

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

**1 CA-CR 15-0202**

**STATE v. GULLEY**

**Appellate Case Information**

Case Filed: 1-Apr-2015  
Case Closed:

**Dept/Composition**

**Department C**  
Hon. Patricia A Orozco  
Hon. Peter B Swann  
Hon. Jon W Thompson

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

- State of Arizona

**Attorneys for: Appellee**

Sheila Sullivan Polk, Esq. (AZ Bar No. 7514)

**Side 2. DONALD WILLIAM GULLEY, Appellant**  
(Litigant Group) DONALD WILLIAM GULLEY

- Donald William Gulley

**Attorneys for: Appellant**

John David Napper, Esq. (AZ Bar No. 21950)  
Grace M Guisewite, Esq. (AZ Bar No. 29536)

**Side 3. YAVAPAI COUNTY ATTORNEY'S OFFICE, Amicus Curiae**  
(Litigant Group) YAVAPAI COUNTY ATTORNEY'S OFFICE

- Yavapai County Attorney's Office

**Attorneys for: Amicus Curiae**

Bill R Hughes, Esq. (AZ Bar No. 19139)

**CASE STATUS**

Nov 9, 2016.....Pending in ASC

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
YAV P1300CR201400855	Disorderly Conduct, Class 6; Disorderly Conduct, Class 6	3.75 Years; 3.75 Years	Tina R Ainley, Sentencing	JURY	

**DESCENDENT CASE (S)**

ASC CR-16-0456-PR

**CASE DECISION**

04-Oct-2016 **OPINION**

Jon Thompson.....Author  
Patricia Orozco.....Concur  
Peter Swann.....Concur in part  
Dissent in part

Filed: 04-Oct-2016 Mandate:

Decision Disposition
<b>Affirmed</b>

**58 PROCEEDING ENTRIES**

- 1-Apr-2015 FILED: Notice of Appeal from Yavapai County Superior Court filed 03/24/15. Notification to Court Reporters dated 03/30/15.
- 1-Apr-2015 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: #59 Exhibits: List - # 4 5 6 7 8 10
- 9-Apr-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
- 21-Apr-2015 FILED: Motion to Designate Record; Certificate of Service (Appellant)
- 29-Apr-2015 ORDERED: Motion to Designate Record (Appellant) = GRANTED/Transcripts due 05/29/2015. FURTHER ORDERED: Denying motion to supplement transcript dated 03/23/2015 as unnecessary. Anthony Mackey ProTem Judge - Author
- 4-May-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record

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7. 8-May-2015 FILED: Reporters Transcript (10/06/14, 10/20/14, 12/17/14, 03/23/15) [Steven King]
8. 8-May-2015 FILED: Reporters Transcript (02/25/15, 02/26/15) [Steven King]
9. 9-Jun-2015 ORDERED: Court Reporter Steven King transcript dated 2/24/15 past due. OSC set for 7/1/15 Hon Michael J Brown - Author
10. 15-Jun-2015 FILED: Reporters Transcript (02/24/15 [Steven King])
11. 18-Jun-2015 FILED: Notice of Completion of Record
12. 27-Jul-2015 FILED: First Request for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
13. 31-Jul-2015 ORDERED: First Request for Extension of Time to File Opening Brief (Appellant)= GRANTED. Due date EXTENDED from Monday, 08-03-2015 to Wednesday, 09-02-2015. Anthony Mackey ProTem Judge - Author
14. 14-Aug-2015 FILED: Motion to Supplement Record; Certificate of Service (Appellant)
15. 19-Aug-2015 ORDERED: Staying this appeal to/including 10/02/15 and revesting jurisdiction in Yavapai County Superior Court for permitting trial court parties to settle record in this matter. FURTHER ORDERED: Superior Court shall transmit a copy of the compact disc of the 911 recording within five days after entry, no later than 10/05/15. FURTHER ORDERED: Appeal shall be automatically reinstated 10/05/15 without further order. FURTHER ORDERED: Opening Brief due date EXTENDED to 11/04/15. Anthony Mackey ProTem Judge - Author
16. 31-Aug-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
17. 11-Sep-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
18. 14-Sep-2015 FILED: Motion for Own Recoginance or Bail (Appellant Pro Per)
19. 14-Sep-2015 FILED: Additional Record on Appeal  
Exhibits:  
CD - 911 Recording tagged as exhibit # 14
20. 21-Sep-2015 ORDERED: Motion for Own Recoginance or Bail (Appellant Pro Per) = DENIED. Anthony Mackey ProTem Judge - Author
21. 23-Oct-2015 FILED: Motion to Withdraw Counsel (Appellant Pro Per)
22. 27-Oct-2015 ORDERED: Motion to Withdraw Counsel (Appellant Pro Per) = DENIED. Anthony Mackey ProTem Judge - Author
23. 4-Nov-2015 FILED: Appellant's Opening Brief; Certificate of Compliance to Appellant's Opening Brief; Certificate of Service to Appellant's Opening Brief (Appellant)
24. 9-Nov-2015 FILED: Motion to Reconsideration to Withdraw Counsel (Appellant Pro Per)
25. 16-Nov-2015 ORDERED: Motion to Reconsideration to Withdraw Counsel (Appellant Pro Per) = DENIED. Anthony Mackey ProTem Judge - Author
26. 25-Nov-2015 FILED: Notice of Appearance; Certificate of Service (Appellee)
27. 22-Dec-2015 ORDERED: Answering Brief due date EXTENDED from Monday, 12-21-2015 to Wednesday, 01-20-2016. Fred Cole ProTem Judge - Author
28. 6-Jan-2016 FILED: Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
29. 7-Jan-2016 ORDERED: Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Wednesday, 01-20-2016 to Monday, 02-22-2016. Anthony Mackey ProTem Judge - Author
30. 22-Feb-2016 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
31. 21-Mar-2016 FILED: Appellant's Reply Brief; Certificate of Compliance to Appellant's Reply Brief; Certificate of Service to Appellant's Reply Brief (Appellant)
32. 22-Mar-2016 FILED: Motion to Request Oral Argument; Certificate of Service (Appellant)

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33. 28-Mar-2016 ORDERED: Motion to Request Oral Argument (Appellant) = GRANTED/ Oral argument date will be set in due course. Hon Michael J Brown - Author
34. 31-Mar-2016 CLNDR: MONTHLY COURT CASE CALENDAR, Department C, 5-4-16, 09:30 am, COURTROOM 1.
35. 5-Apr-2016 FILED: Notice of Oral Argument
36. 5-Apr-2016 FILED: Return Receipt Re Oral Argument, signed by John Napper, on 4/5/16; Certificate of Service (Appellant)
37. 12-Apr-2016 FILED: Return Receipt Re Oral Argument, signed by Terry Christ, on 4/5/16 (Appellee)
38. 18-Apr-2016 FILED: Amicus Curiae Brief of the Yavapai County Attorney; Certificate of Compliance; Certificate of Service (Amicus Curiae)
39. 18-Apr-2016 FILED: Motion for Permission to File Brief as Amicus Curiae; Certificate of Service (Amicus Curiae)
40. 20-Apr-2016 ORDERED: Motion for Permission to File Brief as Amicus Curiae(Amicus Curiae) = GRANTED. FURTHER ORDERED: Any party may file response to brief within 20 days. FURTHER ORDERED: Vacating Oral Argument on 05/04/2016. FURTHER ORDERED: Rescheduling oral argument to 06/15/2016. Hon Patricia A Orozco - Author
41. 10-May-2016 FILED: Appellant's Response to Amicus Curiae Brief of the Yavapai County Attorney; Certificate of Compliance to Appellant's Response to Amicus Curiae Brief of the Yavapai County Attorney; Certificate of Service to Appellant's Response to Amicus Curiae Brief of the Yavapai County Attorney (Appellant)
42. 11-May-2016 FILED: Notice of Oral Argument
43. 11-May-2016 FILED: Return Receipt for Notice of Oral Argument (Appellant), signed by John Napper on 05/11/2016
44. 16-May-2016 FILED: Return Receipt for Notice of Oral Argument (Appellee), signed by Terry Crist on 05/11/2016
45. 17-May-2016 FILED: Amicus Curiae Motion for Leave to Participate in Oral Argument; Certificate of Service (Amicus Curiae)
46. 18-May-2016 FILED: Motion for Court to Order Supplement of the Record; Certificate of Service (Appellant)
47. 20-May-2016 ORDERED: Motion for Court to Order Supplement of the Record (Appellant) = DENIED. Hon Patricia A Orozco - Author
48. 23-May-2016 FILED: Notice of Oral Argument Amended
49. 7-Jun-2016 ORDERED: Amicus Curiae Motion for Leave to Participate in Oral Argument (Amicus Curiae) = GRANTED/Amicus Curiae shall contact counsel for Appellee to arrange how they will share Appellee's allotted time for oral argument. FURTHER ORDERED: Amicus Curiae shall be prepared to respond to the issues raised in Appellant's response to the Amicus Curiae Brief. Hon Patricia A Orozco - Author
50. 8-Jun-2016 FILED: Notice of Appearance and Time Limits for Amicus Curiae Participation in Oral Argument; Certificate of Service (Amicus Curiae)
51. 10-Jun-2016 FILED: Addendum to Return Receipt for Notice of Oral Argument; Certificate of Service (Appellant)
52. 15-Jun-2016 FILED: Sign-in Sheet/Case is Under Advisement (Dept C)
53. 4-Oct-2016 OPINION (Affirmed) Hon Jon W Thompson - Author; Hon Patricia A Orozco - Concur; Hon Peter B Swann - Concur in part; Hon Peter B Swann - Dissent in part
54. 4-Oct-2016 FILED: Opinion Distribution List
55. 9-Nov-2016 FILED: Email Notice from ASC re: Petition for Review filed 11/8/16; request for partial record
56. 10-Nov-2016 FILED: Letter forwarding partial record to Arizona Supreme Court
57. 17-Nov-2016 FILED: Motion to Withdraw and to Permit Substitution of Counsel for Appellee; Certificate of Service (Appellee)
58. 18-Nov-2016 ORDERED: Motion to Withdraw and to Permit Substitution of Counsel for Appellee (Appellee) = GRANTED/As to the request for an additional 30 days to respond, we defer to the Arizona Supreme Court. Hon Jon W Thompson - Author