

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 15-0542

STATE v. HERNANDEZ

Appellate Case Information

Case Filed: 19-Aug-2015
Case Closed: 31-Jan-2017

Decision

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

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

Side 2. MANUEL HERNANDEZ, Appellant

(Litigant Group) MANUEL HERNANDEZ

- Manuel Hernandez

Attorneys for: Appellant

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

CASE STATUS

Jan 31, 2017....Case Closed

| PREDECESSOR CASE(S) | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments> | Trial | Dispo |
|---------------------|---|-----------------------------|-----------------------------|-------|-------|
| MAR CR1998-005888 | Possession of Dangerous Drugs, Class 2; Transportation of Dangerous Drugs, Class 2; Misconduct Involving Weapons, Class 4 | 7 Years; 5 Years; 2.5 Years | Stephen A Gerst, Sentencing | JURY | |

DESCENDENT CASE(S)

ASC CR-16-0489-PR

CASE DECISION

03-Nov-2016 MEMORANDUM DECISION

Patricia Orozco.....Author
Peter Swann.....Concur
Jon Thompson.....Concur

Filed: 03-Nov-2016 Mandate: 31-Jan-2017

| |
|----------------------|
| Decision Disposition |
| Affirmed |

28 PROCEEDING ENTRIES

- 19-Aug-2015 FILED: Notice of Appeal from Maricopa County Superior Court filed 08/11/15. Notifications sent to Court Reporters dated 08/18/2015. Includes Designation of Record
- 24-Sep-2015 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None
- 24-Sep-2015 FILED: 05/04/2015 Transcript of proceedings (Nicole Sesta)
- 27-Sep-2015 FILED: Reporter's Transcript - 07/22/2015 - Sentencing (Patricia Kotarba)
- 1-Oct-2015 FILED: Untitled Letter from Court Reporter re: Requesting Extension of Time to File Transcripts (Cindy Benner)
- 1-Oct-2015 ORDERED: Untitled Letter from Court Reporter re: Requesting Extension of Time to File Transcripts (Cindy Benner) = GRANTED. Transcript dated 10/20/14 due date EXTENDED from Friday, 09-25-2015 to Monday, 11-02-2015 or OSC 11/04/15. Hon Samuel A Thumma - Author

Court of Appeals, Division One**Criminal - Anders Appeal****1 CA-CR 15-0542****STATE v. HERNANDEZ****28 PROCEEDING ENTRIES**

7. 15-Oct-2015 FILED: Reporters Transcript 10/20/2014 (Cindy Benner)
8. 13-Jan-2016 FILED: Notice re: Transcript Unavailable (Scott Coniam on behalf of Judie Bryant)
9. 25-Jan-2016 ORDERED: Notice re: Transcript Unavailable (Scott Coniam on behalf of Judie Bryant) = GRANTED. FURTHER ORDERED: Staying this appeal to/including 03/10/16 and revesting jurisdiction in Maricopa County Superior Court for permitting trial court parties to settle record in this matter. FURTHER ORDERED: Superior Court shall transmit certified copy of findings/reconstructed materials within five days after entry, no later than 03/11/16. FURTHER ORDERED: Appeal shall be automatically reinstated 03/11/16 without further order. Anthony Mackey ProTem Judge - Author
10. 10-Mar-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Minute Entry dated 3/3/16 re: reconstruction of record)
11. 15-Mar-2016 FILED: Notice of Completion of Record
12. 25-Mar-2016 FILED: Notice of Appearance; Certificate of Service (Appellant)
13. 14-Apr-2016 FILED: Motion to Supplement the Record and Request for Extension of Time to File the Opening Brief; Certificate of Service (Appellant)
14. 18-Apr-2016 ORDERED: Motion to Supplement the Record and Request (Appellant) = GRANTED in part/ 07/01/2015 transcript due 05/16/2016. FURTHER ORDERED: Denying motion for 03/03/2016 transcript. FURTHER ORDERED: Request for Extension of Time to File the Opening Brief (Appellant) = GRANTED/Due date EXTENDED from Friday, 04-29-2016 to Wednesday, 06-15-2016. Anthony Mackey ProTem Judge - Author
15. 19-Apr-2016 FILED: Reporter's Transcript - 07/01/15 - Change of Plea (Renee Mobley)
16. 7-Jun-2016 FILED: Appellant's Opening Brief; Certificate of Compliance with Rule 31.13(b), ARCP; Certificate of Service (Appellant)
17. 7-Jun-2016 FILED: Motion for Leave to Allow Appellant to File Supplemental Brief In Propria Persona; Certificate of Service (Appellant)
18. 8-Jun-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 07/18/2016; FURTHER ORDERED: Answering brief to await court order. Anthony Mackey ProTem Judge - Author
19. 10-Jun-2016 FILED: Letter, dated 06/10/2016 to Appellant from Counsel re: Forwarding Record on Appeal (Appellant)
20. 3-Aug-2016 FILED: Assigning Anders appeal to Dept C for consideration and disposition. [Ruth Willingham, Clerk]
21. 3-Aug-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
22. 12-Aug-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
23. 3-Nov-2016 MEMORANDUM DECISION (Affirmed) Hon Patricia A Orozco - Author; Hon Peter B Swann - Concur; Hon Jon W Thompson - Concur (Motion for reconsideration extended thirty days from date of this decision.)
24. 3-Nov-2016 FILED: Memorandum Decision Distribution List
25. 1-Dec-2016 FILED: Letter, dated 12/1/16 from Counsel to Appellant re: Right to File Petition for Review (Appellant)
26. 2-Dec-2016 FILED: ASC Order filed 12/02/2016 re: extending time for filing the Petition for Review to 01/04/2017
27. 30-Jan-2017 FILED: ASC Order filed 01/30/2017 re: dismissing this matter
28. 31-Jan-2017 FILED: Mandate, Record returned to superior court.