

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 15-0515

STATE v. BRADFORD

Appellate Case Information

Case Filed: 10-Aug-2015
Case Closed:

Dept/Composition

Department A
Hon. Kenton D Jones
Hon. Randall M Howe
Hon. Donn Kessler

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. WADE EUGENE BRADFORD, Appellant

(Litigant Group) WADE EUGENE BRADFORD

- Wade Eugene Bradford

Attorneys for: Appellant

Cedric Martin Hopkins, Esq. (AZ Bar No. 22790)

CASE STATUS

Jan 17, 2017....Decision Rendered

Table with 7 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2010-048445-001, First Degree Murder, Class 1; Aggravated Assault, Class 3, Natural Life; 10 Years, M Scott McCoy, Sentencing, JURY.

2 OPEN DUE DATES

Motion for Reconsideration Due

Due By: Tuesday, February 21, 2017

Re: MEMORANDUM DECISION (Affirmed) Hon Kenton D Jones - Author; Hon Randall M Howe - Concur; Hon Donn Kessler - Concur (Motion for reconsideration extended thirty days from date of this decision.)

Petition for Review to ASC due

Due By: Tuesday, February 21, 2017

Re: MEMORANDUM DECISION (Affirmed) Hon Kenton D Jones - Author; Hon Randall M Howe - Concur; Hon Donn Kessler - Concur (Motion for reconsideration extended thirty days from date of this decision.)

CASE DECISION

17-Jan-2017 MEMORANDUM DECISION

Kenton Jones.....Author
Randall Howe.....Concur
Donn Kessler.....Concur

Filed: 17-Jan-2017 Mandate:

Decision Disposition

Affirmed

132 PROCEEDING ENTRIES

- 1. 10-Aug-2015 FILED: Notice of Appeal from Maricopa County Superior Court filed 07/30/15. Notification to Court Reporters dated 08/07/2015.
2. 17-Aug-2015 FILED: Reporter's Transcript - 01/30/14 - Trial - (Marylynn LeMoine)
3. 29-Aug-2015 FILED: Reporter's Transcript - 12/03/13 - Jury Voir Dire AM (Cindy Lineburg)
4. 29-Aug-2015 FILED: Reporter's Transcript - 01/14/14 - Trial PM (Cindy Lineburg)
5. 29-Aug-2015 FILED: Reporter's Transcript - 01/27/14 - Trial PM (Cindy Lineburg)
6. 3-Sep-2015 FILED: Courtesy Copy of Designation of Record for Appeal Filed in Superior Court (Appellant)
7. 4-Sep-2015 ORDERED: Court Reporter Patricia Kotarba to file transcript dated 07/08/2015 due by 10/05/2015. Hon Samuel A Thumma - Author
8. 4-Sep-2015 ORDERED: Court Reporter Tara Kramer to file transcript dated 04/17/2015 due by 10/05/2015. Hon Samuel A Thumma - Author

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9. 4-Sep-2015 ORDERED: Court Reporter Lydia Estrada-Gray to file transcript dated 03/13/2015 due by 10/05/2015. Hon Samuel A Thumma - Author
10. 4-Sep-2015 ORDERED: Court Reporter Kristi Week to file transcripts dated 01/05/2015, 04/30/2015, 05/05/2015 due by 10/05/2015. Hon Samuel A Thumma - Author
11. 4-Sep-2015 ORDERED: Court Reporter Barbara Stockford to file transcript dated 02/05/2014 due by 10/05/2015. Hon Samuel A Thumma - Author
12. 4-Sep-2015 ORDERED: Court Reporter Laura Ashbrook to file transcript dated 01/29/2014 due by 10/05/2015. Hon Samuel A Thumma - Author
13. 4-Sep-2015 ORDERED: Court Reporter Brenda Brown to file transcript dated 01/29/2014 due by 10/05/2015. Hon Samuel A Thumma - Author
14. 4-Sep-2015 ORDERED: Court Reporter Jennifer Pancratz to file transcripts dated 01/21/2014, 01/22/2014, 01/23/2014, 02/03/2014, 02/04/2014 due by 10/05/2015. Hon Samuel A Thumma - Author
15. 4-Sep-2015 ORDERED: Court Reporter Lori Thielmann to file transcript dated 01/14/2014 due by 10/05/2015. Hon Samuel A Thumma - Author
16. 4-Sep-2015 ORDERED: Court Reporter Alisa Smith to file transcripts dated 01/13/2014 due by 10/05/2015. Hon Samuel A Thumma - Author
17. 4-Sep-2015 ORDERED: Court Reporter April Escobedo to file transcript dated 01/13/2014 due by 10/05/2015. Hon Samuel A Thumma - Author
18. 4-Sep-2015 ORDERED: Court Reporter Melody O'Donnell to file transcript dated 12/03/2013 due by 10/05/2015. Hon Samuel A Thumma - Author
19. 4-Sep-2015 ORDERED: Court Reporter Kristen Brown to file transcript dated 10/24/2013 due by 10/05/2015. Hon Samuel A Thumma - Author
20. 4-Sep-2015 ORDERED: Court Reporter Lisa Bradley to file transcripts dated 10/24/2013 due by 10/05/2015. Hon Samuel A Thumma - Author
21. 4-Sep-2015 ORDERED: Court Reporter Marlynn LeMoine to file transcript dated 08/09/2013 due by 10/05/2015. Hon Samuel A Thumma - Author
22. 4-Sep-2015 ORDERED: Court Reporter Robin Bobbie to file transcript dated 3/13/2013 due by 10/05/2015. Hon Samuel A Thumma - Author
23. 4-Sep-2015 ORDERED: Court Reporter Christine Coaly to file transcript dated 12/14/2012 due by 10/05/2015. Hon Samuel A Thumma - Author
24. 4-Sep-2015 ORDERED: Ken Crenshaw to file transcript dated 10/19/2010 due by 10/05/2015. Hon Samuel A Thumma - Author
25. 4-Sep-2015 ORDERED: Court Reporter Terry Masciola transcripts due by 10/05/2015. Hon Samuel A Thumma - Author
26. 4-Sep-2015 ORDERED: Court Reporter Lisa Edgar to file transcript dated 06/05/2012 due by 10/05/2015. Hon Samuel A Thumma - Author
27. 7-Sep-2015 FILED: Reporter's Transcripts - 06/05/12 - (M. Lisa Edgar)
28. 8-Sep-2015 FILED: Reporter's Transcript - 01/14/14 - Trial Day 4 - AM (Lori Thielmann)

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- 29. 11-Sep-2015 FILED: Additional Record on Appeal
Exhibits:
Hearing Date 11/25/2013 List # 3 4 5 6 7 8 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 36 37 38
39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79
80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114
115 117 118 119 120 121 122 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 155 156 157 158 159 160 161
162 163 164 169 172 in a manila envelope
Sealed Items:
Confidential Criminal History Addendum in Sealed Manila Envelope
- 30. 11-Sep-2015 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None Sent
- 31. 15-Sep-2015 FILED: Reporter's Transcript - 02/05/14 Trial (Barbara Stockford)
- 32. 16-Sep-2015 FILED: Reporter's Transcripts - 12/03/13 - (Melody O'Donnell)
- 33. 17-Sep-2015 FILED: Motion to Unseal Mental Health Evaluations; Certificate of Service (Appellant)
- 34. 22-Sep-2015 FILED: Reporter's Transcript - 03/13/13 - Complex Case Management Conference (Robin Bobbie)
- 35. 23-Sep-2015 FILED: Reporter's Transcript - 4/17/15 - (Tara L. Kramer)
- 36. 28-Sep-2015 FILED: Reporter's Transcript - 10/24/13 Status Conference (Kristen L. Brown.)
- 37. 29-Sep-2015 FILED: Reporter's Transcript - 01/29/14 - Trial Day Eleven (Jovanna Roman for Brenda Brown)
- 38. 30-Sep-2015 FILED: Reporter's Transcript - 01/21/14 - trial day 7 (Jennifer Pancratz)
- 39. 30-Sep-2015 ORDERED: Motion to Unseal Mental Health Evaluations (Appellant) = GRANTED/Unsealing the mental health evaluation reports
of Dr. Julio Ramirez and Dr. Jack Potts, IOR numbers 31 and 32. Anthony Mackey ProTem Judge - Author
- 40. 1-Oct-2015 FILED: Reporter's Transcript - 07/02/15 - Status Conference - (Terry Masciola)
- 41. 1-Oct-2015 FILED: Reporter's Transcripts - 06/13/14 - Case Mgmt Conf/Status Conference (Terry Masciola)
- 42. 1-Oct-2015 FILED: Reporter's Transcripts - 04/18/14 - Case Mgmt Conference - (Terry Masicola)
- 43. 1-Oct-2015 FILED: Reporter's Transcript - 01/15/14 - Trial - (Terry Masciola)
- 44. 1-Oct-2015 FILED: Reporter's Transcript - 09/05/14 - Case Management Conference (Terry Masicola)
- 45. 1-Oct-2015 FILED: Motion for Extension of Time to File Transcripts - (Terry Masciola)
- 46. 2-Oct-2015 FILED: Reporter's Transcript - 10/19/10 - (Janice Penfield)
- 47. 4-Oct-2015 FILED: Reporter's Transcript - 08/09/13 - (Marylynn LeMoine)
- 48. 5-Oct-2015 FILED: Reporter's Transcript - 12/14/12 - (Christine Coaly)
- 49. 5-Oct-2015 FILED: Reporter's Transcript - 01/13/14 - Trial - Day 3 - AM (April Escobedo)
- 50. 5-Oct-2015 FILED: Request for Extension (of Time to File Transcripts) (Kristi Week)
- 51. 5-Oct-2015 FILED: Motion for Extension of Time (To File Transcripts) (Patricia Kotarba)
- 52. 6-Oct-2015 FILED: Reporter's Transcript - 01/23/14 - (Jennifer Pancratz)
- 53. 6-Oct-2015 FILED: Reporter's Transcript - 01/13/14 - Trial - PM Session - (Terry Masciola)
- 54. 6-Oct-2015 FILED: Reporter's Transcript - 10/23/13 - Status Conference - (Terry Masciola)
- 55. 6-Oct-2015 FILED: Reporter's Transcript - 12/04/13 - Trial - AM Session - (Terry Masciola)

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56. 6-Oct-2015 FILED: Reporter's Transcript - 02/03/14 - (Jennifer Pancratz)
57. 6-Oct-2015 FILED: Reporter's Transcript - 01/22/14 - trial - (Jennifer Pancratz)
58. 6-Oct-2015 FILED: Reporter's Transcript - 03/13/15 - (Lydia Estrada-Gray)
59. 6-Oct-2015 FILED: Reporter's Transcript- 1/29/14 -Jury Trial- (Laura Ashbrook)
60. 8-Oct-2015 ORDERED: Motion for Extension of Time (To File Transcripts) (Patricia Kotarba) = GRANTED. Due date EXTENDED from Monday, 10-05-2015 to Monday, 11-09-2015 for transcript of proceeding held on 07/08/2015 or OSC on 11/18/2015 Hon Samuel A Thumma - Author
61. 8-Oct-2015 ORDERED: Request for Extension (of Time to File Transcripts) (Kristi Week) = GRANTED. Due Dates EXTENDED to 11/09/2015 for Transcripts dated 01/05/2015, 04/30/2015, 05/05/2015 or OSC on 11/18/2015. Hon Samuel A Thumma - Author
62. 8-Oct-2015 FILED: Post Conviction Relief - Motion for Order-defendant remain in Custody of MCSO; Motion for Determination of Appointment of Investigation (Courtesy Copy)
63. 9-Oct-2015 FILED: Reporters Transcript - 2/04/14 (Jennifer Pancratz) (Duplicate)
64. 15-Oct-2015 ORDERED: Motion for Extension of Time to File Transcripts - (Terry Masciola) = GRANTED. Due Dates EXTENDED to 01/04/2016 for Transcripts dated 12/02/2013, 01/08/2014, 01/09/2014, 01/16/2014, 01/27/2014, 01/30/2014, 07/10/2015, 09/07/2012, 09/24/2012, 11/09/2012, 04/16/2013, 05/17/2013, 06/10/2013, 07/09/2013, 09/13/2013, 09/27/2013, 10/14/2013, 11/14/2013, 11/27/2013, 12/16/2013, 02/07/2014, 03/07/2014, 08/01/2014, 09/17/2014, 09/26/2014, 10/27/2014, 10/29/2014, 11/10/2014, 12/04/2014, 01/23/2015, 03/25/2015, 05/11/2015, 05/20/2015, 06/03/2015, 06/29/2015, 7/10/2015 or OSC on 1/06/2016. Hon Samuel A Thumma - Author
65. 19-Oct-2015 FILED: Reporter's Transcripts - Status Conference - 09/26/14 - (Terry Masciola)
66. 19-Oct-2015 FILED: Reporter's Transcript - Trial-Morning Session - 01/27/14 - (Terry Masciola)
67. 19-Oct-2015 FILED: Reporter's Transcript - Case Management Conference -04/16/13 (Terry Masciola)
68. 19-Oct-2015 FILED: Reporter's Transcript - 05/20/15 - (Terry Masciola)
69. 19-Oct-2015 FILED: Reporter's Transcript - 12/04/13 - (Terry Masciola)
70. 27-Oct-2015 FILED: First Motion Extension (of Time to File Transcripts) (Lisa Bradley)
71. 29-Oct-2015 FILED: Reporter's Transcript - 3/13/15 - (Lydia Estrada-Gray)
72. 29-Oct-2015 ORDERED: First Motion Extension (of Time to File Transcripts) (Lisa Bradley) = GRANTED. Transcript dated 10/24/13 due date EXTENDED from Monday, 10-05-2015 to Monday, 11-30-2015 or OSC 12/02/15. Hon Samuel A Thumma - Author
73. 2-Nov-2015 ORDERED: Court Reporter Alisa Smith to appear for OSC on 12/02/15 for transcript dated 01/13/14. Hon Samuel A Thumma - Author
74. 9-Nov-2015 FILED: Reporter's Transcript - 07/08/15 - (Patricia Kotarba)
75. 9-Nov-2015 FILED: Reporter's Transcript - 10/24/13 - (Lisa Bradley)
76. 12-Nov-2015 FILED: Reporter's Transcript - 01/05/15 - (Kristi Week)
77. 12-Nov-2015 FILED: Reporter's Transcript - 04/30/15 - (Kristi Week)
78. 12-Nov-2015 FILED: Reporter's Transcript - 05/05/15 pm - Status Conference - (Kristi Week)
79. 30-Nov-2015 FILED: Reporter's Transcript - 01/13/14 - (Alisa Smith)
80. 8-Dec-2015 FILED: Reporter's Transcript - 05/17/13 - (Terry Masciola)
81. 8-Dec-2015 FILED: Reporter's Transcript - 07/09/13 - (Terry Masciola)
82. 8-Dec-2015 FILED: Reporter's Transcript - 06/29/15 - (Terry Masciola)

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83. 17-Dec-2015 FILED: Reporter's Transcript - 10/29/14 - (Terry Masciola)
84. 17-Dec-2015 FILED: Reporter's Transcript - 08/01/14 - (Terry Masciola)
85. 17-Dec-2015 FILED: Reporter's Transcript - 11/10/14 - (Terry Masciola)
86. 18-Dec-2015 FILED: Reporter's Transcript - 10/27/14 - (Terry Masciola)
87. 18-Dec-2015 FILED: Reporter's Transcript - 12/16/13 - (Terry Masciola)
88. 18-Dec-2015 FILED: Reporter's Transcript - 09/13/13 - (Terry Masciola)
89. 18-Dec-2015 FILED: Reporter's Transcript - 09/07/12 - (Terry Masciola)
90. 4-Jan-2016 FILED: Second Extension Request (To File Transcripts) (Terry Masciola)
91. 5-Jan-2016 ORDERED: Second Extension Request (To File Transcripts) (Terry Masciola) = GRANTED. Due Dates EXTENDED to 02/18/2016 for Transcripts dated 12/02/2013, 01/08/2014, 01/09/2014, 01/16/2014, 01/30/2014, 07/10/2015, 09/24/2012, 11/09/2012, 06/10/2013, 09/27/2013, 10/14/2013, 11/14/2013, 11/27/2013, 02/07/2014, 03/07/2014, 09/17/2014, 12/04/2014, 01/23/2015, 03/25/2015, 05/11/2015, 06/03/2015 or sanctions of \$75 a day and OSC on 03/02/2016. Hon Samuel A Thumma - Author
92. 21-Jan-2016 FILED: Reporter's Transcript - 07/10/15 - (Terry Masciola)
93. 21-Jan-2016 FILED: Reporter's Transcript - 12/04/14 - (Terry Masciola)
94. 21-Jan-2016 FILED: Reporter's Transcript - 03/07/14 - (Terry Masciola)
95. 21-Jan-2016 FILED: Reporter's Transcript - 06/10/13 - (Terry Masciola)
96. 21-Jan-2016 FILED: Reporter's Transcript - 02/07/14 - (Terry Masciola)
97. 8-Feb-2016 FILED: Reporters Transcript - 10/14/13 - (Terry Masciola)
98. 8-Feb-2016 FILED: Reporter's Transcript - 05/11/15 - (Terry Masciola)
99. 8-Feb-2016 FILED: Reporter's Transcript - 01/30/14 - (Terry Masciola)
100. 8-Feb-2016 FILED: Reporter's Transcript - 11/09/12 - (Terry Masciola)
101. 13-Feb-2016 FILED: Reporter's Transcript - 09/27/13 - (Terry Masciola)
102. 13-Feb-2016 FILED: Reporter's Transcript - 11/27/13 - (Terry Masciola)
103. 13-Feb-2016 FILED: Reporter's Transcript - 09/24/12 - (Terry Masciola)
104. 13-Feb-2016 FILED: Reporter's Transcript - 01/23/15 - (Terry Masciola)
105. 13-Feb-2016 FILED: Reporter's Transcript - 03/25/15 - (Terry Masciola)
106. 16-Feb-2016 FILED: Motion for Extension of Time to File Transcripts - (Terry Masciola)
107. 16-Feb-2016 FILED: Reporters Transcript - 06/03/15 - (Terry Masciola)
108. 16-Feb-2016 FILED: Reporter's Transcript - 01/09/14 - (Terry Masciola)
109. 17-Feb-2016 FILED: Reporter's Transcript - 12/02/13 - (Terry Masciola)
110. 17-Feb-2016 FILED: Reporter's Transcript - 09/17/14 - (Terry Masciola)
111. 17-Feb-2016 ORDERED: Court Reporter Terry Masciola transcripts dated 11/14/13, 12/02/13, 01/08/14, 01/16/14, 09/17/14 due 02/19/16 or OSC 03/02/16. FURTHER ORDERED: If transcripts are not filed by February 19, 2016, a monetary sanction shall be imposed on Terry L. Masciola, in the amount of \$75 per day, until transcripts are filed. Hon Samuel A Thumma - Author
112. 18-Feb-2016 FILED: Reporter's Transcript - 01/08/14 - (Terry Masciola)
113. 19-Feb-2016 FILED: Reporter's Transcript - 01/16/14 - (Terry Masciola)

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114. 19-Feb-2016 FILED: Reporter's Transcript - 11/14/13 - (Terry Masciola)
115. 22-Feb-2016 FILED: Notice of Completion of Record
116. 3-Mar-2016 FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
117. 7-Mar-2016 ORDERED: Motion to Withdraw and Substitute New Counsel (Appellant) = GRANTED. FURTHER ORDERED: Appointing Mark Heath as counsel for appellant. FURTHER ORDERED: Maricopa County Public Defender forward all files to newly appointed counsel. FURTHER ORDERED: Motion to Extend Opening Brief Due Date (Appellant) = GRANTED. Due date EXTENDED from Thursday, 04-07-2016 to Thursday, 04-21-2016. Anthony Mackey ProTem Judge - Author
118. 24-Mar-2016 FILED: Request for Scheduling Conference; Certificate of Service (Appellant)
119. 4-Apr-2016 ORDERED: Counsel shall have to/including 4/29/16 to file a motion to supplement the record with any transcripts not included under Rule 31.8. FURTHER ORDERED: Counsel shall contact appellee's counsel to agree upon an extended briefing schedule. Counsel shall file the proposed extended briefing schedule no later than 5/2/16. Anthony Mackey ProTem Judge - Author
120. 5-Apr-2016 FILED: Courtesy Copy of Office of Contract Counsel Appointment Sheet (Appellant)
121. 6-Apr-2016 AMENDED ORDER: Vacating Opening Brief due date. FURTHER ORDERED: Counsel shall have to/including 4/29/16 to file a motion to supplement the record with any transcripts not included under Rule 31.8. FURTHER ORDERED: Counsel shall contact appellee's counsel to agree upon an extended briefing schedule. Counsel shall file the proposed extended briefing schedule no later than 5/2/16. Anthony Mackey ProTem Judge - Author
122. 5-May-2016 FILED: Proposed Extended Briefing Schedule; Certificate of Service (Appellant)
123. 9-May-2016 ORDERED: Proposed Extended Briefing Schedule (Appellant) = GRANTED/Opening Brief due 08/29/2016. FURTHER ORDERED: Answering Brief due 12/27/2016. FURTHER ORDERED: Reply Brief due 01/26/2017. Anthony Mackey ProTem Judge - Author
124. 26-Aug-2016 FILED: Appellant's Opening Brief (Anders); Certificate of Compliance; Certificate of Service (Appellant)
125. 26-Aug-2016 FILED: Motion for Leave to Permit Appellant to File Supplemental Brief; Certificate of Service (Appellant)
126. 30-Aug-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 10/11/2016; FURTHER ORDERED: Answering brief to await court order. Anthony Mackey ProTem Judge - Author
127. 26-Sep-2016 FILED: Letter, dated 09/19/2016 to Appellant from Counsel re: Forwarding Record on Appeal
128. 31-Oct-2016 FILED: Assigning Anders appeal to Dept A for consideration and disposition. [Amy M. Wood, Clerk]
129. 31-Oct-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
130. 8-Nov-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes copy of transcripts filed directly with COA1 previously)
131. 17-Jan-2017 MEMORANDUM DECISION (Affirmed) Hon Kenton D Jones - Author; Hon Randall M Howe - Concur; Hon Donn Kessler - Concur (Motion for reconsideration extended thirty days from date of this decision.)
132. 17-Jan-2017 FILED: Memorandum Decision Distribution List