

Court of Appeals, Division One
Criminal - Anders Appeal

1 CA-CR 16-0246

STATE v. GARLINGER

<p>Appellate Case Information</p> <p>Case Filed: 12-Apr-2016</p> <p>Case Closed:</p>	<p>Dept/Composition</p> <p>Department D</p> <p>Hon. Peter B Swann Hon. Patricia A Orozco Hon. Michael J Brown</p>
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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. MARK MATTHEW GARLINGER, Appellant
(Litigant Group) MARK MATTHEW GARLINGER

• Mark Matthew Garlinger **Attorneys for: Appellant**
Jeffrey L Force, Esq. (AZ Bar No. 18778)

CASE STATUS	
Nov 21, 2016....Under Advisement	Nov 21, 2016....Assigned

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2014-144736-001	Possession or Use of Dangerous Drugs, Class 4; Possession of Drug Paraphernalia, Class 6	6 Years; 2.25 Years	Jose S Padilla, Sentencing	JURY	

58 PROCEEDING ENTRIES		
1.	12-Apr-2016	FILED: Notice of Appeal from Maricopa County Superior Court filed 04/07/16. Notification to court Reporters dated 04/11/2016.
2.	19-Apr-2016	FILED: Reporter's Transcripts - 6/12/15 - Evidentiary Hearing (Luz Franco)
3.	29-Apr-2016	FILED: Reporter's Transcript - 09/29/14 - Preliminary Hearing Continuance (Regina Wittkowske)
4.	29-Apr-2016	FILED: Reporter's Transcript - 11/12/14 - Status Conference (Regina Wittkowske)
5.	29-Apr-2016	FILED: Reporter's Transcript - 11/26/14 - Continuance (Regina Wittkowske)
6.	29-Apr-2016	FILED: Reporter's Transcript - 01/02/15 - Rule 11 Order Granting Full Rule 11 Evaluation (Regina Wittkowske)
7.	29-Apr-2016	FILED: Reporter's Transcript - 02/19/15 - Defendant Competent - A.R.S. Section 13-4510(B) - Submission (Regina Wittkowske)
8.	29-Apr-2016	FILED: Reporter's Transcript - 02/27/15 - Initial Pretrial Conference (Regina Wittkowske)
9.	29-Apr-2016	FILED: Reporter's Transcript - 08/05/15 - Settlement Conference (Rowena E Chenoweth)
10.	29-Apr-2016	FILED: Reporter's Transcript - 02/08/16 - Trial Day 4 (Melissa Gonsalves)
11.	3-May-2016	FILED: Reporter's Transcript - 4/13/2015 Comprehensive Pretrial Conference - (Tara L. Kramer)
12.	3-May-2016	FILED: Reporter's Transcript - 6/29/2015 Final Trial Management Conference - (Tara L. Kramer)
13.	3-May-2016	FILED: Reporter's Transcript - 8/6/2015 Trial Continuance Past Last Day - (Tara L. Kramer)
14.	3-May-2016	FILED: Reporter's Transcript - 10/23/2015 Evidentiary Hearing - (Tara L. Kramer)
15.	11-May-2016	FILED: Reporter's Transcript - 10/28/15 (Barbara Stockford)
16.	12-May-2016	FILED: Notice to Unseal - 11-06-15 - Evidentiary Hearing - PM (Lori Thielmann)
17.	19-May-2016	FILED: Reporter's Transcript - 03/25/2015 - CPC (Jane Westlund)

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18. 20-May-2016 FILED: Additional Record on Appeal:
Exhibits:
Hearing Date 06/12/2015 - List # 5 6 in a Manila Envelope
Hearing Date 01/21/2016 - List # 1 2 in a Manila Envelope
Hearing Date 02/01/2016 - List # 3 in a Manila Envelope
Hearing Date 03/18/2016 - List # 2 3 4 5 6 7 in a Manila Envelope
Sealed Items:
Confidential Criminal History Addendum in Sealed Manila Envelope
19. 20-May-2016 FILED: First Motion for Extension of Time to File Transcripts (Court Reporter Hilda E. Lopez)
20. 20-May-2016 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: # 163
Exhibits: None Sent with e-Record
21. 22-May-2016 FILED: Motion for Extension of Time (Court Reporter Patricia Nunes Kotarba)
22. 22-May-2016 FILED: Reporter's Transcript - 01/19/2016 - Settlement Conference (Terry Masciola)
23. 23-May-2016 FILED: Reporter's Transcripts - 01/20/2016 - Pretrial Conference (Vanessa Gartner)
24. 23-May-2016 ORDERED: First Motion for Extension of Time to File Transcripts (Court Reporter Hilda E. Lopez) = GRANTED/Due dates EXTENDED to 06/22/2016 for transcripts dated 01/25/2016, 01/26/2016, 01/27/2016, 02/01/2016, 02/02/2016, 02/04/2016, 02/09/2016, 03/18/2016 or OSC 07/06/2016. Hon Samuel A Thumma - Author
25. 23-May-2016 ORDERED: Motion for Extension of Time (Court Reporter Patricia Nunes Kotarba) = GRANTED/Due date EXTENDED from Monday, 05-23-2016 to Wednesday, 06-22-2016 for transcript dated 01/21/2016 or OSC 07/06/2016. Hon Samuel A Thumma - Author
26. 27-May-2016 FILED: Motion for Order to Unseal Transcript; Certificate of Service (Appellant)
27. 27-May-2016 FILED: Reporter's Transcript - 02/01/2016 - Jury Selection (Hilda Lopez)
28. 2-Jun-2016 ORDERED: Motion for Order to Unseal Transcript (Appellant) = GRANTED/Unsealing the court reporter notes of proceedings held on 11/06/2015, for the purpose of preparing the transcript for use by the appellant or the appellee for this appeal only. FURTHER ORDERED: Transcript due 06/24/2016. Anthony Mackey ProTem Judge - Author
29. 3-Jun-2016 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
30. 7-Jun-2016 FILED: Reporter's Transcript - 02/02/2016 - Cont. Jury Selection (Hilda Lopez)
31. 14-Jun-2016 ORDERED: Motion to Unseal Documents (Appellant) = GRANTED/Unsealing random jury list, IOR 130 and IOR 140, medical reports of Dr. Worsley, IOR 43, and Dr. Frizzell, IOR 44, State's Motion in Limine, IOR 113, and the Maricopa County Client Information Sheet, IOR 160 for this appeal only. Anthony Mackey ProTem Judge - Author
32. 15-Jun-2016 FILED: Reporter's Transcript - 02/09/2016 - Jury Trial (Hilda Lopez)
33. 21-Jun-2016 FILED: Reporter's Transcript - 01/26/2016 - Jury Trial (Hilda E. Lopez)
34. 22-Jun-2016 FILED: Reporter's Transcript - 01/27/2016 - Jury Trial (Hilda Lopez)
35. 22-Jun-2016 FILED: Reporter's Transcript - 02/04/2016 - Jury Trial (Hilda Lopez)
36. 22-Jun-2016 FILED: Reporters Transcript (11/06/15 [Lori Thielmann])
37. 22-Jun-2016 FILED: Second Motion for Extension of Time to File Transcripts (Hilda E Lopez)
38. 22-Jun-2016 FILED: Reporter's Transcript - 03/18/2016 - Hearing-Sentencing (Hilda Lopez)
39. 23-Jun-2016 ORDERED: [SIC] Court Reporter Lori D. Reinhardt transcript dated 08/07/2012 due 07/25/2016. Hon Samuel A Thumma - Author
40. 23-Jun-2016 ORDERED: Vacating the court's order dated 06/23/2016 directing Court Reporter Lori D Reinhardt to filed transcript dated 08/07/2012. Hon Samuel A Thumma - Author
41. 23-Jun-2016 ORDERED: [SIC] Court Reporter Lydia A Estrada-Gray transcripts dated 10/31/2012, 12/19/2012 due 07/25/2016. Hon Samuel A Thumma - Author
42. 23-Jun-2016 ORDERED: Vacating the court's order dated 06/23/2016 directing Court Reporter Lydia A Estrada-Gray to file transcripts dated 10/31/2012, 12/19/2012. Hon Samuel A Thumma - Author

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43. 23-Jun-2016 ORDERED: [SIC] Court Reporter Robin Bobbie transcript dated 04/04/2013 due 07/25/2016. Hon Samuel A Thumma - Author
44. 23-Jun-2016 ORDERED: Vacating the court's order dated 06/23/2016 directing Court Reporter Robin Bobbie to file transcript dated 04/04/2013. Hon Samuel A Thumma - Author
45. 24-Jun-2016 ORDERED: Second Motion for Extension of Time to File Transcripts (Hilda E Lopez) = GRANTED/Due date EXTENDED from Wednesday, 06-22-2016 to Friday, 07-22-2016 for transcript dated 01/25/2016 or OSC 08/03/2016. Hon Samuel A Thumma - Author
46. 26-Jun-2016 FILED: Reporter's Transcript - 01/21/2016 - Jury Trial - Voir Dire (Patricia Kotarba)
47. 20-Jul-2016 FILED: Reporter's Transcript - 01/25/2016 - Jury Trial (Hilda Lopez)
48. 26-Jul-2016 FILED: Notice of Completion of Record
49. 12-Sep-2016 ORDERED: Opening Brief due date EXTENDED from Friday, 09-09-2016 to Tuesday, 10-11-2016. Fred Cole ProTem Judge - Author
50. 11-Oct-2016 FILED: Appellant's Opening Brief; Certificate of Compliance with Rule 31.13(b), ARCP; Certificate of Service (Appellant)
51. 11-Oct-2016 FILED: Motion for Leave to Allow Appellant to File Supplemental Brief In Propria Persona; Certificate of Service (Appellant)
52. 13-Oct-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 11/22/2016; FURTHER ORDERED: Answering brief to await court order. Anthony Mackey ProTem Judge - Author
53. 17-Oct-2016 FILED: Letter, dated 10/17/2016 to Appellant from Counsel re: Forwarding Record on Appeal (Appellant)
54. 18-Nov-2016 FILED: APPELLANT'S SUPPLEMENTAL OPENING BRIEF (Appellant Pro Per)
55. 21-Nov-2016 FILED: Assigning Anders appeal to Dept D for consideration and disposition. [Amy M. Wood, Clerk]
56. 21-Nov-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
57. 28-Nov-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes copy of transcripts filed directly with COA1 previously)
58. 22-Dec-2016 FILED: Memorandum: Judge Brown for Judge Gould (Chief Judge Brown)