

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 16-0038

STATE v. HAWTHORNE

Appellate Case Information

Case Filed: 27-Jan-2016

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

Michael Valenzuela, Esq. (AZ Bar No. 27375)

Side 2. JASON LEE HAWTHORNE, Appellant

(Litigant Group) JASON LEE HAWTHORNE

- Jason Lee Hawthorne

Attorneys for: Appellant

Christopher V Johns, Esq. (AZ Bar No. 10021)

CASE STATUS

Jan 19, 2017....Decision Rendered

Table with 7 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2014-141365-001, Theft, Class 2; Theft of Means of Transportation, Class 3, 2 Years Probation; 2 Years Probation, Hugh E Hegyi, Sentencing, JURY.

2 OPEN DUE DATES

Motion for Reconsideration Due

Due By: Thursday, February 23, 2017

Re: MEMORANDUM DECISION (Conviction Affirmed as Modified, Remanded for Resentencing) Hon Kent E Cattani - Author; Hon Margaret H Downie - Concur; Hon Donn Kessler - Concur (Motion for reconsideration extended thirty days from date of this decision.)

Petition for Review to ASC due

Due By: Thursday, February 23, 2017

Re: MEMORANDUM DECISION (Conviction Affirmed as Modified, Remanded for Resentencing) Hon Kent E Cattani - Author; Hon Margaret H Downie - Concur; Hon Donn Kessler - Concur (Motion for reconsideration extended thirty days from date of this decision.)

CASE DECISION

19-Jan-2017 MEMORANDUM DECISION

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

Filed: 19-Jan-2017 Mandate:

Decision Disposition

Conviction Affirmed as Modified
Remanded for Resentencing

41 PROCEEDING ENTRIES

- 1. 27-Jan-2016 FILED: Notice of Appeal from Maricopa County Superior Court filed 01/18/16. Notification sent to Court Reporters dated 1/26/2016
2. 1-Feb-2016 ORDERED: Appointing Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Transcripts due 03/17/16. Anthony Mackey ProTem Judge - Author
3. 19-Feb-2016 FILED: Reporters Transcript - 11/12/2015 - (Tara Kramer)
4. 19-Feb-2016 FILED: Reporters Transcript - 11/18/2015 - (Tara Kramer)
5. 19-Feb-2016 FILED: Reporters Transcript - 11/19/2015 - (Tara Kramer)
6. 19-Feb-2016 FILED: Reporters Transcript - 11/23/2015 - (Tara Kramer)
7. 19-Feb-2016 FILED: Reporters Transcript - 11/24/2015 - (Tara Kramer)

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8. 19-Feb-2016 FILED: Reporters Transcript - 01/15/2016 - (Tara Kramer)
9. 22-Feb-2016 FILED: Reporters Transcript - 11/16/2015 - (Jane Westlund)
10. 22-Feb-2016 FILED: Reporters Transcript - 11/17/2015 - (Jane Westlund)
11. 1-Mar-2016 FILED: Courtesy Copy of Designation of Record for Appeal Filed in Superior Court (Appellant)
12. 2-Mar-2016 FILED: Additional Record on Appeal
Exhibits:
Hearing Date 11/12/2015 List # 4 7 8 11 12 13 14 15 16 18 19 20 21 22 23 24 26 27 28 34 35 36 37 38 39 40 in a manila envelop
Sealed Items:
Confidential Criminal History Addendum in Sealed Manila Envelope
13. 2-Mar-2016 ORDERED: Ken Crenshaw to prepare transcripts dated 07/20/2015, 09/30/2015, 11/10/2015 due by 04/01/2016. Hon Samuel A Thumma - Author
14. 2-Mar-2016 ORDERED: Court Reporter Vanessa Gartner to prepare transcript dated 04/29/2015 due by 04/01/2016. Hon Samuel A Thumma - Author
15. 2-Mar-2016 FILED:e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None Sent with e-Record
16. 26-Mar-2016 FILED: Reporter's Transcript - 4/29/15 - Trial Continuance (Vanessa Gartner)
17. 28-Mar-2016 FILED: Reporter's Transcript - 07/20/15 - Trial Continued/Reset (Janice Penfield)
18. 28-Mar-2016 FILED: Reporter's Transcript - 09/30/15 - Trial Continuance Past Last Day (Janice Penfield)
19. 28-Mar-2016 FILED: Reporter's Transcript - 11/10/15 - Trial Setting (Janice Penfield)
20. 29-Mar-2016 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
21. 4-Apr-2016 FILED: Notice of Completion of Record
22. 6-Apr-2016 ORDERED: Motion to Unseal Documents (Appellant) = GRANTED/upon presentation of this order by appellant/appellee or their agents, Clerk of this Court to unseal random jury lists, IOR 57 and 58, and the Maricopa County Client Information Sheet, IOR 74 to permit inspection/copying of these documents for use by appellant/appellee in this appeal only. FURTHER ORDERED: after permitting inspection/copying, clerk to reseal.
23. 7-Apr-2016 FILED: Notice of Appearance; Certificate of Service (Appellant)
24. 20-May-2016 ORDERED: Opening Brief due date EXTENDED from Thursday, 05-19-2016 to Monday, 06-20-2016. Fred Cole ProTem Judge - Author
25. 24-May-2016 FILED: Appellant's Opening Brief; Certification of Compliance with Rule 31.13(b), ARCP; Certificate of Service (Appellant)
26. 24-May-2016 FILED: Motion for Leave to Allow Appellant to File Supplemental Brief on His Own Behalf; Certificate of Service (Appellant)
27. 25-May-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 7/5/16; FURTHER ORDERED: Answering brief to await court order. Anthony Mackey ProTem Judge - Author
28. 27-May-2016 FILED: Letter, dated 05/26/2016 to Appellant from Counsel re: Forwarding Record on Appeal (Appellant)
29. 22-Jun-2016 FILED: Certificate of Mailing re: Appellant's Opening Brief
30. 22-Jun-2016 FILED: Appellants Opening Brief (Appellant Pro Per)
31. 28-Jul-2016 FILED: Assigning Anders appeal to Dept A for consideration and disposition. [Ruth Willingham, Clerk]
32. 28-Jul-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days

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33. 20-Sep-2016 FILED: AMENDED Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
34. 26-Oct-2016 FILED: SECOND AMENDED Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
35. 1-Nov-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes copy of transcript filed directly with COA1 previously)
36. 3-Nov-2016 ORDERED: That appellee and appellant shall by 12/02 [sic] simultaneously file briefs. Hon Margaret H Downie - Author
37. 10-Nov-2016 FILED: Notice of Appearance; Certificate of Service (Appellee)
38. 1-Dec-2016 FILED: Appellant's Simultaneous Supplemental Brief; Certification of Compliance with Rule 31.13(b), ARCP; Certificate of Service (Appellant)
39. 2-Dec-2016 FILED: Appellee's Simultaneous Brief; Certificate of Compliance; Certificate of Service (Appellee)
40. 19-Jan-2017 MEMORANDUM DECISION (Conviction Affirmed as Modified, Remanded for Resentencing) Hon Kent E Cattani - Author; Hon Margaret H Downie - Concur; Hon Donn Kessler - Concur (Motion for reconsideration extended thirty days from date of this decision.)
41. 19-Jan-2017 FILED: Memorandum Decision Distribution List