

Court of Appeals, Division One

Criminal

1 CA-CR 15-0600

STATE v. VALLEJOS

Appellate Case Information

Case Filed: 9-Sep-2015
Case Closed:

Dept/Composition

Department A
Hon. Kenton D Jones
Hon. Randall M Howe
Hon. Donn Kessler

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

David Simpson, Esq. (AZ Bar No. 30571)

Side 2. MICHAEL JOE VALLEJOS, Appellant

(Litigant Group) MICHAEL JOE VALLEJOS

- Michael Joe Vallejos

Attorneys for: Appellant

David Goldberg, Esq. (AZ Bar No. 12726)

CASE STATUS

Jan 11, 2017.....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
CON S0300CR201400637	Second Degree Murder, Class 1; Aggravated Assault, Class 3; Assisting a Criminal Street Gang, Class 3	25 Years; 25 Years; 25 Years	Dan R Slayton, Sentencing	JURY	

DESCENDENT CASE(S)

ASC CR-17-0016-PR

CASE DECISION

13-Dec-2016 MEMORANDUM DECISION

Donn Kessler.....Author
Kenton Jones.....Concur
Randall Howe.....Concur

Filed: 13-Dec-2016 Mandate:

Decision Disposition
Affirmed

58 PROCEEDING ENTRIES

- 9-Sep-2015 FILED: Notice of Appeal from Coconino County Superior Court filed 08/31/15. Notification sent to Court Reporters dated 09/04/2015
- 9-Sep-2015 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: None Exhibits: None Sent
- 18-Sep-2015 ORDERED: Appointing Coconino County Public Defender as counsel for appellant. FURTHER ORDERED: Transcripts due 12/02/2015. Anthony Mackey ProTem Judge - Author
- 29-Sep-2015 FILED: Motion to Unseal and Supplement the Record with Transcripts and Exhibits with Request for Defense Copies; Certificate of Service (Appellant)
- 29-Sep-2015 FILED: Notice of Appearance; Certificate of Service (Appellant)
- 2-Oct-2015 FILED: Reporters Transcript 05/06/2015 (Steve Garwood)
- 2-Oct-2015 FILED: Reporters Transcript 05/07/2015 (Steve Garwood)
- 2-Oct-2015 FILED: Reporters Transcript 05/12/2015 (Steve Garwood)

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9. 2-Oct-2015 FILED: Reporters Transcript 05/13/2015 (Steve Garwood)
10. 5-Oct-2015 FILED: Reporter's Transcripts - 05/14/15 - (Steve Garwood)
11. 5-Oct-2015 FILED: Reporter's Transcripts - 05/15/15 - (Steve Garwood)
12. 6-Oct-2015 ORDERED: Motion to Supplement the Record With Transcripts and Exhibits With Request for Defense Copies (Appellant) = GRANTED/Unsealing jury minutes, IOR 1, Warrant for arrest, IOR 2, Nonsupervening indictment, IOR 3, Defendant's information sheet, and IOR 4 to permit inspection or copying by the appellant or appellee. FURTHER ORDERED: After inspection, Clerk of this court to reseal the documents. FURTHER ORDERED: Motion to Unseal and Supplement the Record with Transcripts and Exhibits with Request for Defense Copies (Appellant) = GRANTED. Anthony Mackey ProTem Judge - Author
13. 6-Oct-2015 ORDERED: Counsels Motion to suppelement the record with exhibits = GRANTED/Supplementing the record with exhibits in accordance with rule 31.8 (a). FURTHER ORDERED: Clerk of Coconino County Superior Court forward copies of exhibits to this court due by 10/26/2015. Anthony Mackey ProTem Judge - Author
14. 6-Oct-2015 ORDERED: Counsel's motion to supplement the record = GRANTED/Transcripts due 11/06/2015. Anthony Mackey ProTem Judge - Author
15. 14-Oct-2015 FILED: Additional Record on Appeal
Exhibits:
Jury Trial held on 5/6, 5/7, 5/12, 5/13, 5/14, 5/15, 5/19, 5/20, 5/21, 5/22 2015.
Exhibits No : 2 3 84 87 90 93 96 97 98 109 110-112 116 122-124 126 127 129 130 131 160-163 165 66 168 169 171-179 183
188-190 193 194 196 202 203 210 211 214-222 226-229 231-235 238 239 241 243-256 258 259 271 283 285 312 329 330
348-350 352 353 361 374-395 398
Exhibits No: 1 2 4
16. 15-Oct-2015 FILED: Reporters Transcript 8/24/2015 (Jonna Baker)
17. 15-Oct-2015 FILED: Reporters Transcript 5/19/2015 (Steve Garwood)
18. 15-Oct-2015 FILED: Reporters Transcript 5/20/2015 (Steve Garwood)
19. 15-Oct-2015 FILED: Reporters Transcript 5/21/2015 (Steve Garwood)
20. 15-Oct-2015 FILED: Reporters Transcript 5/22/2015 (Steve Garwood)
21. 21-Oct-2015 FILED: Reporter's Transcripts - 12/17/14 - (Steve Garwood)
22. 21-Oct-2015 FILED: Reporter's Transcripts - 09/15/14 - (Steve Garwood)
23. 21-Oct-2015 FILED: Reporter's Transcripts - 09/25/14 - (Steve Garwood)
24. 21-Oct-2015 FILED: Reporter's Transcripts - 10/01/14 - (Steve Garwood)
25. 21-Oct-2015 FILED: Reporter's Transcripts - 01/29/15 - (Steve Garwood)
26. 22-Oct-2015 FILED: Reporter's Transcripts - 02/18/15 - (Steve L Garwood)
27. 27-Oct-2015 FILED: Reporters Transcript - 6/30/2015 - (Steve Garwood)
28. 27-Oct-2015 FILED: Reporters Transcript - 7/01/2015 - (Steve Garwood)
29. 27-Oct-2015 FILED: Reporters Transcript - 8/25/2015 - (Steve Gardwood)
30. 5-Nov-2015 FILED: Reporter Transcript - 01/13/2015 - (Steve L Garwood)
31. 1-Dec-2015 FILED: Appellant's Second Motion to Supplement the Record; Certificate of Service (Appellant)
32. 9-Dec-2015 FILED: Reporters Transcript - 03/10/2015 - (Steve Garwood)
33. 9-Dec-2015 ORDERED: Appellant's Second Motion to Supplement the Record(Appellant) = GRANTED/Court Reporter Steve Garwood transcript dated 03/10/15 due 01/04/16. Anthony Mackey ProTem Judge - Author

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34. 23-Dec-2015 FILED: Notice of Completion of Record
35. 31-Dec-2015 FILED: Appellant's Third Motion to Supplement the Record; Certificate of Service (Appellant)
36. 6-Jan-2016 ORDERED: Appellant's Third Motion to Supplement the Record (Appellant) = GRANTED/Supplementing the record by including Exhibit 335 [sic]. FURTHER ORDERED: Clerk of Coconino County Superior Court to forward this court Exhibit 335 [sic] due by 01/25/2016. FURTHER ORDERED: Extending the time for the filing of the Opening Brief to 02/25/2016. Anthony Mackey ProTem Judge - Author
37. 13-Jan-2016 AMENDED ORDER: Appellant's Third Motion to Supplement the Record (Appellant) = GRANTED/Supplementing the record by including Exhibit 336. FURTHER ORDERED: Clerk of Coconino County Superior Court to forward this court Exhibit 336 due by 01/25/2016. FURTHER ORDERED: Extending the time for the filing of the Opening Brief to 02/25/2016. Anthony Mackey ProTem Judge - Author
38. 14-Jan-2016 FILED: Additional Record on Appeal Exhibits:
Jury Trial Held on May 6, 7, 12, 13, 14, 15, 19, 20, 21 and 22, 2015
Exhibit No: 336 - DVD
39. 8-Feb-2016 FILED: Appellant's Fourth Motion to Supplement the Record; Certificate of Service (Appellant)
40. 16-Feb-2016 ORDERED: Appellant's Fourth Motion to Supplement the Record (Appellant) = GRANTED/Granting motion to supplement record by including records – pleadings, minutes, and instruments - from cases of co-defendants State v. Norberto Ramos – Madrid, Coconino County Case CR 2014-00635 and State v. Jeremiah Wesley Barlow, Coconino County Case CR 2014-00636. FURTHER ORDERED: Coconino County Superior Court to forward records described above no later than 02/29/16. FURTHER ORDERED: Extending the time for the filing of the Opening Brief to and including 03/30/16. Anthony Mackey ProTem Judge - Author
41. 29-Feb-2016 FILED: Supplemental Record of Co-Defendant Jeremiah Wesley Barlow
Supplemental Record of Co-Defendant Roberto Robert-Madrid in a brown box
42. 22-Mar-2016 FILED: Appellant's Opening Brief; Appellant's Certificate of Compliance; Appellant's Certificate of Service (Appellant)
43. 29-Mar-2016 FILED: Notice of Appearance; Certificate of Service (Appellee)
44. 9-May-2016 ORDERED: Answering Brief due date EXTENDED from Monday, 05-09-2016 to Wednesday, 06-08-2016. Fred Cole ProTem Judge - Author
45. 2-Jun-2016 FILED: Motion for Extension of Time to File Appellee's Answering Brief (Second Request; No Objection); Certificate of Service (Appellee)
46. 6-Jun-2016 ORDERED: Motion for Extension of Time to File Appellee's Answering Brief (Second Request; No Objection) (Appellee) = GRANTED/Due date EXTENDED from Wednesday, 06-08-2016 to Friday, 07-08-2016. Anthony Mackey ProTem Judge - Author
47. 8-Jul-2016 FILED: Motion for Extension of Time to File Appellee's Answering Brief; Certificate of Service (Appellee)
48. 11-Jul-2016 ORDERED: Motion for Extension of Time to File Appellee's Answering Brief (Appellee) = GRANTED/Due date EXTENDED from Friday, 07-08-2016 to Monday, 08-08-2016. Anthony Mackey ProTem Judge - Author
49. 5-Aug-2016 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
50. 16-Aug-2016 ORDERED: Reply Brief due date EXTENDED from Tuesday, 08-30-2016 to Monday, 09-19-2016. Fred Cole ProTem Judge - Author
51. 30-Aug-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
52. 8-Sep-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes Notice of Appearance of Counsel and Designation of Record for Appeal)
53. 12-Sep-2016 FILED: Appellant's Reply Brief; Appellant's Certificate of Compliance; Appellant's Certificate of Service (Appellant)
54. 5-Oct-2016 CLNDR: CONFERENCE, Department A, 11-29-16, COURTROOM 2.
55. 13-Dec-2016 MEMORANDUM DECISION (Affirmed) Hon Donn Kessler - Author; Hon Kenton D Jones - Concur; Hon Randall M Howe - Concu
56. 13-Dec-2016 FILED: Memorandum Decision Distribution List

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- 57. 11-Jan-2017 FILED: Email Notice from ASC re: Petition for Review filed 1/10/17; request for partial record
- 58. 11-Jan-2017 FILED: Letter forwarding partial record to Arizona Supreme Court