

Court of Appeals, Division One
Criminal

1 CA-CR 15-0374

STATE v. HERNANDEZ

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| <p>Appellate Case Information</p> <p>Case Filed: 5-Jun-2015</p> <p>Case Closed:</p> | <p>Dept/Composition</p> <p>Department C</p> <p>Hon. Patricia A Orozco Hon. Peter B Swann Hon. Jon W Thompson</p> |
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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. ROBERT AMARILLAS HERNANDEZ, Appellant
(Litigant Group) ROBERT AMARILLAS HERNANDEZ

• Robert Amarillas Hernandez **Attorneys for: Appellant**
Rena P Glitsos, Esq. (AZ Bar No. 13009)

CASE STATUS

Oct 13, 2016.....Pending in ASC

| PREDECESSOR CASE (S) | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments> | Trial | Dispo |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|--------------|--------------|
| MAR CR2014-134169-01 | Armed Robbery, Class 2; Unlawful Flight from Law Enforcement Vehicle, Class 5; Cruelty to Animals, Class 1 Misdemeanor | 15.75 Years; 5 Years; 180 Days Jail | Sam J Myers, Sentencing | JURY | |

DESCENDENT CASE (S)

ASC CR-16-0351-PR

CASE DECISION

09-Aug-2016 **MEMORANDUM DECISION**

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|----------------------------|---------------------------|----------|
| Peter Swann.....Author | Filed: 09-Aug-2016 | Mandate: |
| Patricia Orozco.....Concur | Decision Disposition | |
| Jon Thompson.....Concur | Affirmed | |

40 PROCEEDING ENTRIES

1. 5-Jun-2015 FILED: Notice of Appeal from Maricopa County Superior Court filed 05/28/15. Notification sent to Court Reporters dated 06/04/2015
2. 2-Jul-2015 FILED: Reporter's Transcript - 4/6/15 - Jury Trial (Laurie R. Yazwa)
3. 2-Jul-2015 FILED: Reporter's Transcript - 4/7/15 - Jury Trial (Laurie R. Yazwa)
4. 2-Jul-2015 FILED: Reporter's Transcript - 4/8/15 - Jury Trial (Laurie R. Yazwa)
5. 2-Jul-2015 FILED: Reporter's Transcript - 4/9/15 - Jury Trial (Laurie R. Yazwa)
6. 2-Jul-2015 FILED: Reporter's Transcript - 5/8/15 - Sentencing (Laurie R. Yazwa)
7. 10-Jul-2015 FILED: Additional Record on Appeal Exhibits: Hearing Date 04/06/2015 List # 3 4 5 8 9 10 11 12 13 14 15 16 17 in a Manila Envelope Sealed Items: Confidential Criminal History Addendum in Sealed Manila Envelope

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8. 10-Jul-2015 e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None
9. 14-Jul-2015 ORDERED: Court Reporter Luz Franco transcript dated 1/14/15 due 8/13/15. Hon Samuel A Thumma - Author
10. 14-Jul-2015 ORDERED: Ken Crenshaw transcript dated 11/21/14 due 8/13/15. Hon Samuel A Thumma - Author
11. 22-Jul-2015 FILED: Reporter's Transcripts - Complex Case Mngmnt Conf - 1/14/15 (Luz Franco)
12. 23-Jul-2015 FILED: Reporter's Transcript - 11/21/14 - Settlement Conference (Janice Penfield)
13. 24-Jul-2015 FILED: Notice of Completion of Record
14. 10-Aug-2015 FILED: Notice of Appearance; Certificate of Service (Appellant)
15. 18-Aug-2015 FILED: Motion for Reconstruction of the Record -and- Request for Extension of Time to File the Opening Brief; Certificate of Service (Appellant)
16. 8-Sep-2015 FILED: Motion to Unseal Grand Jury Transcript and to Make it Part of the Record on Appeal; Certificate of Service (Appellant)
17. 9-Sep-2015 ORDERED: Request for Extension of Time to File the Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 09-08-2015 to Thursday, 10-08-2015. Fred Cole ProTem Judge - Author
18. 11-Sep-2015 ORDERED: Motion for Reconstruction of the Record and Request for Extension of Time to File the Opening Brief (Appellant) = GRANTED/Staying this appeal to and including 10/26/2015 and revesting jurisdiction in the Superior Court of Maricopa County to reconstruct the record. FURTHER ORDERED: Superior Court shall rule and settle the record on appeal. FURTHER ORDERED: Superior Court shall transmit its findings no later than 10/27/2015. FURTHER ORDERED: Appeal shall be automatically reinstated 10/27/2015. FURTHER ORDERED: EXTENDING Opening Brief due date to 11/27/2015. Anthony Mackey ProTem Judge - Author
19. 11-Sep-2015 ORDERED: Motion to Unseal Grand Jury Transcript and to Make it Part of the Record on Appeal (Appellant) = GRANTED/Supplementing the record with grand jury transcript of proceedings held on 07/22/2014. FURTHER ORDERED: Maricopa County Superior Court forward grand jury transcript due by 09/29/2015. FURTHER ORDERED: Clerk of this court to unseal grand jury transcript to permit inspection by parties upon presentation of this order. FURTHER ORDERED: After inspection Clerk of this court to reseal grand jury transcript. Anthony Mackey ProTem Judge - Author
20. 23-Sep-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
21. 23-Sep-2015 FILED: Courtesy Copy of Minute Entry dated 09/17/2015 re: Juror Question 5
22. 19-Oct-2015 FILED: Additional Record on Appeal
Exhibits:
Sealed Items:
Grand Jury Transcript dated 07/22/2014 in a Sealed Manila Envelope
Confidential Criminal History Addendum in Sealed Manila Envelope
23. 24-Nov-2015 FILED: Motion to Compel the Clerk of the Superior Court to Supplement the Record on Appeal and Request for Extension of Time to File the Opening Brief; Certificate of Service (Appellant)
24. 1-Dec-2015 ORDERED: Motion to Compel the Clerk of the Superior Court to Supplement the Record On Appeal (Appellant) = DENIED. FURTHER ORDERED: Directing the clerk of the Maricopa County Superior Court to file a revised index of record on or before December 21, 2015. FURTHER ORDERED: Request for Extension of Time to File the Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 11-27-2015 to Wednesday, 12-30-2015. Anthony Mackey ProTem Judge - Author
25. 9-Dec-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
26. 30-Dec-2015 FILED: Appellant's Opening Brief; Appellant's Certificate of Compliance with Rule 31.13(b), ARCP; Appellant's Certificate of Service (Appellant)
27. 21-Jan-2016 FILED: Notice of Appearance; Certificate of Service (Appellee)

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28. 17-Feb-2016 ORDERED: Answering Brief due date EXTENDED from Tuesday, 02-16-2016 to Thursday, 03-17-2016. Fred Cole ProTem Judge - Author
29. 17-Mar-2016 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
30. 30-Mar-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
31. 4-Apr-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
32. 12-Apr-2016 ORDERED: Reply Brief due date EXTENDED from Monday, 04-11-2016 to Monday, 05-02-2016. Fred Cole ProTem Judge - Author
33. 29-Apr-2016 CLNDR: CONFERENCE, Department C, 6-1-16, COURTROOM 2.
34. 2-May-2016 FILED: Appellant's Reply Brief; Appellant's Certificate of Compliance with Rule 31.13(b), ARCP; Certificate of Service (Appellant)
35. 3-May-2016 FILED: Appellant's Amended Certificate of Service (Appellant)
36. 9-Aug-2016 MEMORANDUM DECISION (Affirmed) Hon Peter B Swann - Author; Hon Patricia A Orozco - Concur; Hon Jon W Thompson - Concur
37. 9-Aug-2016 FILED: Memorandum Decision Distribution List
38. 8-Sep-2016 FILED: ASC Order filed 09/08/2016 re: extending time for filing Petition for Review to 10/11/2016
39. 13-Oct-2016 FILED: Email Notice from ASC re: Petition for Review filed 10/11/16; request for partial record
40. 13-Oct-2016 FILED: Letter forwarding partial record to Arizona Supreme Court