Court of Appeals, Division One

Criminal

1 CA-CR 15-0591 STATE v. TULL

Appellate Case Information

Case Filed: 9-Sep-2015

Case Closed:

Dept/Composition

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- **State of Arizona**

Attorneys for: Appellee

Terry M Crist, Esq. (AZ Bar No. 28348)

Side 2. CONRAD ANTHONY TULL, Appellant

(Litigant Group) CONRAD ANTHONY TULL

- **Conrad Anthony Tull**

Attorneys for: Appellant

Harriette P Levitt, Esq. (AZ Bar No. 7077)

CASE STATUS

Jan 24, 2017....Stayed (until 3/2/17) Jan 13, 2017.....**At Issue**

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CR2011-08033-002				JURY	
MAR	CR2011-123789-027	See File	See File	Sherry K Stephens, Sentencing	JURY	

2 OPEN DUE DATES

Reply Brief Due **Due By:** Thursday, February 2, 2017

Re: FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)

Additional Record due **Due By:** Thursday, March 2, 2017

Certified Copy of Order re: Rule 32 Proceedings
*Re: * ORDERED: Staying this appeal to/including 3/2/17 to permit Appellant to file a Petition for Post-Conviction Relief in the Superior Court to obtain an order granting a delayed appeal. FURTHER ORDERED: Clerk of Superior Court to forward certified copy of*

2 CALENDARS

Friday MOTION CALENDAR
13-Jan-2017 **Department M;**

File date: 1/10/2017..... Motion to Dismiss (Appellee)

Response to Motion to Dismiss (Appellant)

Friday MOTION CALENDAR
20-Jan-2017 **Department M;**

File date: 1/19/2017..... Response to Motion to Dismiss (Appellant)

PENDING MATTER

General Motion Filed: 10-Jan-2017

Motion to Dismiss (Appellee) *Scheduled: 13-Jan-2017*

Response to Motion to Dismiss (Appellant)

120 PROCEEDING ENTRIES

1.	9-Sep-2015	FILED: Notice of Appeal from Maricopa County Superior Court filed 08/28/15. Notification to Court Reporters dated 08/28/15.
2.	16-Sep-2015	ORDERED: Appointing Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Transcripts due 11/02/15. Anthony Mackey ProTem Judge - Author

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120 PROCEEDING ENTRIES

3.	21-Sep-2015	FILED: Reporter's Transcripts - 05/14/2014 - (Michael Babicky)
4.	21-Sep-2015	FILED: Reporter's Transcripts - 05/19/2014 - (Michael Babicky)
5.	21-Sep-2015	FILED: Reporter's Transcripts - 05/28/2014 - (Michael Babicky)
6.	21-Sep-2015	FILED: Reporter's Transcripts - 05/29/2014 - (Michael Babicky)
7.	21-Sep-2015	FILED: Reporter's Transcripts - 06/09/2014 - (Michael Babicky)
8.	21-Sep-2015	FILED: Reporter's Transcripts - 06/10/2014 - (Michael Babicky)
9.	21-Sep-2015	FILED: Reporter's Transcripts - 08/04/2014 - (Michael Babicky)
10.	21-Sep-2015	FILED: Reporter's Transcripts - 07/29/2014 - (Michael Babicky)
11.	21-Sep-2015	FILED: Reporter's Transcripts - 07/28/2014 - (Michael A Babicky)
12.	21-Sep-2015	FILED: Reporter's Transcripts - 05/01/2014 - (Michael Babicky)
13.	21-Sep-2015	FILED: Reporter's Transcripts - 05/05/2014 - (Michael Babicky)
14.	21-Sep-2015	FILED: Reporter's Transcripts - 05/06/2014 - (Michael Babicky)
15.	21-Sep-2015	FILED: Reporter's Transcripts - 03/06/2013 - (Michael Babicky)
16.	21-Sep-2015	FILED: Reporter's Transcripts - 04/24/2014 - (Michael Babicky)
17.	21-Sep-2015	FILED: Reporter's Transcripts - 04/29/2014 - (Michael Babicky)
18.	21-Sep-2015	FILED: Reporter's Transcripts - 05/06/2015 - (Michael Babicky)
19.	22-Sep-2015	FILED: Reporters Transcript 05/08/2014 (Michael Babicky)
20.	22-Sep-2015	FILED: Reporters Transcript 7/07/2014 (Michael Babicky)
21.	22-Sep-2015	FILED: Reporters Transcript 07/08/2014 (Michael Babicky)
22.	22-Sep-2015	FILED: Reporter's Transcripts 07/15/2014 (Michael Babicky)
23.	22-Sep-2015	FILED: Reporters Transcript 07/09/2014 (Michael Babicky)
24.	25-Sep-2015	FILED: Reporter's Transcript - 06/03/14 - Trial Day 17 - P.M. (Marla Arnold)
25.	25-Sep-2015	FILED: Reporter's Transcript - 06/10/14 - Trial Day 19- P.M. (Marla Arnold)
26.	25-Sep-2015	FILED: Reporter's Transcript - 07/28/14 - Trial Day 29 - P.M. (Marla Arnold)
27.	25-Sep-2015	FILED: Reporter's Transcript - 06/02/14 - Trial Day 16- All Day (Marla Arnold)
28.	25-Sep-2015	FILED: Reporter's Transcript - 04/23/14 - Trial Day 1 - All Day (Marla Arnold)
29.	25-Sep-2015	FILED: Reporter's Transcript - 04/28/14 - Trial Day 3 - All Day (Marla Arnold
30.	25-Sep-2015	FILED: Reporter's Transcript - 05/07/14 - Trial Day 9 - All Day (Marla Arnold
31.	25-Sep-2015	FILED: Reporter's Transcript - 05/28/14 - Trial Day 14 - P.M. (Marla Arnold
32.	25-Sep-2015	FILED: Motion to Withdraw and Substitute New Counsel Due to Co-Defendant Conflict; No Opening Brief Date Set; Certificate of Service (Appellant)
33.	25-Sep-2015	FILED: Reporter's Transcript - 07/16/14 - Trial Day 27 - All Day (Marla Arnold
34.	25-Sep-2015	FILED: Reporter's Transcript - 07/22/14 - Trial Day 1 - All Day (Marla Arnold)
35.	29-Sep-2015	FILED: Reporter's Transcript - 06/24/2014 - Trial Day 21 - A.M. (Marla Arnold)
36.	29-Sep-2015	FILED: Reporter's Transcript - 06/24/2014 - Trial Day 21 - All Day (Marla Arnold)(Duplicate)

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37.	29-Sep-2015	FILED: Reporter's Transcript - 07/16/2014 - Trial Day 27 - All Day - (Marla Arnold) (Duplicate)
38.	29-Sep-2015	FILED: Reporter's Transcript - 07/22/2014 - Trial Day 28 - All Day (Marla Arnold)(Duplicate)
39.	2-Oct-2015	FILED: Reporter''s Transcript - 6-12-14 - (Helene Paustian)
40.	5-Oct-2015	ORDERED: Motion to Withdraw and Substitute New Counsel Due to Co-Defendant Conflict; No Opening Brief Date Set (Appellant) = GRANTED/Appointing Michael Dew as attorney for appellant. FURTHER ORDERED: Maricopa County Public Defender to forward all files to new counsel. FURTHER ORDERED: EXTENDING Opening Brief due date to 11/19/2015. Anthony Mackey ProTem Judge - Author (Opening Brief due date removed - see 10/9/15 order)
41.	7-Oct-2015	FILED: Reporter's Transcript - 07/08/2014 - Jury Trial (Patricia Kotarba)
42.	7-Oct-2015	FILED: Reporter's Transcript - 07/10/2014 - Jury Trial (Patricia Kotarba)
43.	7-Oct-2015	FILED: Reporter's Transcript - 07/17/2014 - Jury Trial (Patricia Kotarba)
44.	8-Oct-2015	FILED: Reporter's Transcripts - 07/09/2014 - (Robin Bobbie)
45.	9-Oct-2015	AMENDED ORDER: Motion to Withdraw and Substitute New Counsel Due to Co-Defendant Conflict; No Opening Brief Date Set (Appellant) = GRANTED/Appointing Michael Dew as attorney for appellant. FURTHER ORDERED: Maricopa County Public Defender to forward all files to new counsel. Anthony Mackey ProTem Judge - Author
46.	9-Oct-2015	FILED: Courtesy Copy of Designation of Record for Appeal Filed in Superior Court (Appellant)
47.	12-Oct-2015	FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: None Exhibits: None Sent
48.	13-Oct-2015	FILED: Additional Record on Appeal Exhibits: Hearing Date 4/23/2014 List # 1 1.001 1.003 2 2.001 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 29.001 30 30.001 31 32 32.001 33 34 35 36 37 38 38.001 39 40 40.001 41 41.001 43 44 44 45 46 47 48 49 50 50.001 51 52 52.001 53 53.001 54 54.001 55 55.001 56 56.001 61 62 63 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 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 143 144 145 146 147 148 149 150 151 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 Hearing Date 4/23/2014 List # 1 1.001 1.003 2 2.001 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 29.001 30 30.001 31 32 32.001 33 34 35 36 37 38 38.001 39 40 40.001 41 41 41.001 43 44 45 46 47 48 49 50 50.001 51 52 52.001 53 53.001 54 54.001 55 55.001 56 56.001 61 62 63 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 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 143 144 145 146 147 148 149 150 151 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 211 212 213 214 215 215.002 215.003 216 217 218 219 220 221 222 223 224 225 226 227 231 233 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 259 261 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304.001 305 306 307 307.001 308 308.001 309 310 311 311.001 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 328 331 331.001 333 334 335 336 337 338 339 340 341 343 344 345 346 347 348 349 350 351 352 353 in a white box
49.	13-Oct-2015	ORDERED: Court Reporter Michael Babicky transcripts dated 01/23/13, 11/13/13, 03/05/14, 03/31/14, 04/07/14, 04/17/14, 04/30/14, 05/01/14, 07/31/14, 08/04/14 due 11/12/15. Hon Samuel A Thumma - Author
50.	13-Oct-2015	ORDERED: Court Reporter Lydia Estrada-Gray transcripts dated 08/19/11, 10/11/11, 07/10/12, 08/21/12, 09/26/12, 12/05/12 due 11/12/15. Hon Samuel A Thumma - Author
51.	13-Oct-2015	ORDERED: Court Reporter Antoinette Salazar transcripts dated 04/11/12, 08/15/12 due 11/12/15. Hon Samuel A Thumma - Author
52.	13-Oct-2015	ORDERED: Court Reporter Traci Stutsman transcripts dated 04/25/12, 12/20/12 due 11/12/15. Hon Samuel A Thumma - Author

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53.	13-Oct-2015	ORDERED: Court Reporter Marla Arnold transcripts dated 02/28/14, 04/30/14, 05/13/14. Hon Samuel A Thumma - Author
54.	13-Oct-2015	ORDERED: Court Reporter Barbara Stockford transcripts dated 12/11/12, 07/15/13 due 11/12/15. Hon Samuel A Thumma - Author
55.	13-Oct-2015	ORDERED: Court Reporter Robin Bobbie transcript dated 03/20/13 due 11/12/15. Hon Samuel A Thumma - Author
56.	13-Oct-2015	ORDERED: Court Reporter Nicole Sesta transcript dated 07/07/14 due 11/12/15. Hon Samuel A Thumma - Author
57.	13-Oct-2015	ORDERED: Court Reporter Alisa Smith transcript dated 11/14/12 due 11/12/15. Hon Samuel A Thumma - Author
58.	13-Oct-2015	ORDERED: Ken Crenshaw transcript dated 08/16/12 due 11/12/15. Hon Samuel A Thumma - Author
59.	15-Oct-2015	FILED: Reporter's Transcript of Proceedings-9/26/2012-Complex Case Management(Lydia Estrada-Gray)
60.	15-Oct-2015	FILED: Reporter's Transcript of Proceedings-10/11/2011-Case Management Conference(Lydia Estrada-Gray)
61.	15-Oct-2015	FILED: Reporter's Transcript of Proceedings-12/5/2012-Status Conference (Lydia Estrada-Gray)
62.	15-Oct-2015	FILED: Reporter's Transcript of Proceedings-8/21/2012-Complex Case Management (Lydia Estrada-Gray)
63.	16-Oct-2015	FILED: Reporter's Transcript - 07/31/14 - (Michael Babicky)
64.	16-Oct-2015	FILED: Reporter's Transcripts - 01/23/13 - (Michael Babicky)
65.	16-Oct-2015	FILED: Reporter's Transcripts - 11/13/13 - (Michael Babicky)
66.	16-Oct-2015	FILED: Reporter's Transcripts - 03/05/14 - (Michael Babicky)
67.	16-Oct-2015	FILED: Reporter's Transcript - 05/01/14 - (Michael Babicky)
68.	16-Oct-2015	FILED: Reporter's Transcripts - 08/04/2014 - (Michael A Babicky)
69.	16-Oct-2015	FILED: Reporter's Transcripts-04/07/2014-Trial Hearing-(Michael Babicky)
70.	16-Oct-2015	FILED: Reporter's Trasncripts-04/17/2014-Trial Hearing-(Michael Babicky)
71.	26-Oct-2015	FILED: Reporters Transcript - 03/20/2013 - Case Management Conference (Robin Bobbie)
72.	28-Oct-2015	FILED: Reporters Transcript - 7/07/2014 - (Nicole Sesta)
73.	29-Oct-2015	FILED: Reporters Transcript - 4/30/2014 - (Marla Arnold)
74.	29-Oct-2015	FILED: Reporters Transcript - 5/13/2014 - (Marla Arnold)
75.	6-Nov-2015	FILED: Reporter's Transcript - 02/28/2014 - Status Conference - AM - (Marla Arnold)
76.	10-Nov-2015	FILED: Reporters Transcript - 12/11/2012 - (Michael Babicky)
77.	12-Nov-2015	FILED: Reporters Transcript - 07/10/2012 - (Lydia Estrada-Gray)
78.	12-Nov-2015	FILED: Reporters Transcript - 10/11/2011 - (Lydia Estrada-Gray)(Duplicate)
79.	12-Nov-2015	FILED: Reporters Transcript - 07/15/2013 - (Barbara Stockford)
80.	13-Nov-2015	FILED: Reporters Transcript - 08/15/2012 - (Antoinette Salazar)
81.	14-Nov-2015	FILED: Reporters Transcript - 08/19/2011 - (Lydia Estrada-Gray)
82.	19-Nov-2015	FILED: Reporters Transcript - 03/31/2014 - (Michael Babicky)
83.	4-Dec-2015	FILED: Reporter's Transcripts - 04/30/2014 - Trial - (Michael Babicky)

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120 PROCEEDING ENTRIES

84.	10-Dec-2015	FILED: Reporters Transcript - 04/11/2012 - (Antoinette Salazar)
85.	10-Dec-2015	ORDERED: Court Reporter Antoinette Salazar to appear for OSC on 01/06/2016 for transcript dated 04/11/2012. Hon Samuel A Thumma - Author
86.	10-Dec-2015	ORDERED: Court Reporter Traci Stutsman to appear for OSC on 01/06/2016 for transcripts dated 04/25//2012 and 12/20/2012. Hon Samuel A Thumma - Author
87.	10-Dec-2015	ORDERED: Ken Crenshaw due date EXTENDED to 01/11/2016 for transcript dated 08/16/2012 or OSC on 01/20/2016. Hon Samuel A Thumma - Author
88.	10-Dec-2015	ORDERED: Court Reporter Alisa Smith shall appear for OSC on 01/06/2016 for transcript dated 11/14/2012. Hon Samuel A Thumma - Author
89.	17-Dec-2015	FILED: Reporters Transcript - 12/20/2012 - (Traci Stutsman)
90.	28-Dec-2015	FILED: Motion for Extension of Time (to File Transcripts) (Traci Stutsman)
91.	5-Jan-2016	ORDERED: Motion for Extension of Time (to File Transcripts) (Traci Stutsman) = GRANTED. Transcript (dated 4/25/12) due 01/11/2016 or sanctions of $75 and OSC 01/20/2016. Hon Samuel A Thumma - Author
92.	5-Jan-2016	FILED: Reporters Transcript - 04/25/2012 - (Traci Stutsman)
93.	11-Jan-2016	FILED: Reporters Transcript - 08/16/2012 - (Kimberly McCright)
94.	12-Jan-2016	FILED: Notice of Errata
95.	12-Jan-2016	FILED: Reporters Transcript - 08/16/2012 - (Kimberly McCright) (Amended)
96.	2-Feb-2016	FILED: Reporters Transcript - 11/14/2012 - (Alisa Smith)
97.	25-Feb-2016	FILED: Notice of Completion of Record
98.	12-Apr-2016	ORDERED: Opening Brief due date EXTENDED from Monday, 04-11-2016 to Wednesday, 05-11-2016. Fred Cole ProTem Judge - Author
99.	3-May-2016	FILED: Motion for Supplementation of Record on Appeal; Certificate of Service (Appellant)
100.	9-May-2016	ORDERED: Motion for Supplementation of Record on Appeal (Appellant) = GRANTED/Including the Honorable Joseph C. Welty's minute entry dated 04/02/2013, filed in Maricopa County CR2011-008033-004 and CR2011-123789-005. FURTHER ORDERED: Clerk of Maricopa County Superior Court supplement the record due 05/31/2016. Anthony Mackey ProTem Judge - Author
101.	9-May-2016	ORDERED: Supplementing Record transcripts due 05/27/2016. FURTHER ORDERED: Opening Brief due date EXTENDED to 06/27/2016. Anthony Mackey ProTem Judge - Author
102.	10-May-2016	FILED: Copy of Minute entry dated Apriul 2, 2013 originally filed in Maricopa County case State v. Ezeigbo, CR2011-008033-004 and CR2011-123789-005
103.	29-May-2016	FILED: Reporter's Transcript - 12/12/2012 - Daubert Hearing (Lydia Estrada-Gray)
104.	29-May-2016	FILED: Reporter's Transcript - 02/04/2013 - Daubert Hearing (Lydia Estrada-Gray)
105.	1-Jun-2016	FILED: Notice of Filing Stipulation for Substitution of Counsel and Consent; Certificate of Service (Appellant)
106.	7-Jun-2016	ORDERED: Notice of Filing Stipulation for Substitution of Counsel and Consent (Appellant) = GRANTED/Substituting Harriette P. Levitt as counsel for the appellant for all further proceedings in place of Michael J. Dew. Anthony Mackey ProTem Judge - Author
107.	26-Jul-2016	FILED: Motiion to Extend Deadline for Filing Opening Brief; Certificate of Service (Appellant)
108.	26-Jul-2016	ORDERED: Attorney Harriette P Levitt opening brief due 08/25/2016 or OSC 09/07/2016. Anthony Mackey ProTem Judge - Author

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120 PROCEEDING ENTRIES

109.	16-Aug-2016	FILED: Supplemental Motion to Extend Deadline for Filing Opening Brief; Certificate of Service (Appellant)
110.	17-Aug-2016	ORDERED: Supplemental Motion to Extend Deadline for Filing Opening Brief (Appellant) = GRANTED/Due date EXTENDED from Thursday, 08-25-2016 to Friday, 09-30-2016 or OSC 10/05/2016 (attorney Harriette P Levitt). Anthony Mackey ProTem Judge - Author
111.	29-Sep-2016	FILED: Appellant's Opening Brief; Appellant's Certificate of Compliance; Appellant's Certificate of Service (Appellant)
112.	6-Oct-2016	FILED: Notice of Appearance; Certificate of Service (Appellee)
113.	15-Nov-2016	ORDERED: Answering brief due date EXTENDED from Monday, 11-14-2016 to Wednesday, 12-14-2016. Fred Cole ProTem Judge - Author
114.	14-Dec-2016	FILED: Motion for Extension of Time to File Answering Brief (Second Request); Certificate of Service (Appellee)
115.	15-Dec-2016	ORDERED: Motion for Extension of Time to File Answering Brief (Second Request) (Appellee) = GRANTED/Due date EXTENDED from Wednesday, 12-14-2016 to Friday, 01-13-2017. Anthony Mackey ProTem Judge - Author
116.	10-Jan-2017	FILED: Motion to Dismiss; Certificate of Service (Appellee)
117.	13-Jan-2017	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
118.	19-Jan-2017	FILED: Response to Motion to Dismiss; Certificate of Service (Appellant)
119.	19-Jan-2017	FILED: Response to Motion to Dismiss; Certificate of Service (Appellant)
120.	24-Jan-2017	ORDERED: Staying this appeal to/including 3/2/17 to permit Appellant to file a Petition for Post-Conviction Relief in the Superior Court to obtain an order granting a delayed appeal. FURTHER ORDERED: Clerk of Superior Court to forward certified copy of any order entered as a result of Rule 32 proceedings within 5 days after entry. FURTHER ORDERED: Delaying a ruling on appellee's Motion to Dismiss until after the Superior Court has ruled on Petition for Post-Conviction Relief. Anthony Mackey ProTem Judge - Author

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