

Court of Appeals, Division One

Criminal

1 CA-CR 15-0382

STATE v. SCOTT

Appellate Case Information

Case Filed: 8-Jun-2015
Case Closed:

Dept/Composition

Department C
Hon. Diane M Johnsen
Hon. Jon W Thompson
Hon. John C Gemmill

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

William Scott Simon, Esq. (AZ Bar No. 25230)

Side 2. DANIEL VERNON SCOTT, Appellant

(Litigant Group) DANIEL VERNON SCOTT

- Daniel Vernon Scott

Attorneys for: Appellant

John David Napper, Esq. (AZ Bar No. 21950)
Andrew R Falick, Esq. (AZ Bar No. 19454)

CASE STATUS

Dec 22, 2016....Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: YAV, P1300CR201400436, Disorderly Conduct with a Deadly Weapon or Dangerous Instrument per Domestic Violence, Class 6, 2 Years, Tina R Ainley, Sentencing, JURY.

OPEN DUE DATE

Petition for Review to ASC due

Due By: Thursday, January 26, 2017

Re: MEMORANDUM DECISION (Affirmed) Hon John C Gemmill - Author; Hon Diane M Johnsen - Concur; Hon Jon W Thompson - Concur

CASE DECISION

22-Dec-2016 MEMORANDUM DECISION

John Gemmill.....Author
Diane Johnsen.....Concur
Jon Thompson.....Concur

Filed: 22-Dec-2016 Mandate:

Decision Disposition

Affirmed

58 PROCEEDING ENTRIES

- 1. 8-Jun-2015 FILED: Notice of Appeal from Yavapai County Superior Court filed 05/28/15. Notification to Court Reporters dated 06/01/15.
2. 8-Jun-2015 FILED:e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: # 143 Exhibits: List # 38 39 57 58 59 60 61 62 63 64 65 66 67 68 69 72 filed with e-Record
3. 12-Jun-2015 FILED: Additional Record on Appeal Exhibits: List # 73 (1 CD)
4. 23-Jun-2015 FILED: Motion to Designate Record; Certificate of Service (Appellant)
5. 23-Jun-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record

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6. 2-Jul-2015 ORDERED: Court Reporter Steven King transcripts dated 04/22/2015, 04/23/2015, 04/24/2015, 04/29/2015, 05/27/2015, 11/25/2014, 05/19/2014, 07/15/2014, 08/04/2014, 09/22/2014, 10/13/2014, 12/03/2014, 12/16/2014, 01/06/2015, 02/23/2015, 04/06/2015, 04/10/2015, 04/22/2015 due 08/03/2015 Hon Samuel A Thumma - Author
7. 17-Jul-2015 FILED: Reporters Transcript (07/15/14 [Steven King])
8. 24-Jul-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
9. 3-Sep-2015 FILED: Reporters Transcript - 04/06/15 - (Steven King)
10. 3-Sep-2015 FILED: Reporters Transcript (12/03/14 [Steven King])
11. 3-Sep-2015 ORDERED: Court Reporter Steven King due Dates EXTENDED to 10/05/2015 for Transcripts dated 05/19/2014, 08/04/2014, 09/22/2014, 10/13/2014, 11/25/2014, 12/03/2014, 12/16/2014, 01/06/2015, 02/23/2015, 04/06/2015, 04/10/2015, 04/22/2015, 04/22/2015 [sic], 04/23/2015, 04/24/2015 04/29/2015, 05/27/2015 or OSC on 10/07/2015. Hon Samuel A Thumma - Author
12. 4-Sep-2015 FILED: Reporters Transcript (05/27/15 [Steven King])
13. 4-Sep-2015 FILED: Reporters Transcript (04/24/15 [Steven King])
14. 4-Sep-2015 FILED: Reporters Transcript (04/23/15 [Steven King])
15. 4-Sep-2015 FILED: Reporters Transcript (04/22/15 [Steven King])
16. 4-Sep-2015 FILED: Reporters Transcript (04/29/15 [Steven King])
17. 4-Sep-2015 FILED: Reporters Transcript (04/04/15 [Steven King])
18. 4-Sep-2015 FILED: Reporters Transcript (05/19/14 [Steven King])
19. 4-Sep-2015 FILED: Reporters Transcript (09/22/14 [Steven King])
20. 4-Sep-2015 FILED: Reporters Transcript (10/13/14 [Steven King])
21. 4-Sep-2015 FILED: Reporters Transcript (11/25/14 [Steven King])
22. 4-Sep-2015 FILED: Reporters Transcript (12/16/14 [Steven King])
23. 4-Sep-2015 FILED: Reporters Transcript (02/23/15 [Steven King])
24. 4-Sep-2015 FILED: Reporters Transcript (01/06/15 [Steven King])
25. 22-Sep-2015 FILED: Reporters Transcript (04/10/15 [Steven King])
26. 2-Nov-2015 ORDERED: Court Reporter Jill Fulkerson transcript dated 08/04/14 due 12/02/15 or OSC 12/16/15. Hon Samuel A Thumma - Author
27. 20-Nov-2015 FILED: Reporters Transcript - 08/04/2014 - (Jill Fulkerson)
28. 14-Dec-2015 FILED: Notice of Completion of Record
29. 19-Jan-2016 FILED: First Request for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
30. 1-Feb-2016 ORDERED: First Request for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Thursday, 01-28-2016 to Monday, 02-29-2016. Anthony Mackey ProTem Judge - Author
31. 3-Feb-2016 FILED: Motion to Supplement the Record and Vacate Deadline to File Opening Brief; Certificate of Service (Appellant)
32. 4-Feb-2016 FILED: Motion to Supplement: Motion to Supplement the Record and Vacate Deadline to File Opening Brief; Certificate of Service (Appellant)
33. 8-Feb-2016 ORDERED: Motion to Supplement: Motion to Supplement the Record (Appellant) = GRANTED/Transcript due 03/03/16. FURTHER ORDERED: Vacate Deadline to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 02-29-2016 to Monday, 04-04-2016. Anthony Mackey ProTem Judge - Author

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34. 3-Mar-2016 FILED: Reporters Transcript (04/24/15 [Steven King])
35. 22-Mar-2016 FILED: Notice of Incomplete Record and Motion to Vacate Deadline to File Opening Brief; Certificate of Service (Appellant)
36. 28-Mar-2016 ORDERED: Notice of Incomplete Record and Motion to Vacate Deadline to File Opening Brief (Appellant) = GRANTED/Court Reporter Steven King to forward 04/24/15 transcript to appellant counsel. FURTHER ORDERED: Opening Brief due date extended to 04/27/2016. Fred Cole ProTem Judge - Author
37. 27-Apr-2016 FILED: Appellant's Opening Brief; Certificate of Compliance to Appellant's Opening Brief; Certificate of Service to Appellant's Opening Brief (Appellant)
38. 9-May-2016 FILED: Notice of Appearance; Certificate of Service (Appellee)
39. 14-Jun-2016 ORDERED: Answering Brief due date EXTENDED from Monday, 06-13-2016 to Wednesday, 07-13-2016. Fred Cole ProTem Judge - Author
40. 13-Jul-2016 FILED: Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
41. 14-Jul-2016 ORDERED: Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED/Due date EXTENDED from Wednesday, 07-13-2016 to Monday, 08-15-2016. Anthony Mackey ProTem Judge - Author
42. 11-Aug-2016 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
43. 25-Aug-2016 FILED: First Request for Extension of Time to File Reply Brief; Certificate of Service (Appellant)
44. 26-Aug-2016 ORDERED: First Request for Extension of Time to File Reply Brief (Appellant) = GRANTED/Due date EXTENDED from Tuesday, 09-06-2016 to Monday, 09-26-2016. Anthony Mackey ProTem Judge - Author
45. 26-Sep-2016 CLNDR: CONFERENCE, Department C, 11-16-16, COURTROOM 1.
46. 26-Sep-2016 FILED: Second Request for Extension of Time to File Reply Brief; Certificate of Service (Appellant)
47. 27-Sep-2016 ORDERED: Second Request for Extension of Time to File Reply Brief (Appellant) = GRANTED/Due date EXTENDED from Monday, 09-26-2016 to Friday, 10-07-2016. Hon Diane M Johnsen - Author
48. 4-Oct-2016 FILED: Appellant's Reply Brief; Certificate of Compliance to Appellant's Reply Brief; Certificate of Service to Appellant's Reply Brief (Appellant)
49. 4-Oct-2016 FILED: Appellant's Motion to Request Oral Argument; Certificate of Service (Appellant)
50. 11-Oct-2016 ORDERED: Appellant's Motion to Request Oral Argument (Appellant) = GRANTED/Setting oral argument in this matter for 11/16/2016 at 11:00 a.m. in Courtroom 1. Hon Diane M Johnsen - Author
51. 18-Oct-2016 FILED: Return Receipt for Notice of Oral Argument, signed by W. Scott Simon on 10/11/2016 (Appellee)
52. 18-Oct-2016 FILED: Return Receipt for Notice of Oral Argument, signed by Andrew R. Falick on 10/11/2016 (Appellant)
53. 10-Nov-2016 FILED: Appellant's Motion to Request Continuance of Oral Argument; Certificate of Service (Appellant)
54. 10-Nov-2016 ORDERED: Vacating the Oral Argument set for 11/16/16 at 11:00 am. Hon Diane M Johnsen - Author
55. 15-Nov-2016 FILED: Appellant's Motion for Clarification Re: Order Vacating Oral Argument; Certificate of Service (Appellant)
56. 17-Nov-2016 ORDERED: Appellant's Motion for Clarification Re: Order Vacating Oral Argument (Appellant) = GRANTED/as follows: At its conference on 11/16/2016, the court determined that the facts and legal arguments are adequately presented in the briefs and record, so that the court's resolution of the appeal would not be significantly aided by oral argument. FURTHER ORDERED: This case is deemed under advisement as of 11/16/2016. This court will issue a decision in due course. Hon Diane M Johnsen - Author
57. 22-Dec-2016 MEMORANDUM DECISION (Affirmed) Hon John C Gemmill - Author; Hon Diane M Johnsen - Concur; Hon Jon W Thompson - Concur
58. 22-Dec-2016 FILED: Decision Distribution List