

**Court of Appeals, Division One**

**Criminal - Anders Appeal**

**1 CA-CR 15-0832**

**STATE v. COX**

**Appellate Case Information**

Case Filed: 21-Dec-2015  
Case Closed:

**Dept/Composition**

**Department A**  
Hon. Margaret H Downie  
Hon. Kent E Cattani  
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. WALTER JOHN COX, JR., Appellant**  
(Litigant Group) WALTER JOHN COX, JR.

• Walter John Cox, Jr.

**Attorneys for: Appellant**  
Terry J Adams, Esq. (AZ Bar No. 2774)

**CASE STATUS**

Jan 3, 2017.....**Decision Rendered**

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2013-003452-001	Burglary in the 2nd Degree with 2 prior Felony Convictions, Class 3	12 Years	Richard L Nothwehr, Sentencing	JURY	

**DESCENDENT CASE (S)**

ASC CR-17-0013-PR

**2 OPEN DUE DATES**

**Motion for Reconsideration Due** **Due By:** Tuesday, February 7, 2017  
*Re: MEMORANDUM DECISION (Affirmed as Modified) Hon Donn Kessler - Author; Hon Margaret H Downie - Concur; Hon Kent E Cattani - Concur (Motion for reconsideration extended thirty days from date of this decision.)*

**Petition for Review to ASC due** **Due By:** Monday, March 6, 2017 [1 extension]  
*Re: MEMORANDUM DECISION (Affirmed as Modified) Hon Donn Kessler - Author; Hon Margaret H Downie - Concur; Hon Kent E Cattani - Concur (Motion for reconsideration extended thirty days from date of this decision.)*

**CASE DECISION**

03-Jan-2017 **MEMORANDUM DECISION**

Donn Kessler.....Author  
Margaret Downie.....Concur  
Kent Cattani.....Concur

Filed: 03-Jan-2017	Mandate:
Decision Disposition	
<b>Affirmed as Modified</b>	

**44 PROCEEDING ENTRIES**

- 21-Dec-2015 FILED: Notice of Appeal from Maricopa County Superior Court filed 12/17/15.
- 24-Dec-2015 ORDERED: Appointing Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Transcripts due 02/08/2016. Anthony Mackey ProTem Judge - Author
- 25-Jan-2016 FILED: Reporters Transcript - 04/01/2015 - (Tara Kramer)
- 29-Jan-2016 FILED: Additional Record on Appeal Exhibits: Hearing Date 04/01/2015 - List # 1 2 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 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 58 59 60 61 62 63 64 65 66 in a manila envelope

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5. 29-Jan-2016 FILED:e-Record on Appeal:  
Instruments/Minute Entries: Combined  
Disposition Report: None  
Exhibits: None Sent with e-Record
6. 1-Feb-2016 FILED: Reporters Transcript - 04/01/2015 - (Jovanna Roman on behalf of Brenda Brown)
7. 1-Feb-2016 FILED: Reporters Transcript - 04/02/2015 - (Jovanna Roman on behalf of Brenda Brown)
8. 1-Feb-2016 FILED: Reporters Transcript - 04/06/2015 - (Jovanna Roman on behalf of Brenda Brown)
9. 1-Feb-2016 FILED: Reporters Transcript - 04/08/2015 - (Jovanna Roman on behalf of Brenda Brown)
10. 7-Feb-2016 FILED: Reporters Transcript - 05/12/2015 - (Barbara Stockford)
11. 9-Feb-2016 FILED: Reporters Transcript - 04/07/2015 - (Barbara Stockford)
12. 14-Feb-2016 FILED: Reporters Transcript - 04/07/2015 - (Patricia Kotarba)
13. 14-Feb-2016 FILED: Reporters Transcript - 04/07/2015 - (Patricia Kotarba)(Corrected)
14. 16-Feb-2016 FILED: Courtesy Copy of Designation of Record for Appeal Filed in Superior Court (Appellant)
15. 17-Feb-2016 FILED: Notice of Completion of Record (VACATED per order dated 02/19/16)
16. 17-Feb-2016 ORDERED: Court Reporter Elva Lauer transcript dated 04/09/14 due 03/18/16. Hon Samuel A Thumma - Author
17. 17-Feb-2016 ORDERED: Ken Crenshaw transcript dated 12/11/14 due 03/18/16. Hon Samuel A Thumma - Author
18. 17-Feb-2016 ORDERED: Court Reporter Cynthia Lineburg transcripts dated 07/24/14, 09/24/14, 12/18/14 due 03/18/16. Hon Samuel A Thumma - Author
19. 19-Feb-2016 ORDERED: Vacating the notice of completion issued on February 16, 2016. Hon Michael J Brown - Author
20. 24-Feb-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Designation of Record filed 2/12/16 and copies of transcripts filed directly with COA1)
21. 1-Mar-2016 FILED: Reporters Transcript - 07/24/2014 - (Cindy Lineburg)
22. 1-Mar-2016 FILED: Reporters Transcript - 09/24/2014 - (Cindy Lineburg)
23. 1-Mar-2016 FILED: Reporters Transcript - 12/18/2014 - (Cindy Lineburg)
24. 2-Mar-2016 FILED: Reporters Transcript - 12/11/2014 - (Janice Penfield)
25. 6-Apr-2016 FILED: First Motion for Extension of Time to File Transcripts (Court Reporter Elva Cruz-Lauer)
26. 7-Apr-2016 ORDERED: Extending until 4/18/16 the deadline for Elva Cruz-Lauer to file the Transcript of 4/9/14. FURTHER ORDERED: If transcript not filed, OSC Hearing 4/20/16. Hon Samuel A Thumma - Author
27. 19-Apr-2016 FILED: Reporter's Transcript - 4/9/14 - Settlement Conference (Elva Cruz-Lauer)
28. 20-Apr-2016 FILED: Notice of Completion of Record
29. 28-Apr-2016 FILED: Certificate of Mailing re: Motion for Substitution of Counsel
30. 28-Apr-2016 FILED: Motion for Substitution of Counsel (Appellant Pro Per)
31. 3-May-2016 ORDERED: Motion for Substitution of Counsel (Appellant Pro Per) = DENIED/without prejudice to the filing of a motion by appellant's counsel if counsel believes there is a conflict. Anthony Mackey ProTem Judge - Author
32. 7-Jun-2016 ORDERED: Opening Brief due date EXTENDED from Monday, 06-06-2016 to Wednesday, 07-06-2016. Fred Cole ProTem Judge - Author

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33. 6-Jul-2016 FILED: Motion for Leave to Allow Appellant to File Supplemental Brief in Propria Persona; Certificate of Service (Appellant)
34. 6-Jul-2016 FILED: Appellant's Opening Brief; Certification of Compliance with Rule 31.13(b), ARCP; Certificate of Service (Appellant)
35. 7-Jul-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 08/16/2016; FURTHER ORDERED: Answering brief to await court order. Anthony Mackey ProTem Judge - Author
36. 7-Jul-2016 FILED: Letter, dated 07/07/2016 to Appellant from Counsel re: Forwarding Record on Appeal (Appellant)
37. 15-Aug-2016 FILED: ANDERS SUPPLEMENTAL BRIEF (Appellant Pro Per)
38. 16-Aug-2016 FILED: Assigning Anders appeal to Dept A for consideration and disposition. [Amy M. Wood, Clerk]
39. 16-Aug-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
40. 25-Aug-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
41. 3-Jan-2017 MEMORANDUM DECISION (Affirmed as Modified) Hon Donn Kessler - Author; Hon Margaret H Downie - Concur; Hon Kent E Cattani - Concur (Motion for reconsideration extended thirty days from date of this decision.)
42. 3-Jan-2017 FILED: Memorandum Decision Distribution List
43. 9-Jan-2017 FILED: Letter, dated 01/09/2017 to Appellant from Counsel re: Right to File Petition for Review (Appellant)
44. 10-Jan-2017 FILED: ASC Order filed 01/10/2017 re: extending time for Petition for Review to 03/06/2017