Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 15-0301 STATE v. LEWIS

Appellate Case Information

Case Filed: 7-May-2015

Case Closed: 25-Jan-2017

Decision

Dept/Composition

Department B

Hon. Samuel A Thumma
Hon. Maurice Portley
Hon. John C Gemmill

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- **State of Arizona**

Attorneys for: Appellee

Joseph T Maziarz, Esq. (AZ Bar No. 9212)

Side 2. JESSIE LEWIS, Appellant

(Litigant Group) JESSIE LEWIS

- **Jessie Lewis**

Attorneys for: Appellant

Paul J Prato, Esq. (AZ Bar No. 2609)

CASE STATUS

Jan 25, 2017....Case Closed

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CR2014-146307-001	Misconduct Involving Weapons, Class 4	11 Years	John R Ditsworth, Sentencing	JURY	

DESCENDENT CASE(S)

ASC CR-16-0329-PR

CASE DECISION

28-Jul-2016 MEMORANDUM DECISION

Samuel Thumma.....Author
Maurice Portley.....Concur
John Gemmill.....Concur

Filed: **28-Jul-2016** Mandate: **25-Jan-2017**

Decision Disposition
Affirmed

77 PROCEEDING ENTRIES

1.	7-May-2015	FILED: Notice of Appeal from Maricopa County Superior Court filed 05/01/15. Notification to Court Reporters dated 05/06/15.
2.	13-May-2015	ORDERED: Appointing Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Transcripts due 06/26/2015. Anthony Mackey ProTem Judge - Author
3.	13-May-2015	FILED: Reporters Transcript (03/19/15 [Karen Dawson])
4.	19-May-2015	FILED: Reporter's Transcripts - Trial cont'g - 3/18/15 AM (Luz Franco)
5.	12-Jun-2015	FILED: Additional Record on Appeal Exhibits: Hearing Date 03/12/2015 List # 5 6 10 11 16 17 20 21 22 23 26 27 28 in manila envelope Hearing Date 05/01/2015 List # 1 2 3 4 5 6 7 8 9 10 in a manila envelope Sealed Items: Confidential Criminal History Addendum in Sealed Manila Envelope
6.	12-Jun-2015	FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: None Exhibits: None
7.	10-Jul-2015	FILED: Supplemented Superior Court e-Record with Revised Index of Record

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77 PROCEEDING ENTRIES

8.	14-Jul-2015	ORDERED: Court Reporter Karen Dawson transcripts dated 3/11/15, 3/12/15, 3/17/15, 3/19/15, 3/23/15, 5/1/15 due 8/13/15. Hon Samuel A Thumma - Author
9.	14-Jul-2015	ORDERED: Court Reporter Laura Ashbrook transcript dated 3/18/15 due 8/13/15. Hon Samuel A Thumma - Author
10.	14-Jul-2015	ORDERED: Court Reporter Rochelle Dobbins transcripts dated 2/6/16, 3/4/15, 3/9/15 due 8/13/15. Hon Samuel A Thumma - Author
11.	14-Jul-2015	ORDERED: Ken Crenshaw transcript dated 9/30/14 due 8/13/15. Hon Samuel A Thumma - Author
12.	20-Jul-2015	FILED: Reporter's Transcript - 9/30/14 - Status Conference (Janice Penfield)
13.	13-Aug-2015	FILED: Reporters Transcript (05/01/15 [Karen Dawson])
14.	13-Aug-2015	FILED: Reporters Transcript (03/11/15 [Karen Dawson])
15.	13-Aug-2015	FILED: Motion for Extension of Time to File Transcripts (Laura Ashbrook)
16.	13-Aug-2015	FILED: Motion for Extension of Time to File Transcripts (Karen Dawson)
17.	18-Aug-2015	ORDERED: Motion for Extension of Time to File Transcripts (Laura Ashbrook) = GRANTED/Transcript dated 03/18/15 due date EXTENDED from Thursday, 08-13-2015 to Thursday, 09-17-2015 or OSC 10/07/15. Hon Samuel A Thumma - Author
18.	18-Aug-2015	ORDERED: Motion for Extension of Time to File Transcripts (Karen Dawson) = GRANTED. Due Dates EXTENDED to 09/17/2015 for Transcripts dated 03/12/2015, 03/17/2015, 03/23/2015, 03/11/2015 or OSC on 10/07/2015. Hon Samuel A Thumma - Author
19.	3-Sep-2015	ORDERED: Court Reporter Rochelle Dobbins to appear for OSC on 09/16/2015. Hon Samuel A Thumma - Author
20.	14-Sep-2015	FILED: Reporter's Transcripts - 02/06/2015 - (Rochelle L. Dobbins)
21.	14-Sep-2015	FILED: Reporter's Transcripts - 03/04/2015 - (Rochelle L. Dobbins)
22.	15-Sep-2015	FILED: Reporter's Transcript - 03/09/2015 - Evidentiary Hearing (Rochelle L. Dobbins)
23.	17-Sep-2015	FILED: Reporters Transcript (03/17/15 [Karen Dawson])
24.	17-Sep-2015	FILED: Reporters Transcript (03/23/15 [Karen Dawson])
25.	22-Sep-2015	ORDERED: A Monetary Sanction is Imposed On Rochelle Dobbins in the Amount of $100 for Failure to Timely File the Transcripts Due in This Case. Hon Samuel a Thumma - Author
26.	23-Sep-2015	FILED: Reporter's Transcript - 03/18/15 - (Laura Ashbrook)
27.	30-Sep-2015	FILED: Reporters Transcript (03/12/15 [Karen Dawson])
28.	6-Oct-2015	FILED: Reporters Transcript (03/11/15 [Karen Dawson])
29.	19-Oct-2015	FILED: Notice of Completion of Record
30.	30-Oct-2015	FILED: Inquiry (Letter dated 10/30/2015 re: Attorney for appellant (Appellant)
31.	6-Nov-2015	FILED: Reporters Transcript (04/27/15, 04/29/15) [Karen Dawson]
32.	10-Nov-2015	FILED: Motion to Supplement the Record and Motion to Extend Time for Filing Opening Brief; Certificate of Service (Appellant)
33.	12-Nov-2015	FILED: Letter, 11/12/15, from Court to Appellant, enclosing copy of docket
34.	17-Nov-2015	ORDERED: Motion To Supplement The Record (Appellant) = GRANTED/Transcripts due 12/11/15. FURTHER ORDERED: Motion to Extend Time for Filing Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Thursday, 12-03-2015 to Monday, 01-11-2016 Anthony Mackey ProTem Judge - Author

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77 PROCEEDING ENTRIES

35.	6-Jan-2016	ORDERED: Ken Crenshaw to prepare transcript dated 11/18/2014 due by 01/22/2016 or OSC on 02/03/2016. FURTHER ORDERED: Court Reporter Rochelle Dobbins to prepare transcript dated 03/09/2015 due by 01/22/2016 or OSC on 02/03/2016. FURTHER ORDERED: Extending the time for the filing of the Opening Brief to and including 02/22/2016. Anthony Mackey ProTem Judge - Author
36.	8-Jan-2016	FILED: Reporters Transcript - 11/18/2014 - (Dawn Carrero)
37.	21-Jan-2016	ORDERED: Monetary sanction imposed on Rochelle Dobbins in the amount of $100 shall be paid such that payment in that amount is received by this court no later than 3:00 p.m. on 01/28/16 or OSC 02/03/16. Hon Samuel A Thumma - Author
38.	22-Jan-2016	FILED: Motion Requesting for New DNA Testing (Appellant Pro Per)
39.	2-Feb-2016	RECEIPT No.: 2016-00136 ; $100.00, Check Number: #238, Applied to: Rochelle Dobbins - $100 Sanction ($100.00) Paid for: - By Rochelle L Dobbins
40.	9-Feb-2016	FILED: Renewed Motion to Supplement the Record and Motion to Extend Time for Filing Opening Brief; Certificate of Service (Appellant)
41.	16-Feb-2016	ORDERED: Motion Requesting for New DNA Testing (Appellant Pro Per) = DENIED. Anthony Mackey ProTem Judge - Author
42.	16-Feb-2016	ORDERED: Court Reporter Rochelle Dobbins transcript dated 03/09/15 due 02/29/16 or OSC 03/02/16. FURTHER ORDERED: Opening Brief due date EXTENDED from Monday, 02-22-2016 to Monday, 03-21-2016. Anthony Mackey ProTem Judge - Author
43.	29-Feb-2016	FILED: Reporters Transcript - 03/09/2015 - (Rochelle Dobbins)
44.	15-Mar-2016	FILED: Appellant's Opening Brief; Certificate of Compliance with Rule 31.13(b), ARCP; Certificate of Service (Appellant)
45.	15-Mar-2016	FILED: Motion for Leave to Allow Appellant to File Supplemental Brief In Propria Persona; Certificate of Service (Appellant)
46.	16-Mar-2016	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 4/25/16; FURTHER ORDERED: Answering brief to await court order. Anthony Mackey ProTem Judge - Author
47.	23-Mar-2016	FILED: Letter, 3/22/16, from Counsel to Appellant, forwarding record on appeal (Appellant)
48.	11-Apr-2016	FILED: Motion Requesting an Order for New DNA Testing Pursuant to A.R.S. 13-4240 (A)(1)(2)(3); A.R.S 13-610 (A)(0)(1); and Under 18 U.S.C.A. 3600 (Appellant)
49.	11-Apr-2016	FILED: Motion to Supplement the Record and Motion to Extend Time for Filing a Supplemental Brief (Appellant)
50.	14-Apr-2016	FILED: Motion Requesting an Order for Any and All Officail Court Pleas, Probation, Parole Documents (Appellant)
51.	18-Apr-2016	ORDERED: Motion Requesting an Order for New DNA Testing Pursuant to A.R.S. 13-4240 (A)(1)(2)(3); A.R.S 13-610 (A)(0)(1); and Under 18 U.S.C.A. 3600 (Appellant) = DENIED. FURTHER ORDERED: Motion to Supplement the Record (Appellant) = DENIED. FURTHER ORDERED: Motion Requesting an Order for Any and All Officail Court Pleas, Probation, Parole Documents (Appellant) = DENIED. FURTHER ORDERED: Motion to Extend Time for Filing a Supplemental Brief (Appellant) = GRANTED/Due date EXTENDED from Monday, 04-25-2016 to Monday, 05-23-2016. Anthony Mackey ProTem Judge - Author
52.	22-Apr-2016	FILED: Anders Supplemental Opening Brief (Appellant Pro Per)
53.	27-Apr-2016	FILED: Certificate of Mailing re: Appellant Requesting an Order for Releasing all Audio Recording of all Court Procedings (sic)
54.	27-Apr-2016	FILED: Appellant Requesting an Order for Releasing all Audio Recording of All Court Proceedings (Appellant)
55.	27-Apr-2016	FILED: Notice - The Record on Appellant Appeal is Incomplete - Rule 31.10 (Expedited Consideration Requested) (Appellant Pro Per)
56.	2-May-2016	ORDERED: Appellant Requesting an Order for Releasing all Audio Recording of All Court Proceedings (Appellant) = DENIED. FURTHER ORDERED: Notice - The Record on Appellant Appeal is Incomplete - Rule 31.10 (Expedited Consideration Requested) = DENIED. Anthony Mackey ProTem Judge - Author
57.	3-May-2016	FILED: Assigning Anders appeal to Dept B for consideration and disposition. [Ruth Willingham, Clerk]

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77 PROCEEDING ENTRIES

58.	3-May-2016	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
59.	6-May-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
60.	13-May-2016	FILED: Certificate of Compliance (Appellant Pro Per)
61.	23-Jun-2016	FILED: Third Motion Requesting An Order for New (DNA) and (Fingerprint) Deoxyribonuclein Acid Testing Pursuant to A.R.S 13-4240 (A)(1)(2)(3) Ariz. Const. Art II 4 +14th Amend; A.R.S 13-610 (A)(0)(1); Also U.S.C.A 3600 (2)(1) (Appellant)
62.	29-Jun-2016	FILED: Appellant Requesting An Order for Two Transcripts Which Appellant Have Been Deprive of by the State of Arizona (Appellant)
63.	29-Jun-2016	FILED: Appellant Requesting for an Order for Correction or Modification of the Record Pursuant to Rule 31.8 (h); and Designation of Record and This Court Order Appellant Two Missing Transcripts (Appellant)
64.	11-Jul-2016	FILED: Inquiry As to the State Response to Appellant Supplemental Brief (Appellant)
65.	20-Jul-2016	FILED: Designation of Record Two Missing Transcript for Appeal (Appellant)
66.	25-Jul-2016	FILED: Motion for Expedited Order to Order the State of Arizona to Answer (Appellant)
67.	28-Jul-2016	MEMORANDUM DECISION (Affirmed) Hon Samuel A Thumma - Author; Hon Maurice Portley - Concur; Hon John C Gemmill - Concur (Motion for reconsideration extended thirty days from date of this decision.)
68.	28-Jul-2016	FILED: Memorandum Decision Distribution List
69.	25-Aug-2016	FILED: Email Notice from ASC re: Petition for Review filed 8/25/16; request for partial record
70.	30-Aug-2016	FILED: Letter, dated 08/30/2016 to Appellant from Counsel re: Right to File Petition for Review (Appellant)
71.	31-Aug-2016	FILED: ASC Order filed 08/21/2016 re: denying motion as moot (Motion for Extension of Time in which to File Pro Per Petition for Review)
72.	6-Sep-2016	FILED: Letter forwarding partial record to Arizona Supreme Court
73.	12-Sep-2016	ORDERED: Motion for Expedited Order to Order the State of Arizona to Answer (Appellant) = DENIED/As moot and to the extent Appellant's "An Order Designation of Record Two Missing Transcript for Appeal" seeks any relief from this court, it is DENIED as moot. Hon Samuel A Thumma - Author
74.	9-Nov-2016	FILED: Courtesy Copy - Notice of Post-Conviction Relief filed in Maricopa County Superior Court on 11/07/2016
75.	22-Dec-2016	FILED: Notice of Change of Address (Appellant Pro Per)
76.	22-Dec-2016	FILED: Letter from ASC, 12/22/2016, re: Petition for Review DENIED on 12/22/2016
77.	25-Jan-2017	FILED: Mandate, Record returned to superior court.

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