Court of Appeals, Division One

Criminal

1 CA-CR 16-0194 STATE v. ANDERSON

Appellate Case Information

Case Filed: 22-Mar-2016

Case Closed:

Dept/Composition

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. KEVIN ANDERSON, Appellant

(Litigant Group) KEVIN ANDERSON

- **Kevin Anderson**

Attorneys for: Appellant

Wendy L Mays, Esq. (AZ Bar No. 21923)

CASE STATUS

Oct 14, 2016.....Record Complete-Notice Completion Sent

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CR2011-113209-001	See File	See File	Michael W Kemp, Sentencing	JURY	

OPEN DUE DATE

Answering Brief Due **Due By:** Monday, February 6, 2017

Re: FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)

92 PROCEEDING ENTRIES

1. 22-Mar-2016 FILED: Notice of Appeal from Maricopa County Superior Court filed 03/15/16. Notification to Court Reporters dated 03/21/2016.

2. 4-Apr-2016 ORDERED: Appointing Maricopa County Public Defender as Counsel for Appellant. FURTHER ORDERED: Transcripts due 5/19/16. Anthony Mackey ProTem Judge - Author

3. 28-Apr-2016 FILED: Additional Record on Appeal
Exhibits:
Hearing Date 06/10/2013 - List # 1 (SEALED) 2 (SEALED) in a manila envelope
Hearing Date 02/3/2015 - List # 1 in a manila envelope
Hearing Date 11/4/2015 - List # 1 2 3 4 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 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 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 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 146 147 148 149 150 151 152 153 154 155 158 159 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 in a manila envelope
Sealed Items:
Confidential Criminal History Addendum in Sealed Manila Envelope

4. 3-May-2016 FILED: Reporter's Transcript - 3/11/16 Sentencing (Kristen Brown)

5. 17-May-2016 FILED: Reporter's Transcript - 11/17/15 - Trial Day 7 (Lori Thielmann)

6. 20-May-2016 FILED: First Extension Request (Court Reporter Scott Coniam)

7. 23-May-2016 FILED:e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None Sent with e-Record

8. 24-May-2016 ORDERED: First Extension Request (Court Reporter Scott Coniam) = GRANTED/Due dates EXTENDED to 06/20/2016 for transcripts dated 11/09/2015, 11/10/2015, 11/12/2015, 11/16/2015, 11/17/2015, 11/18/2015 or OSC 07/06/2016. Hon Samuel A Thumma - Author

9. 8-Jun-2016 FILED: Courtesy copy of Designation of Record originally filed in Superior Court

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

92 PROCEEDING ENTRIES

10.	10-Jun-2016	ORDERED: Court Reporter Jane A Westlund transcript dated 10/02/2014 due 07/11/2016. Hon Samuel A Thumma - Author
11.	10-Jun-2016	ORDERED: Court Reporter Jovanna Roman transcript dated 04/03/2015 due 07/11/2016. Hon Samuel A Thumma - Author
12.	10-Jun-2016	ORDERED: Court Reporter Vanessa Melstrom transcript dated 06/30/2015 due 07/11/2016. Hon Samuel A Thumma - Author
13.	10-Jun-2016	ORDERED: Court Reporter Barbara H Stockford transcript dated 08/28/2015 due 07/11/2016. Hon Samuel A Thumma - Author
14.	10-Jun-2016	ORDERED: Court Reporter Crystal Hereford transcripts dated 10/02/2015, 10/23/2015 due 07/11/2016. Hon Samuel A Thumma - Author
15.	10-Jun-2016	ORDERED: Court Reporter Brigid Donovan transcript dated 11/02/2015 due 07/11/2016. Hon Samuel A Thumma - Author
16.	10-Jun-2016	ORDERED: Ken Crenshaw transcripts dated 05/12/2011, 07/12/2011, 11/08/2011, 01/03/2012, 03/14/2013, 04/11/2013, 05/23/2013, 06/10/2013, 02/03/2015 due 07/11/2016. Hon Samuel A Thumma - Author
17.	10-Jun-2016	ORDERED: Court Reporter Kimberly D McAndrews transcripts dated 01/10/2012, 01/30/2012, 05/29/2012, 07/05/2012, 09/26/2012, 11/19/2012, 01/14/2013 due 07/11/2016. Hon Samuel A Thumma - Author
18.	10-Jun-2016	ORDERED: Court Reporter Lori D Reinhardt transcript dated 05/24/2012 due 07/11/2016. Hon Samuel A Thumma - Author
19.	10-Jun-2016	ORDERED: Court Reporter Renee A Mobley transcripts dated 07/01/2013, 07/08/2013, 08/26/2013, 10/09/2013, 10/31/2013 due 07/11/2016. Hon Samuel A Thumma - Author
20.	10-Jun-2016	ORDERED: Court Reporter Kristen L Brown transcript dated 09/27/2013 due 07/11/2016. Hon Samuel A Thumma - Author
21.	10-Jun-2016	ORDERED: Court Reporter Elva C Lauer transcript dated 12/20/2013 due 07/11/2016. Hon Samuel A Thumma - Author
22.	10-Jun-2016	ORDERED: Court Reporter Nicole Sesta transcript dated 01/10/2014 due 07/11/2016. Hon Samuel A Thumma - Author
23.	10-Jun-2016	ORDERED: Court Reporter Scott M Coniam transcripts dated 01/31/2014, 11/03/2015, 11/04/2015, 11/05/2015, 11/09/2015, 11/10/2015, 11/12/2015, 11/16/2015, 11/17/2015, 11/18/2015 due 07/11/2016. Hon Samuel A Thumma - Author
24.	10-Jun-2016	ORDERED: Court Reporter April M Hunt transcript dated 03/26/2014 due 07/11/2016. Hon Samuel A Thumma - Author
25.	10-Jun-2016	ORDERED: Court Reporter Linda C Lopez transcript dated 05/13/2014 due 07/11/2016. Hon Samuel A Thumma - Author
26.	10-Jun-2016	ORDERED: Court Reporter Helene Paustian transcript dated 06/16/2014 due 07/11/2016. Hon Samuel A Thumma - Author
27.	10-Jun-2016	ORDERED: Court Reporter Scott Kindle transcript dated 07/31/2014 due 07/11/2016. Hon Samuel A Thumma - Author
28.	10-Jun-2016	ORDERED: Court Reporter Gail Ferguson transcript dated 08/05/2014 due 07/11/2016. Hon Samuel A Thumma - Author
29.	15-Jun-2016	FILED: Reporter's Transcript - 06/30/2015 - FTMC - AM (Vanessa M Melstrom)
30.	16-Jun-2016	FILED: Reporter's Transcript - 07/01/2013 - Status Conference (Renee Mobley)
31.	16-Jun-2016	FILED: Reporter's Transcript - 07/08/2013 - Status Conference (Renee Mobley)
32.	16-Jun-2016	FILED: Reporter's Transcript - 08/26/2013 - CCMC (Renee Mobley)
33.	16-Jun-2016	FILED: Reporter's Transcript - 10/09/2013 - CCMC (Renee Mobley)
34.	16-Jun-2016	FILED: Reporter's Transcript - 10/31/2013 - CCMC (Renee Mobley)
35.	22-Jun-2016	FILED: Reporter's Transcript - 10/02/2014 - Pretrial Conference (Jane Westlund)
36.	28-Jun-2016	FILED: Affidavit - 11/02/2015 - (Brigid M. Donovan)
37.	1-Jul-2016	FILED: Reporter's Transcript - 03/26/2014 - Conference (April Hunt)
38.	5-Jul-2016	FILED: Motion for Extension of Time to File Transcripts (Crystal Hereford)
39.	6-Jul-2016	FILED: Reporter's Transcript - 09/27/2013 - Trial Past Last Day (Kristen Brown)
40.	6-Jul-2016	FILED: Reporter's Transcript - 05/12/2011 - Initial Pretrial Conference (Janice Penfield)
41.	6-Jul-2016	FILED: Reporter's Transcript - 07/12/2011 - Defendant Competent - A.R.S. §13-4510(b) - Submission (Janice Penfield)

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

92 PROCEEDING ENTRIES

42.	6-Jul-2016	FILED: Reporter's Transcript - 11/08/2011 - Defendant Incompetent - A.R.S. §13-4510(c) - Restoration (Janice Penfield)
43.	6-Jul-2016	FILED: Reporter's Transcript - 01/03/2012 - Redetermination of Competency - A.R.S §4510(b) - Submission (Janice Penfield)
44.	6-Jul-2016	FILED: Reporter's Transcript - 03/14/2013 - Hearing - Rule 11 - Notice of Appointment (Janice Penfield)
45.	6-Jul-2016	FILED: Reporter's Transcript - 04/11/2013 - Criminal Competency Hearing - Continuance (Janice Penfield)
46.	6-Jul-2016	FILED: Reporter's Transcript - 05/23/2013 - Rule 11 Status Conference (Janice Penfield)
47.	6-Jul-2016	FILED: Reporter's Transcript - 06/10/2013 - Rule 11 Evidentiary Hearing (Janice Penfield)
48.	6-Jul-2016	FILED: Reporter's Transcript - 02/03/2015 - Evidentiary Hearing (Janice Penfield)
49.	6-Jul-2016	FILED: Reporter's Transcript - 01/31/2014 - Motion to Proceed Pro Per (Scott Coniam)
50.	7-Jul-2016	FILED: Reporter's Transcript - 11/02/2015 - Settlement Conference (Brigid M. Donovan)
51.	7-Jul-2016	FILED: Reporter's Transcript - 11/03/2015 - Pretrial (Scott Coniam)
52.	7-Jul-2016	FILED: Reporter's Transcript - 11/17/2015 - Jury Instruction Argument (Scott Coniam)
53.	7-Jul-2016	FILED: Reporter's transcript - 11/04/2015 - Jury Selection (Scott Coniam)
54.	7-Jul-2016	FILED: Reporter's Transcript - 11/05/2015 - Trial (Scott Coniam)
55.	7-Jul-2016	FILED: Reporter's Transcript - 11/09/2015 - Trial (Scott Coniam)
56.	7-Jul-2016	FILED: Reporter's Transcript - 06-16-2014 - Status Conference (Helene Paustian)
57.	7-Jul-2016	ORDERED: Motion for Extension of Time to File Transcripts (Crystal Hereford) = GRANTED/Due dates EXTENDED to 08/10/2016 for transcripts dated 10/02/2015, 10/23/2015 or OSC 08/17/2016. Hon Samuel A Thumma - Author
58.	7-Jul-2016	FILED: Reporter's Transcript - 07/31/2014 - Hearing/Status Conference (Scott A. Kindle)
59.	10-Jul-2016	FILED: Reporter's Transcript - 05/13/2014 - Hearing On Pending Motions (Linda Lopez)
60.	10-Jul-2016	FILED: Reporter's Transcript - 08/28/2015 - Final Trial Management Conference (Barbara Stockford)
61.	11-Jul-2016	FILED: Reporter's transcript (11/18/2015) Verdicts/Agg Phase/Verdict (Scott Coniam)
62.	11-Jul-2016	FILED: Reporter's transcript (11/16/2015) Trial (Scott Coniam)
63.	11-Jul-2016	FILED: Reporter's transcript (11/12/2015) Trial (Scott Coniam)
64.	11-Jul-2016	FILED: Reporter's transcript (11/10/2015) Trial (Scott Coniam)
65.	11-Jul-2016	FILED: Reporter's Transcripts 05/24/2012 - Settlement Conference (Lori Reinhardt)
66.	11-Jul-2016	FILED: Notice to Court Re: 11/19/2015 Transcript (Court Reporter Scott Coniam)
67.	14-Jul-2016	FILED: Motion for Extension of Time to File Transcripts (Nicole Sesta)
68.	19-Jul-2016	FILED: Reporter's Transcript - 04/03/2015 - Settlement Conference (Jovanna Roman)
69.	19-Jul-2016	ORDERED: Motion for Extension of Time to File Transcripts (Nicole Sesta) = GRANTED/Due date EXTENDED from Monday, 07-11-2016 to Thursday, 08-18-2016 for transcript dated 01/10/2014 or OSC 09/07/2016. Hon Samuel A Thumma - Author
70.	26-Jul-2016	ORDERED: Court Reporter Elva C Lauer transcript dated 12/20/2013 past due. OSC set on 08/17/2016. Hon Samuel A Thumma - Author
71.	26-Jul-2016	ORDERED: Court Reporter Gail Ferguson transcript dated 08/05/2014 past due. OSC set on 08/17/2016. Hon Samuel A Thumma - Author
72.	27-Jul-2016	FILED: Reporter's Transcript - 08/05/2014 - Trial Date Affirmed (Gail Ferguson)

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

92 PROCEEDING ENTRIES

73.	28-Jul-2016	ORDERED: Staying this appeal to/including 09/29/2016 and revesting jurisdiction in the Superior Court of Maricopa County for the purpose of permitting the trial court and the parties to "prepare a statement"of the proceedings. FURTHER ORDERED: Superior Court to transmit certified copy of its written findings and/or materials due 09/30/2016. FURTHER ORDERED: This appeal shall be automatically reinstated on 09/30/2016. Anthony Mackey ProTem Judge - Author
74.	5-Aug-2016	FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
75.	11-Aug-2016	FILED: Reporter's Transcript - 10/2/2015 (Crystal Hereford)
76.	11-Aug-2016	FILED: Reporter's Transcript - 10/23/2015 (Crystal Hereford)
77.	12-Aug-2016	FILED: Reporter's Transcript - 12/20/2013 - Status Conference (Elva Cruz-Lauer)
78.	17-Aug-2016	ORDERED: Motion to Unseal Documents (Appellant) = GRANTED/Unsealing the medical reports by Dr. Janet Perry and Dr. Julio Ramirez, (IOR 22 and 23); medical reports by Dr. James Huddleston and Dr. Leo Munoz, (IOR 32 and 33); medical report by Dr. Gary Freitas, (IOR 41 and 42); DCS records, (IOR 46); medical reports by Dr. Carl Patrasso, Dr. Katrina Buwalda, Dr. Jason Frizzell, Dr. John Walker and Dr. James Huddleston, (IOR 76, 77, 78, and 79); mental health evaluation, (IOR 108); guilty except insane evaluation, (IOR 120); correctional health services notice to the court regarding defendant's medical condition, (IOR 216); random jury list, (IOR 258); and Maricopa county client information sheet, (IOR 295) for this appeal only. Anthony Mackey ProTem Judge - Author
79.	21-Aug-2016	FILED: Motion for Extension of Time to File Transcripts (Court Reporter Nicole Sesta)
80.	23-Aug-2016	FILED: Reporter's Transcript - 1/10/14 (Nicole Sesta)
81.	25-Aug-2016	ORDERED: Motion for Extension of Time to File Transcripts (Court Reporter Nicole Sesta) = GRANTED/Accepting the transcript as filed. Anthony Mackey ProTem Judge - Author
82.	15-Sep-2016	FILED: Request for Expedited Telephonic Status Conference; Certificate of Service (Appellee)
83.	15-Sep-2016	FILED: Request Regarding Appellee's Requested Telephonic Status Conference; Certificate of Service (Appellant)
84.	20-Sep-2016	ORDERED: Request for Expedited Telephonic Status Conference (Appellee) and Request Regarding Appellee's Requested Telephonic Status Conference (Appellant) = DENIED/Without prejudice. Anthony Mackey ProTem Judge - Author
85.	26-Sep-2016	FILED: Motion for 30-day Extension of Deadline to Submit the Reconstructed Record (Unopposed); Certificate of Service (Appellee)
86.	30-Sep-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes copy of transcripts filed directly with COA1 previously and Designation of Record for Appeal filed 06/07/2016)
87.	4-Oct-2016	ORDERED: Motion for 30-day Extension of Deadline to Submit the Reconstructed Record (Unopposed) (Appellee) = DENIED/As unnecessary. FURTHER ORDERED: Upon receipt of the reconstructed record from the clerk of the Maricopa County Superior Court, and if this matter is otherwise complete, the Clerk of this court issue the notice of completion. Anthony Mackey ProTem Judge - Author
88.	14-Oct-2016	FILED: Notice of Completion of Record
89.	2-Nov-2016	FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
90.	7-Nov-2016	ORDERED: Motion to Withdraw and Substitute New Counsel (Appellant) = GRANTED/Appointing attorney Wendy Mays as attorney for appellant. FURTHER ORDERED: Maricopa County Public Defender forward to newly-appointed counsel all files, records, transcripts. FURTHER ORDERED: Motion to Extend Opening Brief Due Date = GRANTED/Due date EXTENDED from Monday, 11-28-2016 to Thursday, 12-22-2016. Anthony Mackey ProTem Judge - Author
91.	23-Dec-2016	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
92.	4-Jan-2017	FILED: Letter, dated 12/23/2016, to Appellant from Counsel re: Forwarding records on appeal

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