

Court of Appeals, Division One
Criminal

1 CA-CR 16-0062

STATE v. MARQUEZ

<p>Appellate Case Information</p> <p>Case Filed: 2-Feb-2016</p> <p>Case Closed:</p>	<p>Dept/Composition</p> <p>Department B</p> <p>Hon. Patricia K Norris Hon. Samuel A Thumma Hon. Margaret H Downie</p>
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Side 1. STATE OF ARIZONA, Appellant
(Litigant Group) STATE OF ARIZONA

● State of Arizona **Attorneys for: Appellant**
Robert E Prather, Esq. (AZ Bar No. 29390)

Side 2. DAVID RAY MARQUEZ, Appellee
(Litigant Group) DAVID RAY MARQUEZ

● David Ray Marquez **Attorneys for: Appellee**
Paul J Prato, Esq. (AZ Bar No. 2609)

CASE STATUS

Sep 13, 2016....Under Advisement

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2015-002092-003	Defendants Motion to Suppress		Michael W Kemp, Sentencing		

3 OPEN DUE DATES

Additional Record Due **Due By:** Friday, January 6, 2017
10/14/16 - Evidentiary Hearing transcript [1 extension]
*Re: * ORDERED: Motion to Supplement the Record and Reset Briefing Schedule (Appellee) = GRANTED.*
FURTHER ORDERED: Appellant shall file with this court no later than 12/16/2016 the transcript of the evidentiary hearing held 10/14/2016. FURTHER ORDERED: Simulta

Simultaneous Supplemental Brief Due **Due By:** Friday, January 27, 2017
Appellee [2 extensions]
*Re: * ORDERED: Staying further consideration of this appeal by this court for 60 days from the date of this order.*
FURTHER ORDERED: Revesting the Maricopa County Superior Court with jurisdiction to issue a ruling, before the expiration of 60 day stay of this

Simultaneous Supplemental Brief Due **Due By:** Friday, January 27, 2017
Appellant [2 extensions]
*Re: * ORDERED: Staying further consideration of this appeal by this court for 60 days from the date of this order.*
FURTHER ORDERED: Revesting the Maricopa County Superior Court with jurisdiction to issue a ruling, before the expiration of 60 day stay of this

22 PROCEEDING ENTRIES

1. 2-Feb-2016 FILED: Notice of Appeal from Maricopa County Superior Court filed 01/27/16. Notification sent to Court Reporters dated 2/01/2016
2. 8-Mar-2016 FILED: Reporters Transcript - 11/13/2015 - (Scott Coniam)
3. 8-Mar-2016 FILED: Reporters Transcript - 01/08/2016 - (Scott Coniam)
4. 10-Mar-2016 FILED:e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None Sent with e-Record
5. 10-Mar-2016 FILED: Notice of Completion of Record
6. 25-Apr-2016 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
7. 2-May-2016 ORDERED: Substituting Public Defender for appellant [sic] in place of Robert W. Precht. FURTHER ORDERED: Answering brief due date EXTENDED from Monday, 06-13-2016 to Monday, 06-20-2016. Anthony Mackey ProTem Judge - Author AMENDED (per order filed 05/04/2016)

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22 PROCEEDING ENTRIES

8. 4-May-2016 ORDERED: Substituting Public Defender for appellee in place of Robert W. Precht. FURTHER ORDERED: Opening [sic] brief due date EXTENDED from Monday, 06-13-2016 to Monday, 06-20-2016. Anthony Mackey ProTem Judge - Author AMENDED (see order filed 05/10/2016)
9. 10-May-2016 ORDERED: Substituting Public Defender for appellee in place of Robert W. Precht. FURTHER ORDERED: Answering brief due date EXTENDED from Monday, 06-13-2016 to Monday, 06-20-2016. Anthony Mackey ProTem Judge - Author
10. 20-May-2016 FILED: Returned US Mail, Order dated 05/10/2016, addressed to Robert W Precht, attempted-not known
11. 15-Jun-2016 FILED: Appellee's Answering Brief; Certification of Compliance with Rule 31.13(b), ARCP; Certificate of Service (Appellee)
12. 27-Jun-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
13. 30-Jun-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
14. 7-Jul-2016 CLNDR: CONFERENCE, Department B, 9-13-16, COURTROOM 1.
15. 19-Sep-2016 ORDERED: Staying further consideration of this appeal by this court for 60 days from the date of this order. FURTHER ORDERED: Revesting the Maricopa County Superior Court with jurisdiction to issue a ruling, before the expiration of 60 day stay of this appeal, clarifying its ruling granting the motion to suppress. FURTHER ORDERED: State shall within five days of issuance, lodge with this court ruling issued. FURTHER ORDERED: Within 15 days of the lodging with this court of a copy of the ruling issued by Maricopa County Superior Court, the parties may file simultaneous supplemental briefs. FURTHER ORDERED: Upon expiration of the stay, this court may take further action it deems appropriate without additional briefing or notice, including resolving the pending appeal. Hon Patricia K Norris - Author
16. 18-Nov-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
17. 18-Nov-2016 FILED: Courtesy Copy - Minute Entry dated 11/15/2016 filed in Maricopa County Superior Court on 11/16/2016
18. 21-Nov-2016 FILED: Additional Record on Appeal
Exhibits:
Hearing Date 10/14/2016 - List # 1 2 3 4 5 6 in a Manila Envelope
19. 22-Nov-2016 FILED: Motion to Supplement the Record and Reset Briefing Schedule; Certificate of Service (Appellee)
20. 29-Nov-2016 ORDERED: Motion to Supplement the Record and Reset Briefing Schedule (Appellee) = GRANTED. FURTHER ORDERED: Appellant shall file with this court no later than 12/16/2016 the transcript of the evidentiary hearing held 10/14/2016. FURTHER ORDERED: Simultaneous supplemental brief due dates EXTENDED from Monday, 12-05-2016 to Tuesday, 01-17-2017. FURTHER ORDERED: Absent unforeseen circumstances, no further extension will be granted. FURTHER ORDERED: In granting this motion, the court has reached no conclusion as to whether the 09/19/2016 order entitled the superior court to conduct an additional evidentiary hearing and make additional findings. Futher, this court has not reached any conclusions regarding the objections raised in the motion to supplement, regarding the evidentiary hearing, the testimony presented at the hearing or to any of the additional findings made by the superior court. Hon Samuel A Thumma - Author
21. 21-Dec-2016 FILED: Motion for Time to Produce Transcript or Alternatively Request Court Reporter to File; Certificate of Service - Motion for Time to Produce Transcript or Alternatively Request Court Reporter to File (Appellant)
22. 22-Dec-2016 ORDERED: Granting the Motion for Time to Produce Transcript to the extent that Appellant shall file with this court no later than 1/6/17 the transcript of 10/14/16. FURTHER ORDERED: denying the motion to the extend it seeks any additional relief. FURTHER ORDERED: parties shall have to/including 1/27/17 to file simultaneous supplemental briefs regarding any additional argument they may deem appropriate raised by the Superior Courts 11/15/16 ruling. Hon Samuel A Thumma - Author