

Court of Appeals, Division One

Criminal

1 CA-CR 21-0459

STATE v. MOORE

Appellate Case Information

Case Filed: 29-Oct-2021

Case Closed:

Dept/Composition

Department B

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

Side 1. STATE OF ARIZONA, Appellant

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellant

Quinton S Gregory, Esq. (AZ Bar No. 35125)

Side 2. MICHAEL JERMAINE MOORE, Appellee

(Litigant Group) MICHAEL JERMAINE MOORE

- Michael Jermaine Moore

Attorneys for: Appellee

Damon A Rossi, Esq. (AZ Bar No. 17461)

CASE STATUS

Apr 2, 2024.....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2014-102199-001		Order dated 10/12/2021 re: Motion Vacating Extension of Probation	Roger L Hartsell, Authoring Judge of Order		

DESCENDENT CASE(S)

ASC CR-23-0027-PR
ASC CR-24-0110-PR

2 OPEN DUE DATES

Motion for Reconsideration due

Due By:

Monday, April 22, 2024

Re: OPINION (Vacated, Remanded) Hon Paul J McMurdie - Author; Hon Brian Y Furuya - Concur; Hon Jennifer B Campbell - Concur

Petition for Review to ASC due

Due By:

Monday, June 3, 2024

[1 extension]

Re: OPINION (Vacated, Remanded) Hon Paul J McMurdie - Author; Hon Brian Y Furuya - Concur; Hon Jennifer B Campbell - Concur

2 CASE DECISIONS

20-Dec-2022 OPINION

Amended Per Order Filed 12-20-2022; Paragraphs 12 and 14 vacated by ASC on 4/04/2023 (See ASC Minute Letter filed 4/5/2023)

Filed: 20-Dec-2022

Mandate:

Decision Disposition

Reversed

Brian Furuya.....Author
Jennifer Campbell.....Concur
Paul McMurdie.....Concur

02-Apr-2024 OPINION

Paul McMurdie.....Author
Brian Furuya.....Concur
Jennifer Campbell.....Concur

Filed: 02-Apr-2024

Mandate:

Decision Disposition

**Vacated
Remanded**

Court of Appeals, Division One**Criminal****1 CA-CR 21-0459****STATE v. MOORE****40 PROCEEDING ENTRIES**

1.	29-Oct-2021	FILED: Notice of Appeal from Maricopa County Superior Court filed 10/26/21. Notification sent to Court Reporters dated 10/28/2021.
2.	23-Nov-2021	FILED: Notice of Appearance; Certificate of Service (Appellee)
3.	9-Dec-2021	FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: 75 Exhibits: None sent with e-Record
4.	10-Dec-2021	FILED: Reporter's Transcript - 07/21/2015 - Sentencing (Scott Coniam)
5.	23-Dec-2021	ORDERED: Ken Crenshaw transcript dated 10/12/2021 due by 01/24/2022 or OSC set for 02/02/2022. Hon David B Gass - Author
6.	23-Dec-2021	ORDERED: Court Reporter Marla Knox set for OSC on 01/05/2022 for transcript dated 05/27/2015. Hon David B Gass - Author
7.	29-Dec-2021	ORDERED: Court Reporter Marla Arnold OSC set for 01/05/2022. Hon David B Gass - Author
8.	29-Dec-2021	ORDERED: Vacating the order entered 12/29/2021. The order entered 12/23/2021 remains in effect. Benjamin A Armstrong ProTem Judge - Author
9.	29-Dec-2021	FILED: Notice of Appearance; Certificate of Service (Appellee)
10.	29-Dec-2021	FILED: Motion to Supplement the Record on Appeal; Certificate of Service (Appellee)
11.	4-Jan-2022	ORDERED: Motion to Supplement the Record on Appeal (Appellee) = GRANTED. Supplementing the record on appeal by including the ruling (see order). FURTHER ORDERED: Directing the Clerk of the Maricopa County Superior Court to forward to this court by 01/3/2022, a certified copy of the ruling (see order), marked for filing in this appeal. Benjamin A Armstrong ProTem Judge - Author
12.	4-Jan-2022	FILED: Reporter's Transcript - 05/27/2015 - Change of Plea (Marla Knox)
13.	18-Jan-2022	FILED: Supplemented Superior Court e-Record with Revised Index of Record
14.	21-Jan-2022	FILED: Reporter's Transcript - 10/12/2021 - Non-Witness Violation Hearing (Jacob Ruleaux)
15.	21-Jan-2022	FILED: Notice of Completion of Record
16.	7-Mar-2022	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
17.	11-Mar-2022	FILED: Motion to Unseal Documents; Certificate of Service (Appellee)
18.	21-Mar-2022	ORDERED: Upon presentation of this order unsealing the confidential, Continuity of Care Plan (I.O.R. 6) for parties/agents in this appeal only. Benjamin A Armstrong ProTem Judge - Author
19.	15-Apr-2022	FILED: Appellee's Answering Brief; Certificate of Compliance with Rule 31.12, ARCP; Certificate of Service (Appellee)
20.	29-Apr-2022	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
21.	5-May-2022	FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service; Exhibits (Appellant)
22.	16-May-2022	FILED: Supplemented Superior Court e-Record with Revised Index of Record
23.	26-May-2022	CLNDR: CONFERENCE, Department B, 7-6-22, CONFERENCE ROOM.
24.	1-Jul-2022	ORDERED: Vacating conference scheduled 07/06/2022, at 9:30 a.m. and scheduling oral argument in this case on 09/20/2022 at 10:30 am. Hon Brian Y Furuya - Author
25.	1-Aug-2022	FILED: Notice of Oral Argument
26.	2-Aug-2022	FILED: Return Receipt for Notice of Oral Argument (Appellee)
27.	2-Aug-2022	FILED: Return Receipt for Notice of Oral Argument (Appellant)
28.	20-Sep-2022	FILED: Sign-in Sheet for Oral Argument on 09/20/2022.
29.	20-Dec-2022	OPINION (Reversed) Hon Brian Y Furuya - Author; Hon Jennifer B Campbell - Concur; Hon Paul J McMurdie - Concur
30.	20-Dec-2022	FILED: Opinion Decision Distribution List

Court of Appeals, Division One**Criminal****1 CA-CR 21-0459****STATE v. MOORE****40 PROCEEDING ENTRIES**

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| 31. | 20-Dec-2022 | ORDERED: That the Clerk of this court, by interlineation, shall amend the first paragraph of the Opinion by replacing the word "decision" with "opinion" so that it reads as follows: "Presiding Judge Brian Y. Furuya delivered the opinion of the Court, in which Judge Jennifer B. Campbell and Judge Paul J. McMurdie joined." Hon Brian Y Furuya - Author |
| 32. | 4-Jan-2023 | FILED: Motion for Reconsideration; Certificate of Compliance; Certificate of Service; Decision (Appellee) |
| 33. | 13-Jan-2023 | ORDERED: Motion for Reconsideration (Appellee) = DENIED. Hon Brian Y Furuya - Author |
| 34. | 3-Feb-2023 | FILED: Email Notice from ASC re: Petition for Review filed 1/30/23; request for partial record |
| 35. | 3-Feb-2023 | FILED: Letter forwarding partial record to Arizona Supreme Court |
| 36. | 5-Apr-2023 | FILED: Letter from ASC, 4/05/2023, re: Petition for Review GRANTED on 4/04/2023. Further Ordered, Paragraph 12 and 14 of the Court of Appeals Opinion is vacated. Further Ordered, This matter is remanded to the court of appeals to address: (1) whether probationers have a right to counsel or a hearing before probation is extended; (2) if so, whether Moore knowingly, intelligently, and voluntarily waived his right(s); and (3) if he did not, whether the constitutional defect(s) rendered the trial court's order extending Moore's probation void, as opposed to voidable, such that it could be vacated at any time. |
| 37. | 24-May-2023 | FILED: Arizona Supreme Court Mandate Remanding to the Court of Appeals |
| 38. | 2-Apr-2024 | OPINION (Vacated, Remanded) Hon Paul J McMurdie - Author; Hon Brian Y Furuya - Concur; Hon Jennifer B Campbell - Concur |
| 39. | 2-Apr-2024 | FILED: Decision Distribution Notification |
| 40. | 25-Apr-2024 | FILED: ASC Order filed 04/25/2024 re: extending time for filing Petition for Review to 06/03/2024; matter subject to dismissal if the petition for review is not filed by 06/03/2024. |