Court of Appeals, Division One

Criminal

1 CA-CR 15-0505 STATE v. MACIAS

Appellate Case Information

Case Filed: 27-Jul-2015

Case Closed:

Dept/Composition

Department A

Hon. Kenton D Jones
Hon. Patricia K Norris
Hon. Paul J McMurdie

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- **State of Arizona**

Attorneys for: Appellee

Michael O'Toole, Esq. (AZ Bar No. 19555)

Side 2. GABRIEL MACIAS, Appellant

(Litigant Group) GABRIEL MACIAS

- **Gabriel Macias**

Attorneys for: Appellant

Tracey Westerhausen, Esq. (AZ Bar No. 10518)

Natalee E Segal, Esq. (AZ Bar No. 16775)

CASE STATUS

Jan 17, 2017....Under Advisement

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
YUM	S1400CR201400522	See File	See File	John Neff Nelson, Sentencing	JURY	

CALENDAR

Tuesday MONTHLY COURT CASE CALENDAR
17-Jan-2017 **Department A; COURTROOM 1**

2 PENDING MATTERS

General Motion Filed: 26-Apr-2016

Stipulation to Substitute Item 65 in the Electronic Index of Record (Motion to Suppress) and Stipulation to Correct Court Record From Evidentiary Hearing on 02/17/15 and Proposed Order

General Motion Filed: 10-Jan-2017

Motion to File Reply Brief Two Business Days Late (Appellant)

75 PROCEEDING ENTRIES

1. 23-Jul-2015 FILED: Courtesy Copy of Notice of Filing of Appeal From Superior Court

2. 27-Jul-2015 FILED: Notice of Appeal from Yuma County Superior Court filed 07/17/15.

3. 27-Jul-2015 FILED:e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None

4. 29-Jul-2015 FILED: Additional Record on Appeal
Exhibits:
Hearing Date 06/03/2014 Exhibits - # 1 2 3 4 7 8 9 10 11
Hearing Date 05/05/2015 Exhibits - # 1 2 3 6 22 23 26 31 40 41 47 59 63 64 65 66 68 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141
Hearing Date 05/05/2015 Defendant's Exhibits - # 1
Hearing Date 06/03/2014 CD'S - # 1 2 3 4 7 8 9 10 11

5. 10-Aug-2015 FILED: Motion for Extension of Time to File Transcripts (Katherine Pitotti)

6. 13-Aug-2015 FILED: 07/17/2015 - Sentencing (Jacqueline M. Perkins)

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75 PROCEEDING ENTRIES

7.	13-Aug-2015	FILED: Notice of Service (Jacqueline M. Perkins)
8.	18-Aug-2015	FILED: Reporter's Transcripts - 02/23/15 - (Elizabeth Hengstebeck)
9.	18-Aug-2015	FILED: Affidavit: Notice of Service of Transcript
10.	18-Aug-2015	ORDERED: Motion for Extension of Time to File Transcripts (Katherine Pitotti) = GRANTED. Due Dates EXTENDED to 10/01/2015 for Transcripts dated 05/13/2015, 05/05/2015, 05/06/2015, 05/12/2015, 05/19/2015, 05/14/2015, 05/20/2015, 05/21/2015, 05/26/2015, 05/27/2015, 05/28/2015, 05/29/2015 or OSC 10/07/15. Hon Samuel A Thumma - Author
11.	21-Aug-2015	FILED: Reporters Transcript - 02/17/2015 - (Elizabeth Hengstebeck)
12.	21-Aug-2015	FILED: Affidavit: Notice of Service of Transcript
13.	24-Aug-2015	FILED: Reporter's Transcripts - 8/15/14 - (Elizabeth Hengstebeck)
14.	24-Aug-2015	FILED: Affidavit: Notice of Service of Transcript
15.	24-Aug-2015	FILED: Notice of Appearance; Certificate of Service (Appellant)
16.	27-Aug-2015	FILED: Reporters Transcript 05/28/2015 (Laurie Cooper)
17.	27-Aug-2015	FILED: Reporters Transcript 09/26/2014 (Laurie Cooper)
18.	27-Aug-2015	FILED: Notice of Service of Transcript
19.	30-Aug-2015	FILED: Reporter's Transcripts - 04/10/2015 - (Adam Gage)
20.	30-Aug-2015	FILED: Reporter's Transcripts - 05/07/2015 - (Adam Gage)
21.	30-Aug-2015	FILED: Affidavit: Notice of Service of Transcript
22.	2-Sep-2015	ORDERED: Notice of Appearance (Appellant) = GRANTED/Substituting Edward Mcgee of the Yuma County Public Defender's office as counsel for the appellant. Anthony Mackey ProTem Judge - Author
23.	4-Sep-2015	FILED: Reporter's Transcripts - 05/14/15 - (Katherine Pitotti)
24.	4-Sep-2015	FILED: Reporter's Transcripts - 05/19/15 - (Katherine Pitotti)
25.	4-Sep-2015	FILED: Reporter's Transcripts - 05/20/15 - (Katherine Pitotti)
26.	4-Sep-2015	FILED: Reporter's Transcripts - 05/21/15 - (Katherine Pitotti)
27.	4-Sep-2015	FILED: Reporter's Transcripts - 05/26/15 - Jury Trial Day 10 (Katherine Pitotti)
28.	4-Sep-2015	FILED: Reporter's Transcripts - 05/27/15 - (Katherine Pitotti)
29.	4-Sep-2015	FILED: Reporter's Transcripts - 05/29/15 - (Katherine Pitotti)
30.	4-Sep-2015	FILED: Notice of Service (Katherine Pitotti)
31.	4-Sep-2015	FILED: Reporter's Transcripts - 05/05/15 - Jury Trial Day 1 (Katherine Pitotti)
32.	4-Sep-2015	FILED: Reporter's Transcripts - 05/06/15 - Jury Trial Day 2 (Katherine Pitotti)
33.	4-Sep-2015	FILED: Reporter's Transcripts - 05/12/15 - Jury Trial Day 4 (Katherine Pitotti)
34.	4-Sep-2015	FILED: Reporter's Transcripts - 05/13/15 - Jury Trial Day 5 (Katherine Pitotti)
35.	8-Sep-2015	FILED: Notice of Completion of Record
36.	13-Oct-2015	FILED: Stipulation for Substitution of Counsel; Certificate of Service; Proposed Order (Appellant)
37.	19-Oct-2015	ORDERED: Stipulation for Substitution of Counsel; Proposed Order (Appellant)= GRANTED/Substituting Tracey Westerhausen as counsel for the appellant in place of Edward McGee of the Yuma County Public Defender's Office. FURTHER ORDERED: Extending time for filing the Opening Brief to and including 11/19/2015. Anthony Mackey ProTem Judge - Author

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75 PROCEEDING ENTRIES

38.	19-Nov-2015	FILED: Motion to Extend to File Opening Brief; Certificate of Service (Appellant)
39.	24-Nov-2015	ORDERED: Motion to Extend to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Thursday, 11-19-2015 to Monday, 12-21-2015. Anthony Mackey ProTem Judge - Author
40.	24-Nov-2015	ORDERED: Motion to Extend to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Thursday, 11-19-2015 to Monday, 12-21-2015. Anthony Mackey ProTem Judge - Author (Duplicate)
41.	21-Dec-2015	FILED: Motion for Briefing Schedule; Certificate of Service (Appellant)
42.	22-Dec-2015	ORDERED: Motion for Briefing Schedule (Appellant)= GRANTED/Granting the motion for extended briefing deadlines. FURTHER ORDERED: Opening Brief shall be filed on or before 02/26/16. No further extensions will be granted. FURTHER ORDERED: Answering Brief shall be filed on or before 05/26/16. No further extensions will be granted. FURTHER ORDERED: Reply Brief shall be filed no later than 07/08/16. No further extensions will be granted. Anthony Mackey ProTem Judge - Author
43.	24-Feb-2016	FILED: Motion to Extend Time to File Opening Brief; Certificate of Service (Appellant)
44.	26-Feb-2016	ORDERED: Motion to Extend Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 02-26-2016 to Monday, 03-28-2016. Anthony Mackey ProTem Judge - Author
45.	28-Mar-2016	FILED: Motion for Extention of Time to File Opening Brief; Certificate of Service (Appellant)
46.	29-Mar-2016	ORDERED: Motion for Extention of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 03-28-2016 to Wednesday, 04-27-2016. Fred Cole ProTem Judge - Author
47.	26-Apr-2016	FILED: Stipulation to Substitute Item 65 in the Electronic Index of Record (Motion to Suppress) and Stipulation to Correct Court Record From Evidentiary Hearing on 02/17/15 and Proposed Order; Certificate of Service; Item 65 Substitute Motion and Exhibits; Page 15 Correction to 02-17-15 Hearing (Appellant)
48.	27-Apr-2016	FILED: Motion for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
49.	27-Apr-2016	FILED: Motion to File Request for Extension Under Seal; Certificate of Service (Appellant)
50.	2-May-2016	ORDERED: Motion to File Request for Extension Under Seal (Appellant) = GRANTED/Sealing the motion for extension of time. FURTHER ORDERED: Motion for Extension of Time to File Opening Brief; Certificate of Service = GRANTED/Due date EXTENDED from Wednesday, 04-27-2016 to Friday, 07-01-2016. Anthony Mackey ProTem Judge - Author
51.	11-Jul-2016	FILED: Motion for Extension of Time to File Opening Brief; Certificate of Service Regarding Motion to Extend (Appellant)
52.	13-Jul-2016	ORDERED: Motion for Extension of Time to File Opening Brief (Appellant) = DENIED. FURTHER ORDERED: Court's own motion, opening brief due 07/25/2016 or OSC 08/03/2016 (Tracy Westerhausen) Anthony Mackey ProTem Judge - Author
53.	2-Aug-2016	FILED: Motion to Extend Word Limit for Opening Brief; Certificate of Service (Appellant)
54.	2-Aug-2016	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Mailing (Appellant)
55.	3-Aug-2016	FILED: Appendix to Appellant's Opening Brief (Appellant)
56.	8-Aug-2016	ORDERED: Motion to Extend Word Limit for Opening Brief (Appellant) = GRANTED/Clerk of this Court to file the tendered brief. Anthony Mackey ProTem Judge - Author
57.	9-Aug-2016	FILED: Notice of Appearance; Certificate of Service (Appellee)
58.	2-Sep-2016	FILED: Notice of Substitution of Counsel; Certificate of Service (Appellee)
59.	20-Sep-2016	ORDERED: Answering Brief due date EXTENDED from Monday, 09-19-2016 to Wednesday, 10-19-2016. Fred Cole ProTem Judge - Author
60.	29-Sep-2016	FILED: Motion to Seal Trial Exhibits 3 and 59; Certificate of Service (Appellee)
61.	3-Oct-2016	ORDERED: Motion to Seal Trial Exhibits 3 and 59 (Appellee) = GRANTED/Directing the Clerk of this Court to seal exhibits subject to access by court personnel as needed for processing this appeal. Anthony Mackey ProTem Judge - Author

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75 PROCEEDING ENTRIES

62.	19-Oct-2016	FILED: Motion to Exceed Word Limit; Certificate of Service (Appellee)
63.	19-Oct-2016	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
64.	24-Oct-2016	ORDERED: Motion to Exceed Word Limit (Appellee) = GRANTED/Directing the Clerk of this Court to file the tendered brief. Anthony Mackey ProTem Judge - Author
65.	26-Oct-2016	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
66.	8-Nov-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes copy of transcripts filed directly with COA1 previously)
67.	10-Nov-2016	FILED: Motion for Extension of Time to File Reply to Appellee's Answering Brief; Certificate of Service (Appellant)
68.	14-Nov-2016	ORDERED: Motion for Extension of Time to File Reply to Appellee's Answering Brief (Appellant) = GRANTED/Due date EXTENDED from Monday, 11-14-2016 to Monday, 12-05-2016. Anthony Mackey ProTem Judge - Author
69.	28-Nov-2016	CLNDR: CONFERENCE, Department A, 1-17-17, COURTROOM 1.
70.	5-Dec-2016	FILED: Motion for Extension of Time to File Reply to Appellee's Answering Brief; Certificate of Service (Appellant)
71.	7-Dec-2016	ORDERED: Motion for Extension of Time to File Reply to Appellee's Answering Brief (Appellant) = GRANTED/Due date EXTENDED from Monday, 12-05-2016 to Friday, 12-30-2016. Hon Kenton D Jones - Author
72.	30-Dec-2016	FILED: Motion for Extension of Time to File Reply to Appellee's Answering Brief; Certificate of Service (Appellant)
73.	3-Jan-2017	ORDERED: Motion for Extension of Time to File Reply to Appellee's Answering Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 12-30-2016 to Friday, 01-06-2017. Hon Kenton D Jones - Author
74.	10-Jan-2017	FILED: Motion to File Reply Brief Two Business Days Late; Certificate of Service (Appellant)
75.	10-Jan-2017	FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)

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