

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 16-0074

STATE v. FREEMAN

Appellate Case Information

Case Filed: 11-Feb-2016

Case Closed: 22-Aug-2016

Reinstated x 1: 13-Sep-2016 Dismissal

Re-Closed:

Dept/Composition

Consolidated with: 1 CA-CR 16-0347

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. BENJAMIN FREEMAN, Appellant

(Litigant Group) BENJAMIN FREEMAN

- Benjamin Freeman

Attorneys for: Appellant

Cedric Martin Hopkins, Esq. (AZ Bar No. 22790)

CASE STATUS

Jul 7, 2016.....Record Complete-Notice Completion Sent

Table with 7 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Rows include MAR CR2013-003808-001 and MAR CR2013-003877-001.

DESCENDENT CASE(S)

ASC M-16-0039

OPEN DUE DATE

Anders Supplemental Brief Due

Due By: Tuesday, February 21, 2017

Re: * 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 02/21/

CASE DECISION

22-Aug-2016 ORDER

Vacated

ORDERED: Dismissing this appeal.

Anthony Mackey.....Author

Filed: 22-Aug-2016

Mandate:

Decision Disposition

Dismissed

DECISION APPLIES TO THE FOLLOWING OTHER CASE(S)

1 CA-CR 16-0347

STATE v. FREEMAN

71 PROCEEDING ENTRIES

- 1. 11-Feb-2016 FILED: Notice of Appeal from Maricopa County Superior Court filed 02/02/16. Notification sent to Court Reporters dated 2/09/2016
2. 18-Feb-2016 ORDERED: Appointing Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Transcripts due 04/04/16. Anthony Mackey ProTem Judge - Author
3. 14-Mar-2016 FILED: Reporter's Transcript - 04/24/2015 (Crystal Hereford)
4. 15-Mar-2016 FILED: Courtesy Copy of Designation of Record for Appeal Filed in Superior Court (Appellant)

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5. 17-Mar-2016 ORDERED: Court Reporter Rochelle Dobbins transcripts dated 07/23/14, 08/06/14, 09/17/14, 09/23/14, 09/24/14, 10/14/14, 11/05/14, 12/03/14, 01/05/15, 02/13/15, 03/16/15, 07/21/15, 08/18/15 due 04/18/16. Hon Samuel A Thumma - Author
6. 17-Mar-2016 ORDERED: Ken Crenshaw transcripts dated 03/27/14, 10/14/15, 12/04/15, 01/11/16 due 04/18/16. Hon Samuel A Thumma - Author
7. 17-Mar-2016 ORDERED: Court Reporter Elva C Lauer transcripts dated 01/30/14, 04/03/14, 04/10/14, 05/13/14 due 04/18/16. Hon Samuel A Thumma - Author
8. 17-Mar-2016 FILED:e-Record on Appeal: (CR2013-003808-001)
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None Sent with e-Record
9. 17-Mar-2016 FILED:e-Record on Appeal: (CR2013-003877-001)
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None Sent with e-Record
10. 17-Mar-2016 FILED: Additional Record on Appeal
Exhibits:
Hearing Date 02/13/2015 - List # 1 2 3 4 5 6 7 in a Manila Envelope
Hearing Date 10/20/2015 - List # 1 2 2.001 3 5 7 8 11 12 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 55 56 57 58 59 60 61 62 64 65 66 67 68 73 74 75 76 80 83 84 85 86 87 88 89 90 91 92 93 94 in a Manila Envelope
Hearing Date 01/11/2016 - List # 1 2 3 4 5 6 7 8 9 10 in a Manila Envelope

Sealed Items:
Confidential Criminal History Addendum in Sealed Manila Envelope
11. 17-Mar-2016 FILED: Additional Record on Appeal
Exhibits:
Hearing Date 10/20/2015 - List # 1 2 2.001 3 5 7 8 11 12 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 55 56 57 58 59 60 61 62 64 65 66 67 68 73 74 75 76 80 83 84 85 86 87 88 89 90 91 92 93 94
Hearing Date 01/11/2016 - List # 1 2 3 4 5 6 7 8 9 10
Hearing Date 02/13/2015 - List # 1 2 3 4 5 6 7
Sealed Items:
Confidential Criminal History Addendum in Sealed Manila Envelope
12. 22-Mar-2016 FILED: Reporter's Transcript - 1/30/14 - Pretrial Conference (Elva Cruz-Lauer)
13. 22-Mar-2016 FILED: Reporter's Transcript - 4/03/14 - Pretrial Conference (Elva Cruz-Lauer)
14. 22-Mar-2016 FILED: Reporter's Transcript - 4/10/14 - Status Conference (Elva Cruz-Lauer)
15. 22-Mar-2016 FILED: Reporter's Transcript - 5/13/14 - Settlement Conference (Elva Cruz-Lauer)
16. 3-Apr-2016 FILED: Reporter's Transcript - 10/26/15 - Trial Proceeding Day 3 (Jane Westlund)
17. 3-Apr-2016 FILED: Reporters Transcript - 10/21/15 - Trial Proceeding Day 2 (Jane Westlund)
18. 3-Apr-2016 FILED: Affidavit and Request for Extension of Time (Court Reporter Jane Anne Westlund)
19. 4-Apr-2016 FILED: Reporter's Transcript - 03/27/14 - Defendant Competent Submission (Maria T. Vondras)
20. 4-Apr-2016 FILED: Reporter's Transcript - 10/14/15 - Trial (Maria T. Vondras)
21. 4-Apr-2016 FILED: Reporter's Transcript - 12/04/15 - Continuance (Maria T. Vondras)
22. 4-Apr-2016 FILED: Reporter's Transcript - 01/11/16 - Sentence of Imprisonment (Maria T. Vondras)
23. 4-Apr-2016 ORDERED: Extending until 5/4/16 the deadline for Court Reporter Jane Westlund to file the transcripts of 10/27/2015, 10/28/2015. Hon Samuel A Thumma - Author

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24. 6-Apr-2016 FILED: Reporter's Transcript - 01/30/14 - Pretrial Conference (Elva Cruz-Lauer)
25. 6-Apr-2016 FILED: Reporter's Transcript - 04/03/14 - Pretrial Conference (Elva Cruz-Lauer)
26. 6-Apr-2016 FILED: Reporter's Transcript - 04/10/14 - Status Conference (Elva Cruz-Lauer)
27. 6-Apr-2016 FILED: Reporter's Transcript of Proceedings - 05/13/14 - Settlement Conference (Elva Cruz-Lauer)
28. 12-Apr-2016 ORDERED: No later than 5/4/16, Court Reporter Marla Arnold shall file the transcript of 10/20/15. FURTHER ORDERED: If transcript is not filed, OSC 5/18/16 at 2:30. Hon Samuel A Thumma - Author
29. 13-Apr-2016 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
30. 15-Apr-2016 FILED: Reporter's Transcript - 07/23/14 - Status Conference (Rochelle L. Dobbins)
31. 15-Apr-2016 FILED: Reporter's Transcript - 08/06/14 - Status Conference (Rochelle L. Dobbins)
32. 15-Apr-2016 FILED: Reporter's Transcript - 09/17/14 - Status Conference/Final Trial Management Conference (Rochelle L. Dobbins)
33. 18-Apr-2016 FILED: Reporters Transcript - 09/23/14 - Case Management Conference (Rochelle L. Dobbins)
34. 19-Apr-2016 FILED: Reporter's Transcript - 10/27/15 - Trial Day 4 (Jane Westlund)
35. 19-Apr-2016 FILED: Reporter's Transcript - 10/28/15 - Trial Day 4 [sic] (Jane Westlund)
36. 19-Apr-2016 FILED: Reporter's Transcript - 09/24/14 - Status Conference (Rochelle L. Dobbins)
37. 20-Apr-2016 ORDERED: Motion to Unseal Documents (Appellant) = GRANTED/Unsealing random jury list, IOR 193, competency evaluations of Doctors Bruce Kushner and Jason Frizzell, IOR 33 and 34 for this appeal only. Anthony Mackey ProTem Judge - Author
38. 26-Apr-2016 ORDERED: Court Reporter Rochelle Dobbins shall appear for OSC 05/18/2016 for transcripts dated 10/14/2014, 11/05/2014, 12/03/2014, 01/05/2015, 02/13/2015, 03/16/2015, 07/21/2015, 08/18/2015. Hon Samuel A Thumma - Author
39. 27-Apr-2016 FILED: Reporter's Transcript - 10/14/14 - Status Conference (Rochelle L Dobbins)
40. 27-Apr-2016 FILED: Reporter's Transcript - 11/5/14 - Status Conference (Rochelle L Dobbins)
41. 5-May-2016 FILED: Motion for Extension of Time (Court Reporter Marla Arnold)
42. 16-May-2016 FILED: Reporter's Transcript - 12/3/14 - Status Conference (Rochelle Dobbins)
43. 16-May-2016 FILED: Reporter's Transcript - 1/5/15 - Status Conference (Rochelle Dobbins)
44. 16-May-2016 FILED: Reporter's Transcript - 2/13/15 - Status Conference (Rochelle Dobbins)
45. 16-May-2016 FILED: Reporter's Transcript - 03/16/15 - Evidentiary Hearing (Rochelle L. Dobbins)
46. 16-May-2016 FILED: Reporter's Transcript - 07/21/15 - Pretrial Conference (Rochelle L. Dobbins)
47. 16-May-2016 FILED: Reporter's Transcript - 08/18/15 - Pretrial Conference (Rochelle L. Dobbins)
48. 17-May-2016 ORDERED: Motion for Extension of Time (Court Reporter Marla Arnold) = GRANTED/Due date EXTENDED from Wednesday, 05-04-2016 to Wednesday, 06-01-2016 for transcript of proceeding held on 10/20/2015. FURTHER ORDERED: Monetary sanction shall be imposed in the amount of \$75.00 per day beginning 06/02/2016 until the transcript is filed. FURTHER ORDERED: OSC set for 06/15/2016. Hon Samuel A Thumma - Author
49. 1-Jun-2016 ORDERED: Consolidating cases 1 CA-CR 16-0074 and 1 CA-CR 16-0347. 1 CA-CR 16-0047 is designated the primary number. Anthony Mackey ProTem Judge - Author
50. 2-Jun-2016 FILED: Reporter's Transcript - 10-20-2015 - Trial Day 1 - All Day (Marla Arnold)
51. 3-Jun-2016 FILED: Appellant's Opening Brief (Appellant Pro Per)
52. 8-Jun-2016 ORDERED: Striking Opening Brief tendered to the court on 06/03/2016. Anthony Mackey ProTem Judge - Author

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53. 7-Jul-2016 FILED: Notice of Completion of Record
54. 7-Jul-2016 FILED: Motion for Ruling on Defendants 2nd Addendum to Motion for a new Trial and Defendants Motion to Vacate Judgment (1st Addendum) (Appellant)
55. 18-Jul-2016 ORDERED: Motion for Ruling on Defendants 2nd Addendum to Motion for a new Trial and Defendants Motion to Vacate Judgment (1st Addendum) (Appellant) = DENIED. Anthony Mackey ProTem Judge - Author
56. 18-Aug-2016 FILED: Suggestion of Lack of Jurisdiction; Certificate of Service (Appellant)
57. 22-Aug-2016 ORDERED: Dismissing this appeal. Anthony Mackey ProTem Judge - Author
58. 22-Aug-2016 FILED: Letter, 08/22/2016, Certified Copy of Order dismissing appeal. Record to clerk, Maricopa County Superior Court
59. 2-Sep-2016 FILED: Appellants Motion to Recall August 22, 2016 Dismissal Order of Rule - 31 Direct Appeal (Appellant)
60. 13-Sep-2016 ORDERED: Appellants Motion to Recall August 22, 2016 Dismissal Order of Rule - 31 Direct Appeal (Appellant) = GRANTED/Reinstating this appeal. Anthony Mackey ProTem Judge - Author
61. 16-Sep-2016 FILED: Additional Record on Appeal
Exhibits:
Hearing Date 02/13/2015 - List # 1 2 3 4 5 6 7 in a Manila Envelope
Hearing Date 10/20/2015 - List # 1 2 2.001 3 5 7 8 11 12 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 55 56 57 58 59 60 61 62 64 65 66 67 68 73 74 75 76 80 83 84 85 86 87 88 89 90 91 82 93 94 in a Manila Envelope
Hearing Date 01/11/2016 - List # 1 2 3 4 5 6 7 8 9 10 in a Manila Envelope
62. 19-Sep-2016 ORDERED: Appellant's counsel file the opening brief on/before 10/20/2016. Anthony Mackey ProTem Judge - Author
63. 20-Oct-2016 FILED: Motion to Withdraw; Certificate of Service (Appellant)
64. 24-Oct-2016 FILED: Appellants Motion for Appointment of New Appeals Counsel of Rule 31 (Appellant)
65. 25-Oct-2016 ORDERED: Motion to Withdraw (Appellant) = GRANTED/Appointing attorney Cedric Hopkins as attorney for appellant. FURTHER ORDERED: Maricopa County Public Defender forward to newly-appointed counsel all files, reports, transcripts. FURTHER ORDERED: Opening brief due date EXTENDED to 12/08/2016. Anthony Mackey ProTem Judge - Author
66. 1-Nov-2016 ORDERED: Denying Appellants Motion for Appointment of New Appeals Counsel of Rule 31 as moot. Anthony Mackey ProTem Judge - Author
67. 8-Dec-2016 FILED: Motion to Extend Time to File Opening Brief; Certificate of Service (Appellant)
68. 9-Dec-2016 ORDERED: Motion to Extend Time to File Opening Brief (Appellant) = GRANTED/Due date EXTENDED from Thursday, 12-08-2016 to Monday, 01-09-2017. Anthony Mackey ProTem Judge - Author
69. 10-Jan-2017 FILED: Appellant's Opening Brief (Anders); Certificate of Compliance; Certificate of Service (Appellant)
70. 10-Jan-2017 FILED: Motion for Leave to Permit Appellant to File Supplemental Brief; Certificate of Service (Appellant)
71. 12-Jan-2017 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 02/21/2017; FURTHER ORDERED: Answering brief to await court order. Anthony Mackey ProTem Judge - Author