Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 15-0752 STATE v. GIUNTA

Appellate Case Information

Case Filed: 16-Nov-2015

Case Closed:

Dept/Composition

Department B

Hon. Patricia K Norris
Hon. Samuel A Thumma
Hon. Margaret H Downie

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. ANTHONY GIUNTA, Appellant

(Litigant Group) ANTHONY GIUNTA

- **Anthony Brian Giunta**

Attorneys for: Appellant

Jeffrey L Force, Esq. (AZ Bar No. 18778)

CASE STATUS

Dec 20, 2016....Decision Rendered

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CR2012-156588-001	Resisting Arrest, Class 6; Aggravated Assault, Class 4; Misconduct Involving Weapons, Class 4	1.75 Years; 4.5 Years; 5 Years	Richard L Nothwehr, Sentencing	JURY	

DESCENDENT CASE(S)

ASC CR-17-0024-PR

2 OPEN DUE DATES

Motion for Reconsideration Due **Due By:** Tuesday, January 24, 2017

Re: MEMORANDUM DECISION (Affirmed) Hon Margaret H Downie - Author; Hon Patricia K Norris - Concur; Hon Samuel A Thumma - Concur (Motion for reconsideration extended thirty days from date of this decision.)

Petition for Review to ASC due **Due By:** Friday, February 17, 2017 [1 extension]

Re: MEMORANDUM DECISION (Affirmed) Hon Margaret H Downie - Author; Hon Patricia K Norris - Concur; Hon Samuel A Thumma - Concur (Motion for reconsideration extended thirty days from date of this decision.)

CASE DECISION

20-Dec-2016 MEMORANDUM DECISION

Margaret Downie.....Author
Patricia Norris.....Concur
Samuel Thumma.....Concur

Filed: **20-Dec-2016** Mandate:

Decision Disposition
Affirmed

66 PROCEEDING ENTRIES

1.	16-Nov-2015	FILED: Notice of Appeal from Maricopa County Superior Court filed 11/05/15.
2.	18-Nov-2015	ORDERED: Appointing Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Transcripts due 01/04/16. Anthony Mackey ProTem Judge - Author
3.	30-Nov-2015	FILED: Amended Notice of Appeal
4.	18-Dec-2015	FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: 148 Exhibits: None Sent

Information presented in this document may not reflect all case activity and is subject to change without notice.

66 PROCEEDING ENTRIES

5.	18-Dec-2015	FILED: Additional Record on Appeal Exhibits: Hearing Date 09/15/2015 List # 2 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 in a manila envelope Sealed Items: Confidential Criminal History Addendum in Sealed Manila Envelope
6.	18-Dec-2015	FILED: Reporters Transcript - 09/16/2015 - (Jane Westlund)
7.	18-Dec-2015	FILED: Reporters Transctript - 09/16/2015 - (Jane Westlund) (Duplicate)
8.	23-Dec-2015	FILED: Reporter's Transcript -- 09/03/2015 -- Jury Trial--Mistrial Declared (Renee Mobley)
9.	28-Dec-2015	FILED: Motion for Extension of Time to File Transcripts (Dalia Ambriz)
10.	4-Jan-2016	ORDERED: Motion for Extension of Time to File Transcripts (Dalia Ambriz) = GRANTED. Due Dates EXTENDED to 02/03/2016 for Transcripts dated 08/31/2015, 09/01/2015, 09/15/2015 or OSC on 02/17/2016. Hon Samuel A Thumma - Author
11.	13-Jan-2016	FILED: Reporter's Transcripts - 9/2/2015 - Trial (Marylynn LeMoine)
12.	14-Jan-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record
13.	18-Jan-2016	FILED: Reporter's Transcript - 06/19/2014 - CCMC - (Jennifer Pancratz)
14.	21-Jan-2016	ORDERED: Court Reporter Jeanne Kappedal transcript dated 09/17/15 due 02/22/16. Hon Samuel A Thumma - Author
15.	21-Jan-2016	ORDERED: Court Reporter Dalia Ambriz transcript dated 09/15/15 due 02/22/16. Hon Samuel A Thumma - Author
16.	21-Jan-2016	ORDERED: Court Reporter Christine Coaly transcript dated 08/05/15 due 02/22/16. Hon Samuel A Thumma - Author
17.	21-Jan-2016	ORDERED: Court Reporter Laurie Yazwa transcripts dated 09/10/14, 02/03/15, 04/15/15 due 02/22/16. Hon Samuel A Thumma - Author
18.	21-Jan-2016	ORDERED: Court Reporter Lydia Estrada-Gray transcript dated 05/08/14 due 02/22/16. Hon Samuel A Thumma - Author
19.	21-Jan-2016	ORDERED: Court Reporter Barbara Stockford transcript dated 01/29/14 due 02/22/16. Hon Samuel A Thumma - Author
20.	21-Jan-2016	ORDERED: Court Reporter Terry Masciola transcripts dated 04/13/13, 05/21/13, 06/10/13, 08/15/13, 10/03/13, 12/12/13, 02/12/14, 03/19/14, 05/01/14 due 02/22/16. Hon Samuel A Thumma - Author
21.	21-Jan-2016	ORDERED: Ken Crenshaw transcripts dated 03/01/13, 06/19/13, 10/23/15 due 02/22/16. Hon Samuel A Thumma - Author
22.	29-Jan-2016	FILED: Reporters Transcript - 08/05/2015 - (Christine Coaly)
23.	29-Jan-2016	FILED: Reporters Transcript - 03/01/2013 - (Janice Penfield)
24.	29-Jan-2016	FILED: Reporters Transcript - 06/19/2013 - (Janice Penfield)
25.	29-Jan-2016	FILED: Reporters Transcript - 10/23/2015 - (Janice Penfield)
26.	2-Feb-2016	FILED: Reporters Transcript - 09/10/2014 - (Laurie Yazwa)
27.	2-Feb-2016	FILED: Reporters Transcript - 02/03/2015 - (Laurie Yazwa)
28.	2-Feb-2016	FILED: Reporters Transcript - 04/15/2015 - (Laurie Yazwa)
29.	18-Feb-2016	FILED: Reporters Transcript - 01/29/2014 - (Jovanna Roman)
30.	22-Feb-2016	FILED: Motion for Extension of Time to File Transcripts (Terry Masciola)

Information presented in this document may not reflect all case activity and is subject to change without notice.

66 PROCEEDING ENTRIES

31.	22-Feb-2016	FILED: Reporters Transcript - 09/15/2015 - (Dalia Ambriz)
32.	23-Feb-2016	ORDERED: Motion for Extension of Time to File Transcripts (Terry Masciola) = GRANTED/due dates EXTENDED to 03/24/2016 for Transcripts dated 05/21/2013, 06/10/2013, 08/15/2013, 10/03/2013, 12/12/2013, 02/12/2014, 03/19/2014, 05/01/2014, 04/13/2013 or OSC 04/06/16. Hon Samuel A Thumma - Author
33.	29-Feb-2016	FILED: Reporters Transcript (05/08/14 [Lydia A Estrada-Gray])
34.	7-Mar-2016	FILED: Reporters Transcript - 09/17/2015 - (Jeanne Kappedal)
35.	7-Mar-2016	ORDERED: Court Reporter Jeanne Kappedal transcript dated 09/17/15 past due. OSC set for 04/06/16. Hon Samuel A Thumma - Author
36.	7-Mar-2016	ORDERED: Court Reporter Laura Ashbrook transcript dated 12/09/14 past due. OSC set for 04/06/16. Hon Samuel A Thumma - Author
37.	15-Mar-2016	FILED: Untitled Affidavit re: Sealed Transcripts - (Laura Ashbrook)
38.	21-Mar-2016	ORDERED: Untitled Affidavit re: Sealed Transcripts - (Laura Ashbrook) = GRANTED/unsealing the court reporter notes of the proceedings held on 12/09/2014. Laura Ashbrook transcript due 04/20/2016. FURTHER ORDERED: Vacating OSC set for 04/06/2016 Anthony Mackey ProTem Judge - Author
39.	25-Mar-2016	FILED: Reporter's Transcript - 06/10/2013 - Final Trial Mgmt Conference (Terry Masciola)
40.	25-Mar-2016	FILED: Reporter's Transcript - 02/12/2014 - Complex Case Management Conference (Terry Masciola)
41.	25-Mar-2016	FILED: Reporter's Transcript -05/01/2014 - Complex Case Management Conference (Terry Masciola)
42.	25-Mar-2016	FILED: Reporter's Transcript - 03/19/14 - Complex Case Management Conference (Terry Masciola)
43.	25-Mar-2016	FILED: Reporter's Transcript - 05/21/13 - Final Trial Mgmt Conference/Status Conference (Terry Masciola)
44.	25-Mar-2016	FILED: Reporter's Transcript - 08/15/13 - Complex Case Management Conference (Terry Masciola)
45.	25-Mar-2016	FILED: Reporter's Transcript - 10/03/13 - Complex Case Management Conference (Terry Masciola)
46.	25-Mar-2016	FILED: Reporter's Transcript - 12/12/13 - Final Trial Management Conference (Terry Masciola)
47.	30-Mar-2016	FILED: Affidavit re: Lack of Minute Entry for date 04/13/2013. (Court Reporter Terry Masciola)
48.	20-Apr-2016	FILED: Reporter's Transcript - 12/9/14 - Ex Parte Motion For Withdrawal of Counsel (Laura Ashbrook)
49.	28-Apr-2016	FILED: Notice of Completion of Record
50.	23-May-2016	FILED: Motion to Supplement the Record on Appeal; Motion to Unseal the Transcript; And Motion to Extend Time to File the Opening Brief; Certificate of Service (Appellant)
51.	2-Jun-2016	ORDERED: Motion to Supplement the Record On Appeal; Motion to Unseal the Transcript (Appellant) = GRANTED/Transcript due 06/30/2016. FURTHER ORDERED: Court Reporter Lydia Estrada-Gray to provide one copy of the transcript of proceedings held on 05/08/2014 to appellant's counsel. FURTHER ORDERED: Motion to Extend Time to File the Opening Brief = GRANTED/Due date EXTENDED from Monday, 06-13-2016 to Friday, 07-29-2016. Anthony Mackey ProTem Judge - Author
52.	30-Jun-2016	FILED: Motion for Extension of Time to File Transcripts (Terry Masciola)
53.	11-Jul-2016	ORDERED: Motion for Extension of Time to File Transcripts (Terry Masciola) = GRANTED/Due date EXTENDED from Thursday, 06-30-2016 to Friday, 07-29-2016 for transcript dated 04/15/2013. Anthony Mackey ProTem Judge - Author
54.	13-Jul-2016	AMENDED ORDER: Motion for Extension of Time to File Transcripts (Terry Masciola) = GRANTED/Due date EXTENDED from Thursday, 06-30-2016 to Friday, 07-29-2016 for transcript dated 04/15/2013. FURTHER ORDERED: Opening Brief due date EXTENDED to 08/29/2016. Anthony Mackey ProTem Judge - Author
55.	2-Aug-2016	FILED: Reporter's Transcript - 04/15/2013 - Status Conference - (Terry Masciola)
56.	29-Aug-2016	FILED: Appellant's Opening Brief; Certificate of Compliance with Rule 31.13(b), ARCP; Certificate of Service (Appellant)

Information presented in this document may not reflect all case activity and is subject to change without notice.

66 PROCEEDING ENTRIES

57.	29-Aug-2016	FILED: Motion for Leave to Allow Appellant to File Supplemental Brief In Propria Persona; Certificate of Service (Appellant)
58.	30-Aug-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 10/11/2016; FURTHER ORDERED: Answering brief to await court order. Anthony Mackey ProTem Judge - Author
59.	31-Aug-2016	FILED: Letter, dated 8/31/2016 from Counsel to Appellant re: Forwarding Record on Appeal (Appellant)
60.	31-Oct-2016	FILED: Assigning Anders appeal to Dept B for consideration and disposition. [Amy M. Wood, Clerk]
61.	31-Oct-2016	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
62.	10-Nov-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes copy of transcripts filed directly with COA1 previously)
63.	20-Dec-2016	MEMORANDUM DECISION (Affirmed) Hon Margaret H Downie - Author; Hon Patricia K Norris - Concur; Hon Samuel A Thumma - Concur (Motion for reconsideration extended thirty days from date of this decision.)
64.	20-Dec-2016	FILED: Memorandum Decision Distribution List
65.	12-Jan-2017	FILED: Letter, dated 1/12/2017 from Counsel to Appellant re: Right to File Petition for Review (Appellant)
66.	13-Jan-2017	FILED: ASC Order filed 01/13/2017 re: extending time for filing Petition for Review to 02/17/2017

Information presented in this document may not reflect all case activity and is subject to change without notice.