Court of Appeals, Division One

Criminal

1 CA-CR 16-0223 — STATE v. GONZALEZ

Appellate Case Information

Case Filed: 5-Apr-2016

Case Closed:

Dept/Composition

Department D

Hon. Diane M Johnsen
Hon. Margaret H Downie
Hon. Michael J Brown

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- **State of Arizona**

Attorneys for: Appellee

Elizabeth B N Garcia, Esq. (AZ Bar No. 32209)

Side 2. HECTOR ESPINOZA GONZALEZ, Appellant

(Litigant Group) HECTOR ESPINOZA GONZALEZ

- **Hector Espinoza Gonzalez**

Attorneys for: Appellant

Kevin D Heade, Esq. (AZ Bar No. 29909)

CASE STATUS

Jan 31, 2017....Decision Rendered

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CR2013-455013-001	Aggravated Driving or Actual Physical Control while Under the Influence of Intoxicating Liquor or Drugs, Class 4; Aggravated Driving or Actual Physical Control While Under the Influence of Intoxicating Liquor or Drugs, Class 4	10 Years; 10 Years	Annielaurie Van Wie, Sentencing	JURY	

DESCENDENT CASE(S)

ASC CR-17-0053-PR

2 OPEN DUE DATES

Motion for Reconsideration due — **Due By:** Tuesday, February 21, 2017

Re: MEMORANDUM DECISION (Affirmed) Hon Margaret H Downie - Author; Hon Diane M Johnsen - Concur; Hon Michael J Brown - Concur

Petition for Review to ASC due — **Due By:** Monday, April 3, 2017 [1 extension]

Re: MEMORANDUM DECISION (Affirmed) Hon Margaret H Downie - Author; Hon Diane M Johnsen - Concur; Hon Michael J Brown - Concur

CALENDAR

Wednesday MONTHLY COURT CASE CALENDAR
25-Jan-2017 **Department D; COURTROOM 2**

CASE DECISION

31-Jan-2017 **MEMORANDUM DECISION**

Margaret Downie.....Author
Diane Johnsen.....Concur
Michael Brown.....Concur

Filed: **31-Jan-2017**

Mandate:

Decision Disposition
Affirmed

38 PROCEEDING ENTRIES

1. 5-Apr-2016 FILED: Notice of Appeal from Maricopa County Superior Court filed 03/29/16. Notification to Court Reporters dated 04/04/2016.

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

38 PROCEEDING ENTRIES

2.	7-Apr-2016	ORDERED: Appointing Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Transcripts due 05/23/2016. Anthony Mackey ProTem Judge - Author
3.	12-May-2016	FILED:e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: #85 Exhibits: None Sent with e-Record
4.	12-May-2016	FILED: Additional Record on Appeal Exhibits: Hearing Date 01/5/2016 - List # 6 7 8 9 13 in a manila envelope Sealed Items: Confidential Criminal History Addendum in Sealed Manila Envelope
5.	19-May-2016	FILED: Request for Extension of Time (Court Reporter Mary Hankins)
6.	20-May-2016	FILED: Reporter's Transcript - 03/29/2016 - Sentencing A.M. (Hope J Yeager)
7.	24-May-2016	ORDERED: Request for Extension of Time (Court Reporter Mary Hankins) = GRANTED/Due dates EXTENDED to 06/22/2016 for transcripts dated 01/05/2016, 01/06/2016 or OSC 07/06/2016. Hon Samuel A Thumma - Author
8.	8-Jun-2016	FILED: Courtesy copy of Designation of Record originally filed in Superior Court
9.	10-Jun-2016	ORDERED: Ken Crenshaw transcripts dated 02/12/2015, 08/25/2015, 11/12/2015, 11/13/2015 due 07/11/2016. Hon Samuel A Thumma - Author
10.	17-Jun-2016	FILED: Transcript of Proceedings - 01/05/2016 Trial/Voir Dire (Court Reporter Mary Hankins
11.	17-Jun-2016	FILED: Transcript of Proceedings - 01/06/2016 Trial (Court Reporter Mary Hankins)
12.	24-Jun-2016	ORDERED: Court Reporter Jeanne Kappedal transcript dated 01/07/2016 past due. OSC set for 07/06/2016. Hon Samuel A Thumma - Author
13.	29-Jun-2016	FILED: Reporter's Transcript - 01/07/2016 - Jury Trial (Jeanne Kappedal)
14.	30-Jun-2016	FILED: Reporter's Transcript - 08/25/2015 - Initial Appearance on Bench Warrant (Becky Kleiner)
15.	30-Jun-2016	FILED: Reporter's Transcript - 02/12/2015 - Status Conference (Becky Kleiner)
16.	30-Jun-2016	FILED: Reporter's Transcript - 11/02/2015 - Final Trial Management Conference (Becky Kleiner)
17.	30-Jun-2016	FILED: Reporter's Transcript - 11/13/2015 - Settlement Conference (Becky Kleiner)
18.	1-Jul-2016	FILED: Motion to Unseal Random Jury List; Certificate of Service (Appellant)
19.	12-Jul-2016	ORDERED: Motion to Unseal Random Jury List; Certificate of Service (Appellant) = GRANTED/Unsealing the random jury list, IOR 65 for this appeal only. Anthony Mackey ProTem Judge - Author
20.	26-Jul-2016	FILED: Notice of Completion of Record
21.	3-Aug-2016	FILED: Notice of Appearance; Certificate of Service (Appellant)
22.	8-Sep-2016	FILED: Appellant's Opening Brief; Certification of Compliance with Rule 31.13(b), ARCP; Certificate of Service (Appellant)
23.	21-Sep-2016	FILED: Notice of Appearance; Certificate of Service (Appellee)
24.	17-Oct-2016	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
25.	26-Oct-2016	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
26.	27-Oct-2016	FILED: Motion to Remand to Trial Court to Reconstruct Record Re: Appointment of Counsel (Ms. Lauritano) - and - Request for Extension of Time to File the Reply Brief; Certificate of Service (Appellant)
27.	4-Nov-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 filed on 06/07/2016)

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38 PROCEEDING ENTRIES

28.	15-Nov-2016	ORDERED: Motion to Remand to Trial Court to Reconstruct Record Re: Appointment of Counsel (Ms. Lauritano) = DENIED. FURTHER ORDERED: Request for Extension of Time to File the Reply Brief (Appellant) = GRANTED/Reply brief due date EXTENDED to 12/05/2016. Hon Randall M Howe - Author
29.	15-Nov-2016	ORDERED: Reply brief due date EXTENDED to 12/05/2016. Fred Cole ProTem Judge - Author
30.	16-Nov-2016	FILED: Motion to Reconsider Appellant's Motion to Remand to Trial Court to Reconstruct the Record Re: Appointment of Counsel (Ms. Lauritano) and Request for Extension of Time to File the Reply Brief; Certificate of Service (Appellant)
31.	28-Nov-2016	CLNDR: CONFERENCE, Department D, 1-25-17, COURTROOM 2.
32.	30-Nov-2016	ORDERED: Motion to Reconsider Appellant's Motion to Remand to Trial Court to Reconstruct the Record Re: Appointment of Counsel (Ms. Lauritano) and Request for Extension of Time to File the Reply Brief (Appellant) = DENIED. Hon Randall M Howe - Author
33.	1-Dec-2016	FILED: Appellant's Reply Brief; Certification of Compliance with Rule 31.13(b), ARCP; Certificate of Service (Appellant)
34.	19-Dec-2016	FILED: Memorandum: Judge Brown for Judge Beene (Chief Judge Brown)
35.	31-Jan-2017	MEMORANDUM DECISION (Affirmed) Hon Margaret H Downie - Author; Hon Diane M Johnsen - Concur; Hon Michael J Brown - Concur
36.	31-Jan-2017	FILED: Memorandum Decision Distribution List
37.	1-Feb-2017	FILED: Letter, dated 02/01/2017 to Appellant from Counsel re: Right to File Petition for Review (Appellant)
38.	2-Feb-2017	FILED: ASC Order filed 02/02/2017 re: extending time for filing petition for review to 04/03/2017

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