

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 20-0066

STATE v. MELENDEZ

Appellate Case Information

Case Filed: 5-Feb-2020

Case Closed:

Dept/Composition

Department B

Hon. Jennifer M Perkins

Hon. David B Gass

Hon. Michael J Brown

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Eric Knobloch, Esq. (AZ Bar No. 30269)

Side 2. GIOVANI FUSTER MELENDEZ, Appellant

(Litigant Group) GIOVANI FUSTER MELENDEZ

- Giovani Fuster Melendez

Attorneys for: Appellant

Dawnese Hustad, Esq. (AZ Bar No. 25002)

CASE STATUS

Aug 25, 2023....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2019-104831-001	See File	See File	Stephen M Hopkins, Sentencing	JURY	

DESCENDENT CASE(S)

ASC CR-23-0215-PR

CASE DECISION

25-Jul-2023 OPINION

Michael Brown.....Author

Jennifer Perkins.....Concur

David Gass.....Concur

Filed: 25-Jul-2023

Mandate:

Decision Disposition

Reversed

Remanded

49 PROCEEDING ENTRIES

- 5-Feb-2020 FILED: Notice of Appeal from Maricopa County Superior Court filed 01/31/20. Notification sent to Court Reporters dated 02/04/2020.
- 12-Feb-2020 ORDERED: Appointing Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Court Reporters Hilda E. Lopez, Antoinette M. Salazar, and Hope Yeager transcripts due 03/30/2020. Benjamin A Armstrong ProTem Judge - Author
- 13-Mar-2020 FILED: Additional Record on Appeal
Exhibits:
Hearing Date 12/03/2019 - List # 1 2 2.001 3 6 7 8 9 10 10.001 11 12 13 15 16 17 19 20 21 22 23 25 26 27 28 34 35 37 38 42 43 44 45 47 49 54 56 57 59 62 64 66 74 76 80 83 84 85 88 89 98 103 104 106 110 117 118 120 122 123 124 125 126 127 129 134 134.001 154 157 158 159 170 171 173 174 174.001 175 176 in a manila envelope
Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope
- 13-Mar-2020 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: #121
Exhibits: None sent with e-Record
- 23-Mar-2020 FILED: Designation of Record for Appeal (Appellant)
- 23-Mar-2020 FILED: Reporter's Transcript - 12-12-2019 - Trial Day 7 - AM - (Hope J Yeager)
- 27-Mar-2020 FILED: Reporter's Transcript of Proceedings - 12-10-19 - Jury Trial - (Hilda Lopez)

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8.	28-Mar-2020	FILED: Reporter's Transcript of Proceedings - 12-11-19 - Jury Trial - (Hilda Lopez)
9.	28-Mar-2020	FILED: Reporter's Transcript of Proceedings - 12-12-19 - Jury Trial - (Hilda Lopez)
10.	29-Mar-2020	FILED: Reporter's Transcript - 12/03/2019 - Jury Trial - (Hilda Lopez)
11.	29-Mar-2020	FILED: Reporter's Transcript - 12/04/2019 - Jury Trial - (Hilda Lopez)
12.	29-Mar-2020	FILED: Reporter's Transcript - 12/09/2019 - Jury Trial - (Hilda Lopez)
13.	29-Mar-2020	FILED: Reporter's Transcript - 01/22/2020 - Sentencing - (Hilda Lopez)
14.	30-Mar-2020	FILED: Reporters Transcript - 12/05/2019 - Jury Trial - (Antoinette Salazar)
15.	1-Apr-2020	FILED: Motion To Unseal Documents; Certificate of Service (Appellant)
16.	2-Apr-2020	ORDERED: Court Reporter Hilda E. Lopez transcript dated 05/13/2019 due by 05/18/2020. Hon Kenton D Jones - Author
17.	3-Apr-2020	ORDERED: Motion To Unseal Documents (Appellant) = GRANTED. Upon presentation of this order, unsealing the Court Information Sheets, IOR 4 and 9, Random List, IOR 89, and the PSR Supporting Documents – Restitution Ledger Request, IOR 117, for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
18.	3-Apr-2020	FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes previously filed designation of record for appeal filed 03/23/2020)
19.	10-Apr-2020	FILED: Reporters Transcript - 05/13/2019 - Donald Advisement - (Hilda Lopez)
20.	20-Apr-2020	FILED: Notice of Completion of Record
21.	5-May-2020	FILED: Notice of Appearance; Certificate of Service (Appellant)
22.	1-Jun-2020	FILED: Appellant's Opening Brief; Certificate of Compliance with Rule 31.12, ARCP; Certificate of Service (Appellant)
23.	1-Jun-2020	FILED: Motion For Leave to Allow Appellant To File Supplemental Brief In Pro Per; Certificate of Service (Appellant)
24.	5-Jun-2020	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 07/15/2020. FURTHER ORDERED: Answering brief to await court order. Benjamin A Armstrong ProTem Judge - Author
25.	15-Jun-2020	FILED: Letter, dated 06/15/2020, to Appellant from Counsel re: Forwarding records on appeal (Appellant)
26.	30-Jul-2020	FILED: Assigning Anders appeal to Dept B for consideration and disposition. [Amy M. Wood, Clerk]
27.	30-Jul-2020	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
28.	10-Aug-2020	FILED: Supplemented Superior Court e-Record with Revised Index of Record
29.	25-Mar-2021	ORDERED: Parties shall file briefs addressing the following (See Order). FURTHER ORDERED: Opening Brief due within 40 days of order; Answering Brief due within 40 days of filing of Opening Brief; Reply Brief, if any, due within 20 days after filing of Answering Brief. Hon Jennifer M Perkins - Author
30.	5-Apr-2021	FILED: Notice of Appearance; Certificate of Service (Appellee)
31.	29-Apr-2021	FILED: Appellant's Supplemental Opening Brief; Certification of Compliance with Rule 31.12 ARCP; Certificate of Service (Appellant)
32.	4-Jun-2021	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
33.	16-Jun-2021	FILED: Appellant's Reply Brief; Certification of Compliance with Rule 31.12 ARCP; Certificate of Service (Appellant)
34.	20-Sep-2021	FILED: Notice of Substitution of Counsel; Certificate of Service (Appellant)
35.	20-Sep-2021	FILED: Notice of Substitution of Counsel; Certificate of Service (Appellant)
36.	1-Mar-2022	FILED: Notice of Reassignment Within Public Defender's Office; Certificate of Service (Appellant)
37.	21-Jul-2022	ORDERED: That the parties shall file simultaneous memoranda (not to exceed eight pages), no later than 14 days from the date of this order, addressing the following (See order). Hon Jennifer M Perkins - Author

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38.	27-Jul-2022	FILED: Notice of Appearance; Certificate of Service (Appellant)
39.	2-Aug-2022	FILED: Joint Motion to Extend Due Date for Both Parties' Memoranda to August 18, 2022; Certificate of Service (Appellant)
40.	3-Aug-2022	FILED: Joint Motion to Supplement/Expand the Record; Certificate of Service; Exhibits A-D (includes CD) (Appellee)
41.	4-Aug-2022	ORDERED: Joint Motion to Extend Due Date for Both Parties' Memoranda to August 18, 2022 (Appellant) = GRANTED. Due date EXTENDED from Thursday, 08-04-2022 to Thursday, 08-18-2022. FURTHER ORDERED: Joint Motion to Supplement/Expand the Record (Appellee) (includes CD) = GRANTING joint motion to supplement/ expand the record. Hon Jennifer M Perkins - Author
42.	18-Aug-2022	FILED: Appellee's Simultaneous Brief; Certificate of Compliance; Certificate of Service (Appellee)
43.	18-Aug-2022	FILED: Appellant's Supplemental Memorandum (Court-Ordered July 21, 2022); Certification of Compliance; Certificate of Service (Appellant)
44.	25-Jul-2023	OPINION (Reversed, Remanded) Hon Michael J Brown - Author; Hon Jennifer M Perkins - Concur; Hon David B Gass - Concur
45.	25-Jul-2023	FILED: Opinion Distribution List
46.	25-Aug-2023	FILED: Email Notice from ASC re: Petition for Review filed 08/24/2023; request for partial record
47.	25-Aug-2023	FILED: Letter forwarding partial record to Arizona Supreme Court
48.	15-Mar-2024	FILED: Email Notice from ASC, 3/13/24, re: request for Exhibit 174
49.	15-Mar-2024	FILED: Letter, dated 03/15/2024, forwarding exhibit 174, from hearing date 12/03/2019, to Arizona Supreme Court