

**Court of Appeals, Division One**

**Criminal**

**1 CA-CR 15-0659**

**STATE v. RODRIGUEZ**

**Appellate Case Information**

Case Filed: 8-Oct-2015  
Case Closed:

**Dept/Composition**

**Department E**  
Hon. Kent E Cattani  
Hon. Lawrence F Winthrop  
Hon. Samuel E Vederman

**Side 1. STATE OF ARIZONA, Appellee**  
(Litigant Group) STATE OF ARIZONA

- State of Arizona

**Attorneys for: Appellee**  
Alice Jones, Esq. (AZ Bar No. 28062)

**Side 2. PAULO LUPE RODRIGUEZ, Appellant**  
(Litigant Group) PAULO LUPE RODRIGUEZ

- Paulo Lupe Rodriguez

**Attorneys for: Appellant**  
Neal W Bassett, Esq. (AZ Bar No. 9608)

**CASE STATUS**

Feb 2, 2017.....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2014-106322-001	Drive By Shooting, Class 2; Discharge of a Firearm at a Structure, Class 3; Driving or Actual Physical Control While Under The Influence of Intoxicating Liquor or Drugs, Class 1 Misdemeanor	7.5 Years; 7.5 Years; 6 Months	Alfred M Fenzel, Sentencing	JURY	

**2 OPEN DUE DATES**

**Motion for Reconsideration due** **Due By:** Wednesday, February 22, 2017  
Re: MEMORANDUM DECISION (Affirmed) Hon Kent E Cattani - Author; Hon Lawrence F Winthrop - Concur; Hon Samuel E Vederman - Concur

**Petition for Review to ASC due** **Due By:** Thursday, March 9, 2017  
Re: MEMORANDUM DECISION (Affirmed) Hon Kent E Cattani - Author; Hon Lawrence F Winthrop - Concur; Hon Samuel E Vederman - Concur

**CASE DECISION**

**02-Feb-2017 MEMORANDUM DECISION**

Kent Cattani.....Author  
Lawrence Winthrop.....Concur  
Samuel Vederman.....Concur

Filed: **02-Feb-2017** Mandate:

Decision Disposition
<b>Affirmed</b>

**32 PROCEEDING ENTRIES**

- 8-Oct-2015 FILED: Notice of Appeal from Maricopa County Superior Court filed 09/24/15. Notification to Court Reporters dated 09/29/15.
- 16-Oct-2015 ORDERED: Financial arrangements or copy of application for indigency due on/before 11/16/2015. (VACATED per order dated 12/11/15) Anthony Mackey ProTem Judge - Author
- 3-Nov-2015 FILED: Response to this Court's Order Re Financial Arrangements; Notice of Service of Response to "Order Re: Financial Arrangments" (Appellant)

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4. 12-Nov-2015 FILED: Additional Record on Appeal  
Exhibits:  
Hearing Date 08/11/2015 List # 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 32 33 35 36 37 38 39 40 41  
42 43 44 45 46 47 48 49 62 64 67 70 74 75 78 80 81 83 84 87 97 98 99 100 101 102 in a manila envelope  
Hearing Date 03/09/2015 List # 1 in a manila envelope  
Sealed Items:  
Confidential Criminal History Addendum in Sealed Manila Envelope
5. 12-Nov-2015 FILED: e-Record on Appeal:  
Instruments/Minute Entries: Combined  
Disposition Report: 138  
Exhibits: None Sent
6. 16-Nov-2015 FILED: Failure to Make Financial Arrangments (sic)
7. 11-Dec-2015 ORDERED: Vacating this court's order dated 10/16/15. FURTHER ORDERED: Vanessa Gartner transcripts due 01/28/16.  
Anthony Mackey ProTem Judge - Author
8. 28-Jan-2016 FILED: Reporters Transcript - 08/11/2015 - (Vanessa Gartner)
9. 28-Jan-2016 FILED: Reporters Transcript - 08/12/2015 - (Vanessa Gartner)
10. 28-Jan-2016 FILED: Reporters Transcript - 08/13/2015 - (Vanessa Gartner)
11. 28-Jan-2016 FILED: Reporters Transcript - 08/17/2015 - (Vanessa Gartner)
12. 28-Jan-2016 FILED: Reporters Transcript - 08/18/2015 - (Vanessa Gartner)
13. 28-Jan-2016 FILED: Reporters Transcript - 08/19/2015 - (Vanessa Gartner)
14. 28-Jan-2016 FILED: Reporters Transcript - 08/20/2015 - (Vanessa Gartner)
15. 28-Jan-2016 FILED: Reporters Transcript - 08/21/2015 - (Vanessa Gartner)
16. 28-Jan-2016 FILED: Reporters Transcript - 09/24/2015 - (Vanessa Gartner)
17. 3-Feb-2016 FILED: Notice of Completion of Record
18. 22-Mar-2016 ORDERED: Opening Brief due date EXTENDED from Monday, 03-21-2016 to Wednesday, 04-20-2016. Fred Cole ProTem  
Judge - Author
19. 20-Apr-2016 FILED: Motion for 3 day Extension of Time to File Opening Brief; Certificate of Service (Appellant)
20. 26-Apr-2016 FILED: Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
21. 2-May-2016 ORDERED: Motion for 3 day Extension of Time to File Opening Brief (Appellant) = GRANTED/Accepting the opening brief as  
filed. Anthony Mackey ProTem Judge - Author
22. 3-May-2016 FILED: Notice of Appearance; Certificate of Service (Appellee)
23. 14-Jun-2016 ORDERED: Answering Brief due date EXTENDED from Monday, 06-13-2016 to Wednesday, 07-13-2016. Fred Cole ProTem  
Judge - Author
24. 12-Jul-2016 FILED: Motion for Extenson of Tmie to File Answering Brief; Certificate of Service (Appellee)
25. 13-Jul-2016 ORDERED: Motion for Extenson of Tmie to File Answering Brief (Appellee) = GRANTED/Due date EXTENDED from Wednesday,  
07-13-2016 to Wednesday, 08-03-2016. Anthony Mackey ProTem Judge - Author
26. 2-Aug-2016 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
27. 15-Aug-2016 FILED: Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
28. 30-Aug-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days

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**32 PROCEEDING ENTRIES**

- 29. 9-Sep-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes copy of transcripts filed directly with COA1 previously)
- 30. 5-Oct-2016 CLNDR: CONFERENCE, Department E, 11-30-16, COURTROOM 2.
- 31. 2-Feb-2017 MEMORANDUM DECISION (Affirmed) Hon Kent E Cattani - Author; Hon Lawrence F Winthrop - Concur; Hon Samuel E Vederman - Concur
- 32. 2-Feb-2017 FILED: Memorandum Decision Distribution List