

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 16-0056

STATE v. WILLIAMS

Appellate Case Information

Case Filed: 1-Feb-2016

Case Closed:

Dept/Composition

Department D

Hon. Andrew W. Gould
Hon. Peter B Swann
Hon. Patricia A Orozco

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. IRVIN DARRYL WILLIAMS, SR., Appellant

(Litigant Group) IRVIN DARRYL WILLIAMS, SR.

- Irvin Darryl Williams, Sr.

Attorneys for: Appellant

Christopher Stavris, Esq. (AZ Bar No. 25096)

CASE STATUS

Jan 20, 2017....**Motion for Reconsideration Pending**

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2014-117264-001	Sexual Abuse, Class 3; Molestation of a Child, Class 2; Molestation of a Child, Class 2	20 Years; 20 Years; Life on Probation	Erin Otis, Sentencing	JURY	

OPEN DUE DATE

Petition for Review to ASC due

Due By: Wednesday, February 8, 2017

Re: MEMORANDUM DECISION (Affirmed) Hon Patricia A Orozco - Author; Hon Andrew W Gould - Concur; Hon Peter B Swann - Concur (Motion for reconsideration extended thirty days from date of this decision.)

PENDING MATTER

General Motion

Filed: 20-Jan-2017

Motion for Reconsideration (Appellant)

CASE DECISION

04-Jan-2017 **MEMORANDUM DECISION**

Patricia Orozco.....Author

Andrew Gould.....Concur

Peter Swann.....Concur

Filed: **04-Jan-2017**

Mandate:

Decision Disposition

Affirmed

99 PROCEEDING ENTRIES

- 1-Feb-2016 FILED: Notice of Appeal from Maricopa County Superior Court filed 01/22/16. Notification sent to Court Reporters dated 1/28/2016
- 4-Feb-2016 ORDERED: Appointing Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Transcripts due 03/07/16. Anthony Mackey ProTem Judge - Author
- 3-Mar-2016 FILED: Notice and Request to the Court (Appellant Pro Per)
- 3-Mar-2016 FILED: Untitled: Request for Counsel (Appellant Pro Per)

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5. 4-Mar-2016 FILED: Additional Record on Appeal
Exhibits:
Hearing Date 04/30/2015 List # 1 2 3 in a manila envelope
Hearing Date 10/21/2015 List # 3 4.001 5 6 in a manila envelope
Sealed Items:
Confidential Criminal History Addendum in Sealed Manila Envelope
6. 4-Mar-2016 FILED: Reporters Transcript - 11/02/2015 - (Barbara Stockford)
7. 4-Mar-2016 FILED: Motion for Extension of Time to File Transcripts - (Mary Hankins)
8. 4-Mar-2016 FILED:e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None Sent with e-Record
9. 7-Mar-2016 ORDERED: Motion for Extension of Time to File Transcripts - (Mary Hankins) = GRANTED. Due Dates EXTENDED to 04/06/2016 for Transcripts dated 10/21/2015, 10/22/2015, 10/26/2015, 10/28/2015, 11/09/2015 or OSC 04/20/16. Hon Samuel A Thumma - Author (VACATED per order dated 03/11/16)
10. 8-Mar-2016 FILED: Reporters Transcript - 11/03/2015 - (Helene Paustian)
11. 8-Mar-2016 FILED: Reporters Transcript - 11/04/2015 - (Helene Paustian)
12. 8-Mar-2016 FILED: Reporters Transcript - 01/22/2016 - (Kristi Week)
13. 8-Mar-2016 FILED: Reporters Transcript - 11/05/2015 - (Helene Paustian)
14. 8-Mar-2016 FILED: Reporters Transcript - 11/02/2015 - (Jeanne Kappedal)
15. 8-Mar-2016 ORDERED: Notice and Request to the Court (Appellant Pro Per) = DENIED. FURTHER ORDERED: Untitled: Request for Counsel (Appellant Pro Per) = DENIED. Anthony Mackey ProTem Judge - Author
16. 9-Mar-2016 FILED: Courtesy Copy of Designation of Record for Appeal Filed in Superior Court (Appellant)
17. 9-Mar-2016 ORDERED: Court Reporter Vanessa Gartner transcripts dated 11/03/14, 01/27/15, 03/20/15, 03/30/15, 04/15/15, 04/22/15, 06/01/15, 07/07/15, 08/31/15, 10/02/15 due 04/08/16. Hon Samuel A Thumma - Author
18. 9-Mar-2016 ORDERED: Ken Crenshaw transcripts dated 02/03/15, 05/18/15, 06/29/15, 09/02/15, 10/20/15, 10/29/15 due 04/08/16. Hon Samuel A Thumma - Author (AMENDED per order dated 03/11/2016)
19. 9-Mar-2016 ORDERED: Court Reporter Mary Hankins transcripts dated 10/21/15, 10/22/15, 10/26/15, 10/28/15, 11/09/15 due 04/08/16. Hon Samuel A Thumma - Author
20. 9-Mar-2016 ORDERED: Court Reporter Renee Mobley transcript dated 09/17/15 due 04/08/16. Hon Samuel A Thumma - Author
21. 9-Mar-2016 ORDERED: Court Reporter Diane Donoho transcript dated 09/04/15 due 04/08/16. Hon Samuel A Thumma - Author
22. 9-Mar-2016 ORDERED: Court Reporter Jane Westlund transcript dated 08/07/15 due 04/08/16. Hon Samuel A Thumma - Author
23. 9-Mar-2016 ORDERED: Court Reporter Michael Babicky transcript dated 11/10/15 due 04/08/16. Hon Samuel A Thumma - Author
24. 11-Mar-2016 FILED: Courtesy Copy of Designation of Record for Appeal Filed in Superior Court (Appellant)(CORRECTED)
25. 11-Mar-2016 AMENDED ORDER: Ken Crenshaw transcripts dated 02/03/15, 05/18/15, 06/29/15, 09/02/15, 09/04/15, 10/20/15, 10/29/15 due 04/11/16. Hon Samuel A Thumma - Author

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26. 11-Mar-2016 ORDERED: Vacating this court's order dated March 7, 2016. The due date for the requested transcripts is April 8, 2016. Hon Samuel A Thumma - Author
27. 14-Mar-2016 FILED: Reporter's Transcript - 09/04/2015-Hearing AM (Diane Donoho)
28. 14-Mar-2016 FILED: Reporter's Transcript-- 09/17/2015 --Status Conference (Renee Mobley)
29. 15-Mar-2016 FILED: Reporter's Transcript - 8/7/15 - Motion Hearing (Jane Westlund)
30. 15-Mar-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
31. 24-Mar-2016 FILED: Motion to Unseal Random Jury List; Certificate of Service (Appellant)
32. 28-Mar-2016 FILED: Motion for the Record and Request (Appellant Pro Per)
33. 28-Mar-2016 ORDERED: Motion to Unseal Random Jury List (Appellant) = GRANTED/directing clerk of this court to unseal the random jury list upon presentation of this order by appellant/appellee or their agents. FURTHER ORDERED: after inspection/copying by appellant/appellee, clerk of this court to reseal the random jury list. Fred Cole ProTem Judge - Author
34. 5-Apr-2016 FILED: Request for Extension of Time (Court Reporter Mary Hankins)
35. 6-Apr-2016 ORDERED: Extending until 5/9/16 the deadline for Court Reporter Mary Hankins to file the transcripts of 10/21/2015, 10/22/2015, 10/26/2015, 10/28/2015, 11/09/2015. FURTHER ORDERED: If Transcripts not filed, Hankins shall appear in Courtroom 1 on 5/18/16 at 2:30 to show cause why she should not be held in civil contempt and fined and/or sanctioned until transcripts are filed. Hon Samuel A Thumma - Author
36. 6-Apr-2016 FILED: Reporter's Transcript - 09/04/15 - Settlement Conference (Thelma J. Neal)
37. 7-Apr-2016 FILED: Reporter's Transcript - 2/3/15 - Trial (Karina Savelio)
38. 7-Apr-2016 FILED: Reporter's Transcript - 5/18/15 - Trial (Karina Savelio)
39. 7-Apr-2016 FILED: Reporter's Transcript - 6/29/15 - Motion to Continue (Karina Savelio)
40. 7-Apr-2016 FILED: Reporter's Transcript - 9/2/15 - Trial (Karina Savelio)
41. 7-Apr-2016 FILED: Reporter's Transcript - 10/20/15 - Trial Setting (Karina Savelio)
42. 7-Apr-2016 FILED: Reporter's Transcript - 10/20/15 - Pretrial Conference (Karina Savelio)
43. 7-Apr-2016 FILED: Reporter's Transcript - 10/29/15 - Status Conference (Rowena Chenoweth)
44. 9-Apr-2016 FILED: Reporter's Transcript - 11/3/14 - Status Conference (Vanessa Gartner)
45. 9-Apr-2016 FILED: Reporter's Transcript - 1/27/15 - Final Trial Management Conference (Vanessa Gartner)
46. 9-Apr-2016 FILED: Reporter's Transcript - 3/20/15 - Status Conference (Vanessa Gartner)
47. 9-Apr-2016 FILED: Reporter's Transcript - 3/30/15 - Status Conference (Vanessa Gartner)
48. 9-Apr-2016 FILED: Reporter's Transcript - 4/15/15 - Oral Argument (Vanessa Gartner)
49. 9-Apr-2016 FILED: Reporter's Transcript - 4/22/15 - Status Conference (Vanessa Gartner)
50. 9-Apr-2016 FILED: Reporter's Transcript - 6/1/15 - Status Conference (Vanessa Gartner)
51. 9-Apr-2016 FILED: Reporter's Transcript - 7/7/15 - Trial Continuance (Vanessa Gartner)
52. 9-Apr-2016 FILED: Reporter's Transcript - 8/31/15 - Status Conference (Vanessa Gartner)
53. 9-Apr-2016 FILED: Reporter's Transcripts - 10/2/15 - Status Conference (Vanessa Gartner)
54. 11-Apr-2016 ORDERED: Motion for the Record and Request (Appellant Pro Per) = DENIED. Anthony Mackey ProTem Judge - Author

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55. 12-Apr-2016 ORDERED: No later than 5/9/16, Court Reporter Michael Babicky shall file the transcript of 11/10/15. FURTHER ORDERED: If transcript not filed, OSC 5/18/16 at 2:30. Hon Samuel A Thumma - Author
56. 13-Apr-2016 FILED: Reporter's Transcript - 11/10/15 - Trial (Michael Babicky)
57. 28-Apr-2016 FILED: Reporter's Transcript - 10/21/15 - Trial/Voir Dire (Mary C Hankins)
58. 28-Apr-2016 FILED: Reporter's Transcript - 10/22/15 - Trial/Voir Dire (Mary C Hankins)
59. 28-Apr-2016 FILED: Reporter's Transcript - 10/26/15 - Trial/Voir Dire (Mary C Hankins)
60. 28-Apr-2016 FILED: Reporter's Transcript - 10/28/15 - Trial (Mary C Hankins)
61. 28-Apr-2016 FILED: Reporter's Transcript - 11/9/15 - Trial (Mary C Hankins)
62. 9-May-2016 FILED: Notice of Completion of Record
63. 19-May-2016 FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
64. 24-May-2016 ORDERED: Motion to Withdraw and Substitute New Counsel (Appellant) = GRANTED. FURTHER ORDERED: Appointing attorney Christopher Stavris as attorney for appellant in this appeal. FURTHER ORDERED: Maricopa County Public Defender forward to counsel all files, records, and transcripts. FURTHER ORDERED: Motion to Extend Opening Brief Due Date = GRANTED/Due date EXTENDED from Thursday, 06-23-2016 to Friday, 07-08-2016. Anthony Mackey ProTem Judge - Author
65. 1-Jul-2016 FILED: Motion to Waive Right to Counsel on Appeal (Appellant)
66. 3-Jul-2016 FILED: Notice of Appearance, Counsel for Appellant; Certificate of Service (Appellant)
67. 11-Jul-2016 ORDERED: Opening Brief due date EXTENDED from Friday, 07-08-2016 to Monday, 08-08-2016. Fred Cole ProTem Judge - Author
68. 13-Jul-2016 ORDERED: Motion to Waive Right to Counsel on Appeal (Appellant) = DENIED. Anthony Mackey ProTem Judge - Author
69. 13-Jul-2016 FILED: Motion for Stay of Appeal or Extension of Time to File Opening Brief (Appellant)
70. 18-Jul-2016 ORDERED: Motion for Stay of Appeal or Extension of Time to File Opening Brief (Appellant) = DENIED. Anthony Mackey ProTem Judge - Author
71. 25-Jul-2016 FILED: Motion to Withdraw as Counsel, Extension of Time; Certificate of Service (Appellant)
72. 2-Aug-2016 ORDERED: Motion to Withdraw As Counsel (Appellant) = DENIED. FURTHER ORDERED: Extension of Time = GRANTED/Due date EXTENDED from Monday, 08-08-2016 to Monday, 08-22-2016. Anthony Mackey ProTem Judge - Author
73. 22-Aug-2016 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
74. 22-Aug-2016 FILED: Motion for Leave of Court to Allow Appellant to File Brief, in Propria Persona; Certificate of Service (Appellant)
75. 24-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 10/03/2016; FURTHER ORDERED: Answering brief to await court order. Anthony Mackey ProTem Judge - Author
76. 25-Aug-2016 FILED: Notice of Filing Transmittal Letter; Certificate of Service; Letter, dated 08/25/2016 to Appellant from Counsel re: Forwarding Record on Appeal (Appellant)
77. 8-Sep-2016 FILED: Motion for Leave of Court to Exceed Word Count Designation of Record for Appeal (Appellant)
78. 13-Sep-2016 ORDERED: Motion for Leave of Court to Exceed Word Count (Appellant) = DENIED/Without prejudice to refiling the motion together with the proposed brief. Anthony Mackey ProTem Judge - Author
79. 4-Oct-2016 FILED: Request for Extension (Anders Brief) (Appellant)
80. 4-Oct-2016 FILED: Designation of Record for Appeal (Appellant)
81. 11-Oct-2016 ORDERED: Extending the time to file the Supplemental Brief to/including 11/4/16. Anthony Mackey ProTem Judge - Author

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82. 11-Oct-2016 FILED: Motion for the Record (Appellant)
83. 11-Oct-2016 FILED: Appellant's Supplemental Brief (Appellant Pro Per)
84. 17-Oct-2016 FILED: Assigning Anders appeal to Dept D for consideration and disposition. [Amy M. Wood, Clerk]
85. 17-Oct-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
86. 17-Oct-2016 ORDERED: Motion for the Record (Appellant) = GRANTED/Accepting for filing appellant's pro se supplemental brief tendered to the court on 10/11/2016. Anthony Mackey ProTem Judge - Author
87. 19-Oct-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes copy of transcripts filed directly with COA1 previously)
88. 21-Oct-2016 FILED: Appellant's Supplemental Brief (Appellant Pro Per)
89. 27-Oct-2016 FILED: Motion for Clarification (Appellant)
90. 4-Nov-2016 FILED: Status Request (Appellant Pro Per)
91. 14-Nov-2016 FILED: Letter, 11/14/16, from Court to Petitioner, enclosing copy of docket
92. 17-Nov-2016 FILED: Appeal of the Denial of the Motion to Vacate Judgment (Appellant)
93. 23-Nov-2016 FILED: Motion for Release Pending Appeal Decisions Pursuant to Rule 7.2, Ariz. R. Crim. P. (Appellant Pro Per)
94. 4-Jan-2017 ORDERED: Motion for Clarification (Appellant) = DENIED. FURTHER ORDERED: Appeal of the Denial of the Motion to Vacate Judgment (Appellant) = DENIED. FURTHER ORDERED: Motion for Release Pending Appeal Decisions Pursuant to Rule 7.2, Ariz. R. Crim. P. (Appellant Pro Per) = DENIED. Hon Andrew W Gould - Author
95. 4-Jan-2017 MEMORANDUM DECISION (Affirmed) Hon Patricia A Orozco - Author; Hon Andrew W Gould - Concur; Hon Peter B Swann - Concur (Motion for reconsideration extended thirty days from date of this decision.)
96. 4-Jan-2017 FILED: Memorandum Decision Distribution List
97. 20-Jan-2017 FILED: Motion for Reconsideration (Appellant)
98. 20-Jan-2017 FILED: Motion for Release Pending Appeal Decision Pursuant to Rule 7.2 Ariz.R.Crim.P (Appellant)
99. 25-Jan-2017 ORDERED: Motion for Release Pending Appeal Decision Pursuant to Rule 7.2 Ariz.R.Crim.P (Appellant) = DENIED. Hon Patricia A Orozco - Author