

Court of Appeals, Division One
Criminal

1 CA-CR 15-0319

STATE v. DESHAIES

<p>Appellate Case Information</p> <p>Case Filed: 13-May-2015</p> <p>Case Closed:</p>	<p>Dept/Composition</p> <p>Department B</p> <p>Hon. Patricia K Norris Hon. Samuel A Thumma Hon. Margaret H Downie</p>
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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. GREGORY NELSON DESHAIES, Appellant
(Litigant Group) GREGORY NELSON DESHAIES

● Gregory Nelson Deshaies **Attorneys for: Appellant**
Terry J Adams, Esq. (AZ Bar No. 2774)

CASE STATUS

Dec 19, 2016....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2010-153942-001	Criminal Trespass in the Third Degree, Class 3 Misdemeanor; Resisting Arrest, Class 6	6 Months Jail; 3 Years	Sam J Myers, Sentencing	JURY	

DESCENDENT CASE(S)

ASC CR-16-0427-PR

CASE DECISION

20-Oct-2016 MEMORANDUM DECISION

Amended Per Orders Filed 10-20-16 and 11-2-16 Filed: **20-Oct-2016** Mandate:

<p>Patricia Norris.....Author</p> <p>Samuel Thumma.....Concur</p> <p>Margaret Downie.....Concur</p>	<p>Decision Disposition</p> <p><i>Affirmed</i></p>
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59 PROCEEDING ENTRIES

1. 13-May-2015 FILED: Notice of Appeal from Maricopa County Superior Court filed 05/08/15. Notification to Court Reporters dated 05/12/15.
2. 12-Jun-2015 FILED: Reporter's Transcripts - Trial cont'g - 10/27/11 (Luz Franco)
3. 15-Jun-2015 FILED: Reporter's Transcript - 4/23/15 - Sentencing (Laurie R. Yazwa)
4. 15-Jun-2015 FILED: Reporter's Transcript - 11/19/14 - Admission of Prior Convictions (Laurie R. Yazwa)
5. 15-Jun-2015 FILED: Reporter's Transcript - 12/19/14 - Status Conference (Laurie R. Yazwa)
6. 15-Jun-2015 FILED: Reporter's Transcript - 2/13/15 - Status Conference (Laurie R. Yazwa)
7. 15-Jun-2015 FILED: Reporter's Transcript - 3/10/15 - Status Conference (Laurie R. Yazwa)
8. 16-Jun-2015 FILED: Reporter's Transcripts - Trial - 10/26/11 (Luz Franco)
9. 16-Jun-2015 FILED: Reporter's Transcript - Final Trial Management Conf 10/25/11 (Luz Franco)
10. 16-Jun-2015 FILED: Reporter's Transcript - 10/13/110 - Waiver of Preliminary Hearing and Plea Agreement Arraignment Proceedings (Sandra Worrell)
11. 16-Jun-2015 FILED: Reporter's Transcript - 1/13/11 - Acceptance of Plea and Sentencing (Sandra Worrell)

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12. 16-Jun-2015 FILED: Reporter's Transcript - 2/10/11 - Plea Agreement Set Aside (Sandra Worrell)
13. 16-Jun-2015 FILED: Reporter's Transcript - 3/24/11 - Initial Pretrial Conference (Sandra Worrell)
14. 16-Jun-2015 FILED: Reporters Transcript 04/25/2011 Comprehensive Pretrial Conference (Janice Penfield)
15. 19-Jun-2015 FILED: Additional Record on Appeal
Exhibits:
Hearing Date 10/26/2011 List # 2 4 in a Manila envelope
Sealed Items:
Confidential Criminal History Addendum in Sealed Manila Envelope
16. 19-Jun-2015 FILED:e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None
17. 23-Jun-2015 FILED: Reporter's Transcript--06/14/2011--Settlement Conference (Renee Mobley)
18. 23-Jun-2015 FILED: Notice of Completion of Record
19. 24-Jun-2015 FILED: Notice of Post-Conviction Relief filed in Maricopa County Superior Court on 6/22/15.
20. 14-Jul-2015 FILED: Notice of Appearance; Certificate of Service (Appellant)
21. 22-Jul-2015 FILED: Motion to Supplement the Record on Appeal and to Reset Briefing Schedule; Certificate of Service (Appellant)
22. 28-Jul-2015 ORDERED: Motion to Reset Briefing Schedule (Appellant) = GRANTED. Due date EXTENDED from Friday, 08-07-2015 to Friday, 09-25-2015. FURTHER ORDERED: Motion to Supplement the Record(Appellant) = GRANTED/Transcripts due 08/26/2015. Anthony Mackey ProTem Judge - Author
23. 11-Aug-2015 FILED: Reporter's Transcript - 10/18/11 - Trial Management Conference (Marmie Guimont)
24. 28-Sep-2015 ORDERED: Opening Brief due date EXTENDED from Friday, 09-25-2015 to Monday, 10-26-2015. Fred Cole ProTem Judge - Author
25. 26-Oct-2015 FILED: Appellant's Opening Brief; Certification of Compliance with Rule 31.13(b), ARCP; Certificate of Service (Appellant)
26. 26-Oct-2015 FILED: Motion for Leave to Allow Appellant to File Supplemental Brief in Propria Persona; Certificate of Service (Appellant)
27. 27-Oct-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 12/07/15; FURTHER ORDERED: Answering brief to await court order. Anthony Mackey ProTem Judge - Author
28. 29-Oct-2015 FILED: Letter, dated 10/29/15 from Counsel to Appellant re: Forwarding record on appeal (Appellant)
29. 7-Dec-2015 FILED: Motion to Extend Due Date for Pro Per Brief (Appellant, Pro Per)
30. 8-Dec-2015 ORDERED: Motion to Extend Due Date for Pro Per Brief (Appellant, Pro Per) = GRANTED. Due date EXTENDED from Monday, 12-07-2015 to Thursday, 01-07-2016. Anthony Mackey ProTem Judge - Author
31. 15-Dec-2015 FILED: Notice of Change of Address (Appellant Pro Per)
32. 31-Dec-2015 FILED: Appellant's Pro Per Supplemental Opening Brief (Appellant, Pro Per)
33. 6-Jan-2016 FILED: Assigning Anders appeal to Dept E for consideration and disposition. [Ruth Willingham, Clerk]
34. 6-Jan-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
35. 11-Jan-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
36. 8-Feb-2016 FILED: Letter, 2/3/16, from Appellant to Court re: Status
37. 11-Feb-2016 FILED: Letter, 2/11/16, from Court to Appellant, enclosing copy of docket
38. 22-Feb-2016 FILED: Letter, 2/17/16, from Appellant to Court, requesting copies

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39. 29-Feb-2016 FILED: Letter, 2/29/16, from Court to Appellant, re: Copy Request
40. 15-Mar-2016 ORDERED: vacating previous assignment of this case to Dept. E for consideration and disposition pursuant to Anders, 386 U.S. at 738. FURTHER ORDERED: striking Appellant's opening brief filed by counsel on 10/26/15 and his pro per supplemental opening brief filed in this matter on 12/31/15. FURTHER ORDERED: Appellant's counsel to file new opening brief setting forth any arguable issue, including but not limited to those issue(s) stated in this order, together with argument and applicable authority no later than 60 days from filing of this order. FURTHER ORDERED: State to file answering brief within 45 days of service of appellant's opening brief. FURTHER ORDERED: only Appellant's counsel shall file future motions and/or supplemental briefing. If Appellant personally files supplemental briefing or motions, they will be stricken by this court. Hon Patricia A Orozco - Author
41. 13-May-2016 FILED: Appellant's Supplemental Brief; Certification of Compliance with Rule 31.13(b), ARCP; Certificate of Service (Appellant)
42. 19-May-2016 FILED: Notice of Appearance; Certificate of Service (Appellee)
43. 27-Jun-2016 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
44. 29-Jul-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
45. 5-Aug-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
46. 29-Aug-2016 CLNDR: CONFERENCE, Department B, 10-11-16, COURTROOM 1.
47. 3-Oct-2016 FILED: Letter dated 09/26/2016 re: Notice of Change of Address
48. 20-Oct-2016 MEMORANDUM DECISION (Affirmed) Hon Patricia K Norris - Author; Hon Samuel A Thumma - Concur; Hon Margaret H Downie - Concur
49. 20-Oct-2016 FILED: Memorandum Decision Distribution List
50. 20-Oct-2016 ORDERED: the Clerk's Office, by interlineation, shall amend the first page of the decision to show the proper spelling of Judge Myers' name so that it reads as follows: The Honorable Sam J. Myers, Judge Hon Patricia K Norris - Author
51. 24-Oct-2016 FILED: Letter, dated 10/24/2016 to Appellant from Counsel re: Forwarding Record on Appeal (Appellant)
52. 25-Oct-2016 FILED: ASC Order filed 10/25/2016 re: extending time for filing Petition for Review to 12/21/2016
53. 2-Nov-2016 ORDERED: The Clerk's Office, by interlineation, shall amend the first paragraph on the second page of the decision to show the proper spelling of the defendant's name. Hon Patricia K Norris - Author
54. 4-Nov-2016 FILED: Waiver of Counsel/Notice of Intent to File Pro Per Motion for Reconsideration (Appellant Pro Per)
55. 4-Nov-2016 FILED: Motion for Reconsideration (Appellant Pro Per)
56. 8-Nov-2016 ORDERED: Motion for Reconsideration (Appellant) = DENIED. Hon Patricia K Norris - Author
57. 9-Nov-2016 FILED: Courtesy Copy - Notice of Request for Post-Conviction Relief filed in Maricopa County Superior Court on 11/04/2016
58. 19-Dec-2016 FILED: Email Notice from ASC re: Petition for Review filed 12/16/16; request for partial record
59. 19-Dec-2016 FILED: Letter forwarding partial record to Arizona Supreme Court