

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 15-0298

STATE v. MILLER

Appellate Case Information

Case Filed: 5-May-2015
Case Closed: 23-Jan-2017

Decision

Dept/Composition

Department C

Hon. Patricia A Orozco
Hon. Peter B Swann
Hon. Jon W Thompson

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. DAVID JOHN MILLER, Appellant

(Litigant Group) DAVID JOHN MILLER

- David John Miller

Attorneys for: Appellant

Wendy L Mays, Esq. (AZ Bar No. 21923)

CASE STATUS

Jan 23, 2017....**Case Closed**

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2013-107780-001	Burglary in the Third Degree, Class 4;	12 Years	Richard L Nothwehr, Sentencing	JURY	

CASE DECISION

06-Dec-2016 MEMORANDUM DECISION

Peter Swann.....Author
Patricia Orozco.....Concur
Jon Thompson.....Concur

Filed: **06-Dec-2016** Mandate: **23-Jan-2017**

Decision Disposition

Affirmed

66 PROCEEDING ENTRIES

- 5-May-2015 FILED: Notice of Appeal from Maricopa County Superior Court filed 04/30/15. Notifications to Court Reporters dated 05/04/15.
- 13-May-2015 ORDERED: Appointing Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Transcripts due 06/26/2015. Anthony Mackey ProTem Judge - Author
- 14-May-2015 FILED: Motion for Extension of Time (to File Transcripts on behalf of Brenda Brown) (Barbara Stockford)
- 21-May-2015 ORDERED: Motion for Extension of Time (to File Transcripts on behalf of Brenda Brown) (Barbara Stockford) = GRANTED. Due Dates EXTENDED to 07/20/2015 for Transcripts dated 01/20/2015, 01/21/2015 or OSC 8/5/15. Hon Michael J Brown - Author
- 12-Jun-2015 FILED: Additional Record on Appeal
Exhibits:
Hearing Date 01/14/2015 - List # 4 6 7 9 in a manila envelope
Hearing Date 04/24/2015 - List # 1 2 in a manila envelope
Hearing Date 05/29/2015 - List # 1 2 in a manila envelope
Sealed Items:
Confidential Criminal History Addendum in Sealed Manila Envelope
- 12-Jun-2015 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None
- 24-Jun-2015 FILED: Reporter's Transcript of Proceedings-01/14/2015-Jury Trial (Lydia Estrada-Gray)
- 26-Jun-2015 FILED: Reporter's Transcript - 04/24/2015 - Sentencing - (Karen Bolton)

Court of Appeals, Division One**Criminal - Anders Appeal****1 CA-CR 15-0298****STATE v. MILLER****66 PROCEEDING ENTRIES**

9. 2-Jul-2015 Courtesy Copy of Designation of Record for Appeal Filed in Superior Court (Appellant)
10. 2-Jul-2015 ORDERED: Court Reporter Brenda Brown transcripts dated 1/20/15, 1/21/15 due 8/3/15. Hon Samuel A Thumma - Author
11. 2-Jul-2015 ORDERED: Ken Crenshaw transcripts dated 12/1/14, 1/14/15 due 8/3/15. Hon Samuel A Thumma - Author
12. 2-Jul-2015 ORDERED: Court Reporter Gail Ferguson transcripts dated 12/19/13, 2/28/14 due 8/3/15. Hon Samuel A Thumma - Author
13. 2-Jul-2015 ORDERED: Court Reporter Jovanna Roman transcript dated 11/15/13 due 8/3/15. Hon Samuel A Thumma - Author
14. 2-Jul-2015 ORDERED: Court Reporter David Lee transcript dated 10/10/13 due 8/3/15. Hon Samuel A Thumma - Author
15. 2-Jul-2015 ORDERED: Court Reporter Karen Bolton transcript dated [SIC] due 8/3/15. Hon Samuel A Thumma - Author (VACATED per order dated 7/6/15)
16. 6-Jul-2015 ORDERED: Vacating the court's order dated 7/2/15 re: reporter Karen Bolton. Hon Samuel A Thumma - Author
17. 7-Jul-2015 FILED: Notice of Sealed Transcript - 11/15/2013 - (Jovanna Roman)
18. 9-Jul-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
19. 22-Jul-2015 FILED: Reporter's Transcript - 01/20/2015 - Trial Day Two (Jovanna Roman for Brenda Brown)
20. 22-Jul-2015 FILED: Reporter's Transcript - 01/21/2015 - Trial Day Three (Jovanna Roman for Brenda Brown)
21. 31-Jul-2015 FILED: Reporter's Transcript - 12/01/2014 Trial (J Marie Moran)
22. 31-Jul-2015 FILED: Reporter's Transcript - 01/14/2015 Motion Hearing (J Marie Moran)
23. 6-Aug-2015 FILED: Motion to Unseal Transcripts; Certificate of Service (Appellant)
24. 11-Aug-2015 ORDERED: Motion to Unseal Transcripts (Appellant) = GRANTED/ Unsealing the court reporter notes of the settlement conference proceedings held on 10/10/13, to permit court reporter David Lee to file the transcript with copies to counsel, and the sealed original to the Clerk of this court no later than 09/10/15. FURTHER ORDERED: Unsealing the court reporter notes of the Settlement Conference proceedings on 11/15/13, to permit court reporter Jovanna Roman to file the transcript with copies to counsel, and the sealed original to the Clerk of this court no later than 09/10/15. FURTHER ORDERED: Unsealing the court reporter notes of the status conference/possible change of plea proceeding held on 12/19/13, and settlement conference held on 02/28/14, to permit court reporter Gail Ferguson to file the transcript with copies to counsel, and the sealed original to the Clerk of this court no later than 09/10/15. Anthony Mackey ProTem Judge - Author
25. 17-Aug-2015 FILED: Reporter's Transcripts - 12/19/2013 - (Gail Ferguson)
26. 17-Aug-2015 FILED: Reporter's Transcript - 02/28/2014 - (Gail Ferguson)
27. 30-Sep-2015 FILED: Reporter's Transcript - 11/15/2013 - Settlement Conference (Jovanna Roman)
28. 1-Oct-2015 ORDERED: Court Reporter David Lee to appear for OSC on 10/21/2015 for transcripts dated 10/10/2013. Hon Samuel A Thumma - Author
29. 16-Oct-2015 FILED: Reporter's Transcript - 10/10/2013 - (David Lee)
30. 9-Nov-2015 FILED: Notice of Completion of Record
31. 10-Nov-2015 FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)

Court of Appeals, Division One**Criminal - Anders Appeal****1 CA-CR 15-0298****STATE v. MILLER****66 PROCEEDING ENTRIES**

32. 18-Nov-2015 ORDERED: Motion to Withdraw and Substitute New Counsel (Appellant) = GRANTED. FURTHER ORDERED: Appointing Wendy Mays as counsel for appellant. FURTHER ORDERED: Maricopa County Public Defender forward all files to newly appointed counsel. FURTHER ORDERED: Motion to Extend Opening Brief Due Date (Appellant) = GRANTED. Due date EXTENDED from Thursday, 12-24-2015 to Thursday, 12-31-2015 Anthony Mackey ProTem Judge - Author
33. 18-Jan-2016 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
34. 19-Jan-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 02/29/16; FURTHER ORDERED: Answering brief to await court order. Anthony Mackey ProTem Judge - Author
35. 22-Jan-2016 FILED: Letter dated 01/18/16, to Appellant from Counsel re: Forwarding record on appeal
36. 16-Feb-2016 FILED: Appellant's Request for Extension of Time to File Supplemental Brief (Appellant, Pro Per)
37. 16-Feb-2016 FILED: Motion for Order to Compel Production of Documents (Appellant, Pro Per)
38. 22-Feb-2016 ORDERED: Motion for Order to Compel Production of Documents (Appellant, Pro Per) = GRANTED/Appellant's counsel to file transmittal letter by 03/04/16. FURTHER ORDERED: Appellant's Request for Extension of Time to File Supplemental Brief (Appellant, Pro Per) = GRANTED. Due date EXTENDED from Monday, 02-29-2016 to Monday, 04-04-2016. Anthony Mackey ProTem Judge - Author
39. 7-Mar-2016 FILED: Letter, dated 02/26/16, to Appellant from Counsel re: Forwarding record on appeal
40. 24-Mar-2016 FILED: Appellant's Request for Extension of Time to File Supplemental Brief (Second Request) (Appellant Pro Per)
41. 24-Mar-2016 FILED: Petition for Order To Show Cause Re: Contempt
42. 24-Mar-2016 ORDERED: Appellant is granted an extension of time to file a supplemental brief to/including 4/25/16. Anthony Mackey ProTem Judge - Author
43. 4-Apr-2016 ORDERED: Directing appellant's counsel to print out or arrange to have printed all records on compact disks and to forward those paper records to the appellant no later than 4/25/16. FURTHER ORDERED: directing appellant's counsel to file a copy of counsel's transmittal letter, specifying that paper copies of these records have been forwarded to appellant, no later than 4/28/16. FURTHER ORDERED: Extending the time for filing a pro se supplemental brief to/including 5/26/16. Anthony Mackey ProTem Judge - Author
44. 21-Apr-2016 FILED: Letter, dated 04/12/2016, to Appellant from Counsel re: Forwarding record on appeal
45. 12-May-2016 FILED: Appellant's Notification of Counsel's Continued Non Compliance With This Court's Order, and Request for Extension of Time to File Pro Per Appeal (3rd Request) (Appellant Pro Per)
46. 17-May-2016 ORDERED: Appellant's Notification of Counsel's Continued Non Compliance With This Court's Order, and Request for Extension of Time to File Pro Per Appeal (3rd Request) (Appellant Pro Per) = GRANTED/Due date EXTENDED from Thursday, 05-26-2016 to Friday, 06-17-2016. Anthony Mackey ProTem Judge - Author
47. 26-May-2016 FILED: Supplement to Appellants Notification of Counsels Continued Non Compliance and Request for Continuanace (Reiterated) (Appellant)
48. 6-Jun-2016 FILED: Courtesy Copy - Supplement to Appellant's Notification of Counsel's Countinued Non Compliance, and Request for Continuanace (Reiterated) (Appellant Pro Per)
49. 7-Jun-2016 ORDERED: Supplement to Appellants Notification of Counsels Continued Non Compliance and Request for Continuanace (Reiterated) (Appellant) = GRANTED/Appellant shall have to/including 07/11/2016 to file a pro se supplemental brief. Anthony Mackey ProTem Judge - Author
50. 13-Jun-2016 FILED: Appellants Request for Extension of Time to File Supplemental Brief (Appellant Pro Per)
51. 15-Jun-2016 ORDERED: Appellants Request for Extension of Time to File Supplemental Brief (Appellant Pro Per) = DENIED/Appellant shall have to/including 07/11/2016 to file a pro se supplemental brief. Anthony Mackey ProTem Judge - Author
52. 1-Jul-2016 FILED: Courtesy Copy - Letter dated 06/26/2016 to attorney Wendy Mays from Appellant David Miller
53. 6-Jul-2016 FILED: Anders Supplemental Opening Brief (Appellant Pro Per)

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 15-0298

STATE v. MILLER

66 PROCEEDING ENTRIES

54. 13-Jul-2016 FILED: Assigning Anders appeal to Dept C for consideration and disposition. [Ruth Willingham, Clerk]
55. 13-Jul-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
56. 21-Jul-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes copy of transcript filed directly with COA1 previously)
57. 30-Aug-2016 FILED: A differential Inquiry of the Court (Appellant)
58. 17-Oct-2016 FILED: Letter, 10/11/16, from Appellant to Court re: Status
59. 24-Oct-2016 FILED: Letter, 10/24/16, from Court to Appellant, enclosing copy of docket
60. 7-Nov-2016 FILED: Appellants Motion to Stay Execution of Sentence and Set Bond Pursuant to Rule 7.2 (c)(1), ARCP & Rule 6, SCRAP (CR) (Apellant)
61. 23-Nov-2016 FILED: Letter, 11/21/16, from Appellant to Court re: Status of 'Motion to Stay Execution of Sentence and Set Bond'
62. 6-Dec-2016 MEMORANDUM DECISION (Affirmed) Hon Peter B Swann - Author; Hon Patricia A Orozco - Concur; Hon Jon W Thompson - Concur (Motion for reconsideration extended thirty days from date of this decision.)
63. 6-Dec-2016 FILED: Memorandum Decision Distribution List
64. 7-Dec-2016 FILED: Letter, 12/7/16, from Court to Appellant re: Status
65. 19-Dec-2016 FILED: Notification of Change of Address (Appellant Pro Per)
66. 23-Jan-2017 FILED: Mandate, Record returned to superior court.