

# Court of Appeals, Division One

Criminal

**1 CA-CR 21-0451**

**STATE v. SMITH**

## Appellate Case Information

Case Filed: 22-Oct-2021

Case Closed: 9-Feb-2023

Reinstated x 1: 13-Feb-2023 Decision

Re-Closed: 24-Jul-2024

## Dept/Composition

### Department B

Hon. Brian Y Furuya  
Hon. Jennifer B Campbell  
Hon. Paul J McMurdie

## Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

### Attorneys for: Appellee

Deborah Celeste Kinney, Esq. (AZ Bar No. 30741)

## Side 2. JASON SMITH, Appellant

(Litigant Group) JASON SMITH

- Jason Smith

### Attorneys for: Appellant

Kaitlin Marie Amos, Esq. (AZ Bar No. 37106)

## CASE STATUS

Jul 24, 2024.....Case Closed

Jul 24, 2024.....Decision Rendered

## PREDECESSOR CASE(S)

Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
YUM S1400CR201901251 See File	See File	Brandon S Kinsey, Sentencing	JURY	

## DESCENDENT CASE(S)

ASC CR-22-0202-PR

## 2 OPEN DUE DATES

### Motion for Reconsideration due

Due By: Thursday, August 8, 2024

Re: ORDERED: Joint Request to Vacate and Remand (Appellee) = GRANTED and vacating Appellant's convictions and sentences without further briefing or other proceedings in this court. Hon Brian Y Furuya - Author

### Petition for Review to ASC due

Due By: Friday, August 23, 2024

Re: ORDERED: Joint Request to Vacate and Remand (Appellee) = GRANTED and vacating Appellant's convictions and sentences without further briefing or other proceedings in this court. Hon Brian Y Furuya - Author

## 2 CASE DECISIONS

### 14-Jul-2022 MEMORANDUM DECISION

\*\*\*Vacated\*\*\*

Vacated per SCOTUS Order filed 6/21/24

Filed: 14-Jul-2022

Mandate:

Decision Disposition

**Affirmed**

Paul McMurdie.....Author

Brian Furuya.....Concur

Jennifer Campbell.....Concur

### 24-Jul-2024 ORDER

ORDERED: Joint Request to Vacate and Remand (Appellee) = GRANTED and vacating Appellant's convictions and sentences without further briefing or other proceedings in this court.

Filed: 24-Jul-2024

Mandate:

Decision Disposition

**Vacated  
Remanded**

Brian Furuya.....Author

## 45 PROCEEDING ENTRIES

1. 22-Oct-2021 FILED: Notice of Appeal from Yuma County Superior Court filed 10/13/21.

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2. 22-Oct-2021 FILED: e-Record on Appeal:  
Instruments/Minute Entries: Combined  
Disposition Report: 4  
Exhibits: None sent with e-Record
3. 25-Oct-2021 FILED: Additional Record on Appeal  
Physical Exhibits:  
Hearing Date: 09/02/2021 List # 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 in manila envelope
4. 29-Oct-2021 FILED: Reporter's Transcript - 10/04/2021 - Mitigation Hearing (Elizabeth Hengstebeck)
5. 29-Oct-2021 FILED: Notice of Service of Transcript (Elizabeth Hengstebeck)
6. 2-Nov-2021 FILED: Reporter's Transcript - 10/08/2021 - Sentencing (Elizabeth Hengstebeck)
7. 2-Nov-2021 FILED: Notice of Service of Transcript (Elizabeth Hengstebeck)
8. 9-Nov-2021 FILED: Reporter's Transcript - 09/02/2021 - Jury Trial Day 2 (Dana Peabody)
9. 9-Nov-2021 FILED: Reporter's Transcript - 09/03/2021 - Jury Trial Day 3 (Dana Peabody)
10. 9-Nov-2021 FILED: Notice of Service of Transcript (Dana Peabody)
11. 16-Nov-2021 FILED: Reporter's Transcript - 09/01/2021 - Jury Trial Day 1 (Katherine Pitotti)
12. 16-Nov-2021 FILED: Notice of Service of Transcript (Katherine Pitotti)
13. 30-Dec-2021 FILED: Notice of Completion of Record
14. 10-Feb-2022 FILED: Motion to Extend Time for Opening Brief; Certificate of Service (Appellant)
15. 14-Feb-2022 ORDERED: Motion to Extend Time for Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 02-14-2022 to Wednesday, 03-16-2022. Benjamin A Armstrong ProTem Judge - Author
16. 16-Mar-2022 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service; APPENDIX (Appellant)
17. 21-Mar-2022 FILED: Notice of Appearance; Certificate of Service (Appellee)
18. 25-Apr-2022 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
19. 29-Apr-2022 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
20. 4-May-2022 FILED: Supplemented Superior Court e-Record with Revised Index of Record
21. 16-May-2022 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
22. 26-May-2022 CLNDR: CONFERENCE, Department B, 7-6-22, CONFERENCE ROOM.
23. 14-Jul-2022 MEMORANDUM DECISION (Affirmed) Hon Paul J McMurdie - Author; Hon Brian Y Furuya - Concur; Hon Jennifer B Campbell - Concur
24. 14-Jul-2022 FILED: Memorandum Decision Distribution List
25. 15-Aug-2022 FILED: ASC Order filed 08/15/2022 re: Extending time for filing Petition for Review to 09/19/2022.
26. 20-Sep-2022 FILED: Email Notice from ASC re: Petition for Review filed 9/19/22; request for partial record
27. 20-Sep-2022 FILED: Letter forwarding partial record to Arizona Supreme Court
28. 21-Oct-2022 FILED: ASC Order filed 10/21/2022 re: granting the Motion and authorizing Hari Santhanam to appear Pro Hac Vice before this Court in this matter for a period not to exceed one year from the date of this Order.
29. 6-Jan-2023 FILED: Letter from ASC, 01/06/2023, re: Petition for Review DENIED on 01/06/2023.
30. 9-Feb-2023 FILED: Mandate, Physical record to clerk, Yuma County Superior Court.
31. 9-Feb-2023 FILED: Letter dated 02/09/2023, to Dept Public Safety Re: Copy of Mandate/Decision/Disposition Report

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32.	9-Feb-2023	FILED: Motion to Recall and Stay Issuance of Mandate; (Certificate of Service) Notice of Appearance (Appellant)
33.	9-Feb-2023	FILED: Notice of Appearance; Notice of Appearance (Appellant)
34.	13-Feb-2023	ORDERED: Motion to Recall and Stay Issuance of Mandate (Appellant) = GRANTING Appellant's motion to recall the mandate and stay the issuance of the mandate through 04/06/2023. Hon Paul J McMurdie - Author
35.	20-Mar-2023	FILED: Letter from United States Supreme Court, 03/16/2023, re: petition for writ of certiorari filed 03/14/2023, Docket No. 22-899
36.	5-Oct-2023	FILED: Letter from United States Supreme Court, 09/29/2023, re: petition for writ of certiorari granted
37.	24-Nov-2023	FILED: Letter from United States Supreme Court, dated 11/21/2023, re: request for transmittal of entire record
38.	30-Nov-2023	FILED: Additional Record: Hearing Date 09/01/2021, List and Exhibits - #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 in manila envelope
39.	30-Nov-2023	FILED: Letter to Clerk, United States Supreme Court, dated 11/30/2023, re: transmittal of entire record
40.	24-Jun-2024	FILED: Letter, dated 06/21/2024, from the United States Supreme Court, re: United States Supreme Court Opinion
41.	24-Jun-2024	FILED: Bench Opinion of the Supreme Court of the United States
42.	23-Jul-2024	FILED: Joint Request to Vacate and Remand; Certificate of Service (Appellee)
43.	24-Jul-2024	FILED: Supreme Court of the United States Mandate remanding matter to Arizona Court of Appeals, Division One; vacating COA judgment and granting costs in the amount of \$2,078.36 to Appellant
44.	24-Jul-2024	ORDERED: Joint Request to Vacate and Remand (Appellee) = GRANTED and vacating Appellant's convictions and sentences without further briefing or other proceedings in this court. Hon Brian Y Furuya - Author
45.	24-Jul-2024	FILED: Letter, 07/24/2024, Certified Copy of Order granting joint request to vacate and remand appeal. Physical record returned to clerk, Yuma County Superior Court.