 Fred Cole ProTem Judge - Author
37. 29-Jul-2015 ORDERED: Opening Brief due date EXTENDED from Thursday, 07-30-2015 to Monday, 08-31-2015. Fred Cole ProTem Judge - Author
38. 20-Aug-2015 FILED: Opening Brief; Compliance; Service; Motion for Leave to File Brief in Propria Persona (Appellant) (Appellant) (STRIKINEN per order dated 02/04/16)
39. 21-Aug-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 09/30/15; FURTHER ORDERED: Answering brief to await court order. Anthony Mackey ProTem Judge - Author
40. 26-Aug-2015 FILED: Letter, dated 08/26/2015, to Appellant from Counsel re: Forwarding records on appeal
41. 16-Oct-2015 FILED: Assigning Anders appeal to Dept E for consideration and disposition. [Ruth Willingham, Clerk]
42. 16-Oct-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
43. 26-Oct-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
44. 9-Dec-2015 ORDERED: The State and defendant file simultaneous supplemental briefs addressing issues outlined in the Order. FURTHER ORDERED: The supplemental briefs be filed on or before 01/06/16. The briefs shall not exceed fifteen pages in length, excluding tables of contents and authorities, certificates of mailing and compliance, and appendices. No further briefs shall be filed absent written order of this Court. Hon Margaret H Downie - Author
45. 22-Dec-2015 FILED: Notice of Appearance; Certificate of Service (Appellee)
46. 6-Jan-2016 FILED: Appellant's Supplemental Brief; Certificate of Compliance; Certificate of Service (Appellant)
47. 6-Jan-2016 FILED: Simultaneous Supplemental Brief; Certificate of Compliance; Certificate of Service (Appellee)
48. 4-Feb-2016 ORDERED: Amending the title of the February 4, 2016, order to read: Order Vacating Anders Assignment. Ruth Willingham - Author

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49. 4-Feb-2016 ORDERED: Striking Appellant's Opening Brief. FURTHER ORDERED: Directing Appellant's counsel to file a new Opening Brief setting forth any non-frivolous issues, including the issues discussed above, no later than 60 days after this order is filed with the Clerk of the Court. FURTHER ORDERED: Vacating the assignment of this case to Department E for disposition as an Anders appeal, and directing the Clerk of the Court to assign the appeal for disposition in the regular course of calendaring criminal appeals. Hon Margaret H Downie - Author
50. 28-Mar-2016 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
51. 13-May-2016 ORDERED: Answering Brief due date EXTENDED from Thursday, 05-12-2016 to Monday, 06-13-2016. Fred Cole ProTem Judge - Author
52. 10-Jun-2016 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
53. 27-Jun-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
54. 6-Jul-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
55. 28-Oct-2016 CLNDR: CONFERENCE, Department D, 12-7-16, COURTROOM 2.
56. 30-Dec-2016 OPINION (Affirmed in Part, Vacated in Part) Hon Patricia A Orozco - Author; Hon Andrew W Gould - Concur; Hon Peter B Swann - Concur
57. 30-Dec-2016 FILED: Opinion Distribution List