

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 15-0752

STATE v. GIUNTA

Appellate Case Information

Case Filed: 16-Nov-2015

Case Closed:

Dept/Composition

Department B

Hon. Patricia K Norris
Hon. Samuel A Thumma
Hon. Margaret H Downie

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. ANTHONY GIUNTA, Appellant

(Litigant Group) ANTHONY GIUNTA

- Anthony Brian Giunta

Attorneys for: Appellant

Jeffrey L Force, Esq. (AZ Bar No. 18778)

CASE STATUS

Dec 20, 2016....Decision Rendered

Table with 7 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2012-156588-001, Resisting Arrest, Class 6; Aggravated Assault, Class 4; Misconduct Involving Weapons, Class 4, 1.75 Years; 4.5 Years; 5 Years, Richard L Nothwehr, Sentencing, JURY

DESCENDENT CASE(S)

ASC CR-17-0024-PR

OPEN DUE DATE

Petition for Review to ASC due

Due By:

Friday, February 17, 2017

Re: MEMORANDUM DECISION (Affirmed) Hon Margaret H Downie - Author; Hon Patricia K Norris - Concur; Hon Samuel A Thumma - Concur (Motion for reconsideration extended thirty days from date of this decision.)

[1 extension]

CASE DECISION

20-Dec-2016 MEMORANDUM DECISION

Margaret Downie.....Author
Patricia Norris.....Concur
Samuel Thumma.....Concur

Filed: 20-Dec-2016

Mandate:

Decision Disposition

Affirmed

66 PROCEEDING ENTRIES

- 1. 16-Nov-2015 FILED: Notice of Appeal from Maricopa County Superior Court filed 11/05/15.
2. 18-Nov-2015 ORDERED: Appointing Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Transcripts due 01/04/16. Anthony Mackey ProTem Judge - Author
3. 30-Nov-2015 FILED: Amended Notice of Appeal
4. 18-Dec-2015 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: 148 Exhibits: None Sent

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5. 18-Dec-2015 FILED: Additional Record on Appeal
Exhibits:
Hearing Date 09/15/2015 List # 2 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 in a manila envelope
Sealed Items:
Confidential Criminal History Addendum in Sealed Manila Envelope
6. 18-Dec-2015 FILED: Reporters Transcript - 09/16/2015 - (Jane Westlund)
7. 18-Dec-2015 FILED: Reporters Transcript - 09/16/2015 - (Jane Westlund) (Duplicate)
8. 23-Dec-2015 FILED: Reporter's Transcript -- 09/03/2015 -- Jury Trial--Mistrial Declared (Renee Mobley)
9. 28-Dec-2015 FILED: Motion for Extension of Time to File Transcripts (Dalia Ambriz)
10. 4-Jan-2016 ORDERED: Motion for Extension of Time to File Transcripts (Dalia Ambriz) = GRANTED. Due Dates EXTENDED to 02/03/2016 for Transcripts dated 08/31/2015, 09/01/2015, 09/15/2015 or OSC on 02/17/2016. Hon Samuel A Thumma - Author
11. 13-Jan-2016 FILED: Reporter's Transcripts - 9/2/2015 - Trial (Marylynn LeMoine)
12. 14-Jan-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
13. 18-Jan-2016 FILED: Reporter's Transcript - 06/19/2014 - CCMC - (Jennifer Pancratz)
14. 21-Jan-2016 ORDERED: Court Reporter Jeanne Kappedal transcript dated 09/17/15 due 02/22/16. Hon Samuel A Thumma - Author
15. 21-Jan-2016 ORDERED: Court Reporter Dalia Ambriz transcript dated 09/15/15 due 02/22/16. Hon Samuel A Thumma - Author
16. 21-Jan-2016 ORDERED: Court Reporter Christine Coaly transcript dated 08/05/15 due 02/22/16. Hon Samuel A Thumma - Author
17. 21-Jan-2016 ORDERED: Court Reporter Laurie Yazwa transcripts dated 09/10/14, 02/03/15, 04/15/15 due 02/22/16. Hon Samuel A Thumma - Author
18. 21-Jan-2016 ORDERED: Court Reporter Lydia Estrada-Gray transcript dated 05/08/14 due 02/22/16. Hon Samuel A Thumma - Author
19. 21-Jan-2016 ORDERED: Court Reporter Barbara Stockford transcript dated 01/29/14 due 02/22/16. Hon Samuel A Thumma - Author
20. 21-Jan-2016 ORDERED: Court Reporter Terry Masciola transcripts dated 04/13/13, 05/21/13, 06/10/13, 08/15/13, 10/03/13, 12/12/13, 02/12/14, 03/19/14, 05/01/14 due 02/22/16. Hon Samuel A Thumma - Author
21. 21-Jan-2016 ORDERED: Ken Crenshaw transcripts dated 03/01/13, 06/19/13, 10/23/15 due 02/22/16. Hon Samuel A Thumma - Author
22. 29-Jan-2016 FILED: Reporters Transcript - 08/05/2015 - (Christine Coaly)
23. 29-Jan-2016 FILED: Reporters Transcript - 03/01/2013 - (Janice Penfield)
24. 29-Jan-2016 FILED: Reporters Transcript - 06/19/2013 - (Janice Penfield)
25. 29-Jan-2016 FILED: Reporters Transcript - 10/23/2015 - (Janice Penfield)
26. 2-Feb-2016 FILED: Reporters Transcript - 09/10/2014 - (Laurie Yazwa)
27. 2-Feb-2016 FILED: Reporters Transcript - 02/03/2015 - (Laurie Yazwa)
28. 2-Feb-2016 FILED: Reporters Transcript - 04/15/2015 - (Laurie Yazwa)
29. 18-Feb-2016 FILED: Reporters Transcript - 01/29/2014 - (Jovanna Roman)
30. 22-Feb-2016 FILED: Motion for Extension of Time to File Transcripts (Terry Masciola)

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31. 22-Feb-2016 FILED: Reporters Transcript - 09/15/2015 - (Dalia Ambriz)
32. 23-Feb-2016 ORDERED: Motion for Extension of Time to File Transcripts (Terry Masciola) = GRANTED/due dates EXTENDED to 03/24/2016 for Transcripts dated 05/21/2013, 06/10/2013, 08/15/2013, 10/03/2013, 12/12/2013, 02/12/2014, 03/19/2014, 05/01/2014, 04/13/2013 or OSC 04/06/16. Hon Samuel A Thumma - Author
33. 29-Feb-2016 FILED: Reporters Transcript (05/08/14 [Lydia A Estrada-Gray])
34. 7-Mar-2016 FILED: Reporters Transcript - 09/17/2015 - (Jeanne Kappedal)
35. 7-Mar-2016 ORDERED: Court Reporter Jeanne Kappedal transcript dated 09/17/15 past due. OSC set for 04/06/16. Hon Samuel A Thumma - Author
36. 7-Mar-2016 ORDERED: Court Reporter Laura Ashbrook transcript dated 12/09/14 past due. OSC set for 04/06/16. Hon Samuel A Thumma - Author
37. 15-Mar-2016 FILED: Untitled Affidavit re: Sealed Transcripts - (Laura Ashbrook)
38. 21-Mar-2016 ORDERED: Untitled Affidavit re: Sealed Transcripts - (Laura Ashbrook) = GRANTED/unsealing the court reporter notes of the proceedings held on 12/09/2014. Laura Ashbrook transcript due 04/20/2016. FURTHER ORDERED: Vacating OSC set for 04/06/2016 Anthony Mackey ProTem Judge - Author
39. 25-Mar-2016 FILED: Reporter's Transcript - 06/10/2013 - Final Trial Mgmt Conference (Terry Masciola)
40. 25-Mar-2016 FILED: Reporter's Transcript - 02/12/2014 - Complex Case Management Conference (Terry Masciola)
41. 25-Mar-2016 FILED: Reporter's Transcript -05/01/2014 - Complex Case Management Conference (Terry Masciola)
42. 25-Mar-2016 FILED: Reporter's Transcript - 03/19/14 - Complex Case Management Conference (Terry Masciola)
43. 25-Mar-2016 FILED: Reporter's Transcript - 05/21/13 - Final Trial Mgmt Conference/Status Conference (Terry Masciola)
44. 25-Mar-2016 FILED: Reporter's Transcript - 08/15/13 - Complex Case Management Conference (Terry Masciola)
45. 25-Mar-2016 FILED: Reporter's Transcript - 10/03/13 - Complex Case Management Conference (Terry Masciola)
46. 25-Mar-2016 FILED: Reporter's Transcript - 12/12/13 - Final Trial Management Conference (Terry Masciola)
47. 30-Mar-2016 FILED: Affidavit re: Lack of Minute Entry for date 04/13/2013. (Court Reporter Terry Masciola)
48. 20-Apr-2016 FILED: Reporter's Transcript - 12/9/14 - Ex Parte Motion For Withdrawal of Counsel (Laura Ashbrook)
49. 28-Apr-2016 FILED: Notice of Completion of Record
50. 23-May-2016 FILED: Motion to Supplement the Record on Appeal; Motion to Unseal the Transcript; And Motion to Extend Time to File the Opening Brief; Certificate of Service (Appellant)
51. 2-Jun-2016 ORDERED: Motion to Supplement the Record On Appeal; Motion to Unseal the Transcript (Appellant) = GRANTED/Transcript due 06/30/2016. FURTHER ORDERED: Court Reporter Lydia Estrada-Gray to provide one copy of the transcript of proceedings held on 05/08/2014 to appellant's counsel. FURTHER ORDERED: Motion to Extend Time to File the Opening Brief = GRANTED/Due date EXTENDED from Monday, 06-13-2016 to Friday, 07-29-2016. Anthony Mackey ProTem Judge - Author
52. 30-Jun-2016 FILED: Motion for Extension of Time to File Transcripts (Terry Masciola)
53. 11-Jul-2016 ORDERED: Motion for Extension of Time to File Transcripts (Terry Masciola) = GRANTED/Due date EXTENDED from Thursday, 06-30-2016 to Friday, 07-29-2016 for transcript dated 04/15/2013. Anthony Mackey ProTem Judge - Author
54. 13-Jul-2016 AMENDED ORDER: Motion for Extension of Time to File Transcripts (Terry Masciola) = GRANTED/Due date EXTENDED from Thursday, 06-30-2016 to Friday, 07-29-2016 for transcript dated 04/15/2013. FURTHER ORDERED: Opening Brief due date EXTENDED to 08/29/2016. Anthony Mackey ProTem Judge - Author
55. 2-Aug-2016 FILED: Reporter's Transcript - 04/15/2013 - Status Conference - (Terry Masciola)
56. 29-Aug-2016 FILED: Appellant's Opening Brief; Certificate of Compliance with Rule 31.13(b), ARCP; Certificate of Service (Appellant)

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57. 29-Aug-2016 FILED: Motion for Leave to Allow Appellant to File Supplemental Brief In Propria Persona; Certificate of Service (Appellant)
58. 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
59. 31-Aug-2016 FILED: Letter, dated 8/31/2016 from Counsel to Appellant re: Forwarding Record on Appeal (Appellant)
60. 31-Oct-2016 FILED: Assigning Anders appeal to Dept B for consideration and disposition. [Amy M. Wood, Clerk]
61. 31-Oct-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
62. 10-Nov-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes copy of transcripts filed directly with COA1 previously)
63. 20-Dec-2016 MEMORANDUM DECISION (Affirmed) Hon Margaret H Downie - Author; Hon Patricia K Norris - Concur; Hon Samuel A Thumma - Concur (Motion for reconsideration extended thirty days from date of this decision.)
64. 20-Dec-2016 FILED: Memorandum Decision Distribution List
65. 12-Jan-2017 FILED: Letter, dated 1/12/2017 from Counsel to Appellant re: Right to File Petition for Review (Appellant)
66. 13-Jan-2017 FILED: ASC Order filed 01/13/2017 re: extending time for filing Petition for Review to 02/17/2017