

**Court of Appeals, Division One**

**Criminal**

**1 CA-CR 14-0840**

**STATE v. TREVINO**

**Appellate Case Information**

Case Filed: 17-Dec-2014  
Case Closed:

**Dept/Composition**

**Department C**  
Hon. Kenton D Jones  
Hon. Peter B Swann  
Hon. Samuel A Thumma

**Side 1. STATE OF ARIZONA, Appellee**

(Litigant Group) STATE OF ARIZONA

- State of Arizona

**Attorney for: Appellee**

Linley Wilson, Esq. (AZ Bar No. 27040)

**Side 2. DAVID MARTIN TREVINO, Appellant**

(Litigant Group) DAVID MARTIN TREVINO

- David Martin Trevino

**Attorney for: Appellant**

Jeffrey L Force, Esq. (AZ Bar No. 18778)

**CASE STATUS**

Oct 7, 2016.....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2013-429965-001	Kidnapping, Class 2; Sexual Conduct with a Minor, Class 2	Life without possibility of parole for 35 calendar years, 14 years from release in Count 2	Robert E Miles, Sentencing	JURY	

**DESCENDENT CASE(S)**

ASC CR-16-0338-PR

**CASE DECISION**

**04-Aug-2016 MEMORANDUM DECISION**

Samuel Thumma.....Author  
Kenton Jones.....Concur  
Peter Swann.....Concur

Filed: **04-Aug-2016** Mandate:

Decision Disposition
<b>Affirmed</b>

**50 PROCEEDING ENTRIES**

- 17-Dec-2014 FILED: Pro Per Notice of Appeal from Maricopa County Superior Court filed 12/10/14. Notification to Court Reporters dated 12/16/14.
- 23-Dec-2014 ORDERED: appointing MAR County Public Defender's Office as counsel for appellant for all further proceedings on appeal. FURTHER ORDERED: directing court reporters Melody O'Donnell, Cindy Benner and Nicole Sesta to file all transcripts necessary for inclusion in record on appeal on/before 1/26/2015. FURTHER ORDERED: in addition to usual mailings, copy of this order to court reporters listed above and appellant personally. Anthony Mackey ProTem Judge - Author
- 7-Jan-2015 FILED: Reporter's Transcripts: Pretrial Motions - 10/14/2014 - (Melody O'Donnell)
- 7-Jan-2015 FILED: Reporter's Transcripts: Jury Trial - 10/15/2014 - (Melody O'Donnell)
- 7-Jan-2015 FILED: Reporter's Transcripts: Jury Trial - 10/16/2014 - (Melody O'Donnell)
- 7-Jan-2015 FILED: Reporter's Transcripts: Jury Trial - 10/20/2014 - (Melody O'Donnell)
- 7-Jan-2015 FILED: Reporter's Transcripts: Jury Trial - 10/21/2014 - (Melody O'Donnell)
- 7-Jan-2015 FILED: Reporter's Transcripts: Jury Trial - 10/22/2014 - (Melody O'Donnell)
- 7-Jan-2015 FILED: Reporter's Transcripts: Jury Trial - 10/23/2014 - (Melody O'Donnell)

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10. 7-Jan-2015 FILED: Courtesy Copy of Designation of Record for Appeal Filed in Superior Court (Appellant)
11. 9-Jan-2015 ORDERED: Court Reporter Vanessa Gartner transcript dated 04/04/2014 due 02/09/2015. Hon Michael J Brown - Author
12. 9-Jan-2015 ORDERED: Court Reporter Rochelle Dobbins transcripts dated 10/29/2013, 12/13/2103, 02/11/2014 due 02/09/2014. Hon Michael J Brown - Author
13. 15-Jan-2015 FILED: Reporter's Transcripts - 04/04/14 - Settlement Conference (Vanessa Gartner)
14. 22-Jan-2015 FILED: e-Record on Appeal:  
Instruments/Minute Entries: Combined  
Disposition Report: None  
Exhibits: None
15. 23-Jan-2015 FILED: Additional Record on Appeal  
Exhibits:  
Hearing Date 10/15/14 - List # 1 2 3 4 5 6 7 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 37 38  
39 40 41 42 43 44 45 46 in a Manila Envelope  
Confidential Criminal History Addendum in Sealed Manila Envelope
16. 3-Feb-2015 FILED: Motion for Extension of Time to File Transcripts (Nicole Sesta)
17. 5-Feb-2015 ORDERED: Court Reporter Cindy A. Benner transcript due date EXTENDED from Monday, 01-26-2015 to Monday, 03-09-2015 for proceedings held on 10/28/2014. Hon Michael J Brown - Author
18. 5-Feb-2015 ORDERED: Motion for Extension of Time to File Transcripts (Nicole Sesta) = GRANTED. Due Dates EXTENDED to 03/09/2015 for proceedings held 10/27/2014, 12/03/2014. Hon Michael J Brown - Author
19. 18-Feb-2015 FILED: Reporter's Transcript - 10/27/14 (Nicole Sesta)
20. 18-Feb-2015 FILED: Reporter's Transcript - 12/3/14 (Nicole Sesta)
21. 19-Feb-2015 ORDERED: Court Reporter Rochelle Dobbins due Dates EXTENDED to 03/23/2015 for Transcripts dated 10/29/2013, 12/13/2013, 02/11/2014. Hon Michael J Brown - Author
22. 25-Feb-2015 FILED: Reporter's Transcripts: Trial Verdict 10-28-14 (Cindy Benner)
23. 6-Apr-2015 ORDERED: Court Reporter Rochelle Dobbins due dates EXTENDED to 05/06/2015 for Transcripts dated 10/29/2013, 12/13/2013, 02/11/2014 or OSC on 05/20/2015. Hon Michael J Brown - Author
24. 17-May-2015 FILED: Reporter's Transcripts: 10/29/2013, Complex Case Management Conference, (Rochelle L. Dobbins)
25. 17-May-2015 FILED: Reporter's Transcripts: 12/13/2013, Complex Case Management Conference, (Rochelle L. Dobbins)
26. 17-May-2015 FILED: Reporter's Transcripts: 02/11/2014, Complex Case Management Conference, (Rochelle L. Dobbins)
27. 21-May-2015 FILED: Notice of Completion of Record
28. 7-Jul-2015 ORDERED: Opening Brief due date EXTENDED from Monday, 07-06-2015 to Wednesday, 08-05-2015. Fred Cole ProTem Judge - Author
29. 5-Aug-2015 FILED: Appellant's Opening Brief; Certificate of Compliance with Rule 31.13(b), ARCP; Certificate of Service (Appellant) (STRICKEN per order dated 01/13/16)
30. 5-Aug-2015 FILED: Motion for Leave to Allow Appellant to File Supplemental Brief In Propria Persona; Certificate of Service (Appellant)
31. 6-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 9/15/15; FURTHER ORDERED: Answering brief to await court order. Anthony Mackey ProTem Judge - Author
32. 13-Aug-2015 FILED: Letter, dated 8/13/15 from Counsel to Appellant re: Forwarding Record on Appeal (Appellant)

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33. 28-Sep-2015 FILED: Assigning Anders appeal to Dept C for consideration and disposition. [Ruth Willingham, Clerk]
34. 28-Sep-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
35. 8-Oct-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
36. 13-Jan-2016 ORDERED: (per Thompson) Striking the tendered (Anders) brief. FURTHER ORDERED: Opening Brief due 02/26/16 with response and reply briefs to be filed in accordance to rules. Hon Kenton D Jones Judge - Author
37. 25-Feb-2016 FILED: Appellant's Opening Brief; Certificate of Compliance With Rule 31.13(b), ARCP; Certificate of Service (Appellant)
38. 7-Mar-2016 FILED: Notice of Appearance; Certificate of Service (Appellee)
39. 12-Apr-2016 ORDERED: Answering Brief due date EXTENDED from Monday, 04-11-2016 to Wednesday, 05-11-2016. Fred Cole ProTem Judge - Author
40. 11-May-2016 FILED: Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
41. 12-May-2016 ORDERED: Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED/Due date EXTENDED from Wednesday, 05-11-2016 to Wednesday, 06-01-2016. Hon Samuel A Thumma - Author
42. 1-Jun-2016 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
43. 27-Jun-2016 FILED: Notice of Election to Not File Reply Brief; Certificate of Service (Appellant)
44. 4-Aug-2016 MEMORANDUM DECISION (Affirmed) Hon Samuel A Thumma - Author; Hon Kenton D Jones Judge - Concur; Hon Peter B Swann - Concur (Motion for reconsideration extended thirty days from date of this decision.)
45. 4-Aug-2016 FILED: Memorandum Decision Distribution List
46. 31-Aug-2016 FILED: Letter, dated 08/31/2016 to Appellant from Counsel re: Right to File Petition for Review (Appellant)
47. 31-Aug-2016 FILED: ASC Order filed 08/31/2016 re: extending time for filing Petition for Review to 10/06/2016
48. 7-Oct-2016 FILED: Email Notice from ASC re: Petition for Review filed 10/6/16; request for partial record
49. 7-Oct-2016 FILED: Letter forwarding partial record to Arizona Supreme Court
50. 19-Jan-2017 FILED: Courtesy Copy - Rule 32 Post Conviction Relief filed in Maricopa County Superior Court on 01/12/2017