

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 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**

43 PROCEEDING ENTRIES

- 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.
- 23-Nov-2021 FILED: Notice of Appearance; Certificate of Service (Appellee)
- 9-Dec-2021 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: 75
Exhibits: None sent with e-Record

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|-----|-------------|---|
| 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 |
| 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 |

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| 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. |
| 41. | 31-May-2024 | FILED: ASC Order filed 05/31/2024 re: Denying the "Notice and Motion for Procedural Order: Motion for Extension of Time to File Petition for Review in Propria Persona", filed by the Appellee on 05/31/2024. This matter is subject to dismissal if a compliant motion or petition for review is not filed by 06/07/2024. |
| 42. | 3-Jun-2024 | FILED: ASC Order filed 06/03/2024 re: extending time for filing Petition for Review to 07/03/2024 |
| 43. | 25-Jul-2024 | FILED: ASC Order filed 07/25/2024 re: dismissing the matter. |