

Court of Appeals, Division One
Criminal

1 CA-CR 15-0342

STATE v. GUTIERREZ

Appellate Case Information Case Filed: 18-May-2015 Case Closed:	Dept/Composition Dept A June 28 2016 Hon. Diane M Johnsen Hon. Patricia A Orozco Hon. Donn Kessler
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Side 1. STATE OF ARIZONA, Appellee
(Litigant Group) STATE OF ARIZONA

● State of Arizona **Attorneys for: Appellee**
Linley Wilson, Esq. (AZ Bar No. 27040)

Side 2. ELROY GUTIERREZ, Appellant
(Litigant Group) ELROY GUTIERREZ

● Elroy Gutierrez **Attorneys for: Appellant**
Wendy F White, Esq. (AZ Bar No. 11352)

CASE STATUS

Oct 5, 2016.....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
YAV P1300CR201400675	See File	See File	Tina R Ainley, Sentencing	JURY	

DESCENDENT CASE(S)

ASC CR-16-0403-PR

CASE DECISION

01-Sep-2016 OPINION	Diane Johnsen.....Author Patricia Orozco.....Concur Donn Kessler.....Concur	Filed: 01-Sep-2016 Mandate:
		Decision Disposition
		Affirmed

43 PROCEEDING ENTRIES

- 18-May-2015 FILED: Notice of Appeal from Yavapai County Superior Court filed 05/13/15. Notification to Court Reporters dated 05/14/15.
- 18-May-2015 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits:
List - # 5 6 7 8 9 10 11 12 13 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 43 44 45 46 47 48 49 50 51 52 53 54 55 59 63 64 65 66 69 71 73 74 75 76 77 78 79 80 81 93 94 95 96 filed with e-Record
- 21-May-2015 FILED: Additional Record on Appeal
Exhibits:
2 (CD)
- 1-Jun-2015 FILED: Reporter's Transcript 03/25/2015 Final Trial Concluded (Lisa A Chaney)
- 10-Jun-2015 FILED: Notice of Substitution of Counsel; Certificate of Service (Appellant)
- 6-Jul-2015 FILED: Request for Extension of Filing Date (for Transcripts) (Steven King)
- 9-Jul-2015 ORDERED: Request for Extension of Filing Date (for Transcripts) (Steven King) = GRANTED. Due Dates EXTENDED to 08/10/2015 for Transcripts dated 03/18/2015, 03/19/2015, 03/20/2015, 05/04/2015 or OSC 8/19/15. Hon Samuel A Thumma - Author
- 22-Jul-2015 FILED: Reporters Transcript (05/04/15 [Steven King])

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9. 22-Jul-2015 FILED: Reporters Transcript (03/18/15 [Steven King])
10. 22-Jul-2015 FILED: Reporters Transcript (03/19/15 [Steven King])
11. 22-Jul-2015 FILED: Reporters Transcript (03/20/15 [Steven King])
12. 25-Aug-2015 FILED: Notice of Completion of Record
13. 9-Oct-2015 FILED: Motion for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
14. 16-Oct-2015 ORDERED: Motion for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 10-09-2015 to Monday, 11-09-2015. Anthony Mackey ProTem Judge - Author
15. 26-Oct-2015 FILED: Motion to Supplement Record; Certificate of Service (Appellant)
16. 3-Nov-2015 ORDERED: Motion to Supplement Record (Appellant) = DENIED for the transcript of oral argument held on 3/04/2015. FURTHER ORDERED: Supplementing the record with transcript dated 02/24/2015 by court reporter Steven King due by 12/03/2015. FURTHER ORDERED: Opening Brief due date EXTENDED to 01/04/2016. Anthony Mackey ProTem Judge - Author
17. 7-Dec-2015 FILED: Reporters Transcript (02/24/15 [Steven King])
18. 2-Jan-2016 FILED: Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
19. 7-Jan-2016 FILED: Reporters Transcript (03/20/15 [Steven King])
20. 15-Jan-2016 FILED: Notice of Appearance; Certificate of Service (Appellee)
21. 19-Feb-2016 ORDERED: Answering Brief due date EXTENDED from Tuesday, 02-16-2016 to Thursday, 03-17-2016. Fred Cole ProTem Judge - Author
22. 17-Mar-2016 FILED: Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
23. 21-Mar-2016 ORDERED: Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Thursday, 03-17-2016 to Monday, 04-04-2016. Anthony Mackey ProTem Judge - Author
24. 5-Apr-2016 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
25. 29-Apr-2016 CLNDR: CONFERENCE, Dept A June 28 2016, 6-28-16, COURTROOM 2.
26. 2-May-2016 FILED: Request for Oral Argument; Certificate of Service (Appellant)
27. 2-May-2016 FILED: Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
28. 4-May-2016 ORDERED: Request for Oral Argument (Appellant) = GRANTED/Oral argument 06/28/2016 at 10:15 am in courtroom 2. Hon Diane M Johnsen - Author
29. 10-May-2016 FILED: Return Receipt for Notice of Oral Argument (Appellant), signed by Wendy White on 05/05/2016
30. 23-May-2016 FILED: Notice of Substitution of Counsel; Certificate of Service (Appellee)
31. 23-May-2016 FILED: Return Receipt for Notice of Oral Argument; Certificate of Service (Appellee), signed by Jillian Francis on 05/23/2016.
32. 13-Jun-2016 FILED: Notice of Substitution of Counsel; Certificate of Service (Appellee)
33. 21-Jun-2016 FILED: Notice of Supplemental Authority; Certificate of Service (Appellee)
34. 28-Jun-2016 FILED: Stipulated Motion to Transmit Exhibits 56, 57, and 58 From Superior Court; Certificate of Service; Exhibit (Appellee)
35. 28-Jun-2016 FILED: Sign-in Sheet/Case is Under Advisement (Dept A)
36. 28-Jun-2016 FILED: Courtesy Copy - Stipulated Motion to Transmit Exhibits 56, 57, and 58 from Superior Court
37. 29-Jun-2016 ORDERED: Stipulated Motion to Transmit Exhibits 56, 57, and 58 From Superior Court (Appellee) = GRANTED/Clerk of the Yavapai County Superior Court to transmit to this court Exhibits 56, 57, and 58, due 07/12/2016. Hon Diane M Johnsen - Author
38. 30-Jun-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record

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| 39. | 30-Jun-2016 | FILED: Additional Record on Appeal
Exhibits:
List - # 56 57 58 (3 CDs) |
| 40. | 1-Sep-2016 | OPINION (Affirmed) Hon Diane M Johnsen - Author; Hon Patricia A Orozco - Concur; Hon Donn Kessler - Concur |
| 41. | 1-Sep-2016 | FILED: Opinion Distribution List |
| 42. | 5-Oct-2016 | FILED: Email Notice from ASC re: Petition for Review filed 10/3/16; request for partial record |
| 43. | 6-Oct-2016 | FILED: Letter forwarding partial record to Arizona Supreme Court |