

Court of Appeals, Division One
Criminal Petition Review Post Conviction Relief

1 CA-CR 21-0537 PRPC

STATE v. ODOM

Appellate Case Information

Case Filed: 24-Nov-2021
Case Closed:

Dept/Composition

Department B

Hon. Paul J McMurdie
Hon. David B Gass
Hon. Kent E Cattani

Side 1. STATE OF ARIZONA, Respondent

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Respondent

Julie A Done, Esq. (AZ Bar No. 24370)
Jay Rademacher, Esq. (AZ Bar No. 24823)

Side 2. THOMAS JAMES ODOM, Petitioner

(Litigant Group) THOMAS JAMES ODOM

- Thomas James Odom

Attorneys for: Petitioner

Kerrie M Droban Zhivago, Esq. (AZ Bar No. 16464)

Side 3. ARIZONA JUSTICE PROJECT, Amicus Curiae

(Litigant Group) ARIZONA JUSTICE PROJECT

- Arizona Justice Project

Attorneys for: Amicus Curiae

Karen Smith, Esq. (AZ Bar No. 33494)
Randal Boyd McDonald, Esq. (AZ Bar No. 32008)

CASE STATUS

Oct 20, 2023.....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2010-121445-001			Patricia A Starr, Judge on PC		

DESCENDENT CASE(S)

ASC CR-22-0248-PR
ASC CR-23-0265-PR

2 CASE DECISIONS

15-Sep-2022 MEMORANDUM DECISION

Vacated

Vacated by ASC 09/19/2023

Filed: 15-Sep-2022

Mandate:

Decision Disposition

Review Granted
Relief Granted

David Gass.....Author
Paul McMurdie.....Concur
Angela Paton.....Concur

25-Sep-2023 ORDER

ORDERED: Upon reconsideration granting review and denying relief.

Filed: 25-Sep-2023

Mandate:

Decision Disposition

Review Granted
Relief Denied

David Gass.....Author

26 PROCEEDING ENTRIES

1. 24-Nov-2021 FILED: Petition for Review Re: Dismissal Peetition [sic] for Post-Conviction Relief; Denial Motion for Rehearing; Certificate of Service (Petitioner)

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2. 30-Nov-2021 ORDERED: Clerk of Maricopa County Superior Court to transmit record on appeal, including but not limited to reporter's transcripts and exhibits, to clerk, Court of Appeals, on/before 01/14/2022. Amy M Wood - Author
3. 27-Dec-2021 FILED: Response to Petition for Review from Dismissal of Thomas Odom's Successive Petition for Postconviction Relief; Certificate of Service for Response to Petition for Review from Dismissal of Thomas Odom's Successive Petition for Postconviction Relief; Certificate of Compliance for Response to Petition for Review from Dismissal of Thomas Odom's Successive Petition for Postconviction Relief (Respondent)
4. 13-Jan-2022 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None sent with e-Record
(Includes transcripts dated 06/15/2011, 08/19/2011, 06/16/2011 , 06/14/2011, 06/21/2011, 06/15/2011, 06/13/2011, 06/20/2011, 06/28/2011, 06/29/2011, 07/05/2011, 06/27/2011)
5. 13-Jan-2022 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 06/10/2011 List # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 23 24 25 26 27 28 29 30 31 37 39 40 48 49 50 51 51.001 55 56 57 58 59 61 62 71 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 in manila envelope
6. 27-Jan-2022 FILED: Brief of Amicus Curiae Arizona Justice Project in Support of Defendant/Petitioner Thomas James Odom's Petition for Review; Certificate of Compliance; Certificate of Service (Amicus Curiae)
7. 27-Jan-2022 FILED: Motion for Leave to File Amicus Curiae Brief of the Arizona Justice Project in Support of Petition for Review; Certificate of Service (Amicus Curiae)
8. 31-Jan-2022 FILED: Response to Motion for Leave to File Amicus Curiae Brief of the Arizona Justice Project in Support of Thomas Odom's Petition for Review from Dismissal of His Successive Petition for Postconviction Relief; Certificate of Service for Response to Motion for Leave to File Amicus Curiae Brief of the Arizona Justice Project in Support of Thomas Odom's Petition for Review from Dismissal of His Successive Petition for Postconviction Relief (Respondent)
9. 31-Jan-2022 FILED: Notice of Appearance; Certificate of Service for Notice of Appearance (Respondent)
10. 9-Feb-2022 ORDERED: Motion for Leave to File Amicus Curiae Brief of the Arizona Justice Project in Support of Petition for Review (Amicus Curiae) = GRANTED. Accepting The Arizona Justice Project's amicus curiae brief filed on 01/27/2022. FURTHER ORDERED: That any party may file a response to the brief by 03/10/2022. Hon Kent E Cattani - Author
11. 10-Mar-2022 FILED: State's Response to Brief of Amicus Curiae Arizona justice Project in Support of Thomas Odom's Petition for Review From Dismissal of Successive Petition for postconviction Relief; Certificate of Compliance for State's Response to Brief of Amicus Curiae Arizona Justice Project in Support of Thomas Odom's Petition for Review From Dismissal of Successive petition for Postconviction Relief; Certificate of Service for state's Response to Brief of Amicus Curiae Arizona justice Project in Support of Thomas Odom's Petition for Review From Dismissal of Successive Petition for postconviction Relief (Respondent)
12. 4-May-2022 FILED: State's Notice of supplemental Citation of legal Authority in Support of State's Response to petition for Review From dismissal of Odom's successive Petition for postconviction Relief and state's Response to Ajp's amicus Brief; Certificate of Service for state's Notice of supplemental Citation of legal Authority in Support of State's Response to petition for Review From dismissal of Odom's successive Petition for postconviction Relief and state's Response to Ajp's amicus Brief (Respondent)
13. 11-May-2022 FILED: Petitioner's Notice of Supplemental Ruling in Support of Petitioner's Petition for Review from Dismissal of Successive Petition for Post-Conviction Amicus Brief; Certificate of Service Re: Petitioner's Notice of Supplemental Ruling in Support of Petitioner's Petition for Review from Dismissal of Successive Petition for Post-Conviction Amicus Brief (Petitioner)
14. 30-Jun-2022 FILED: Petitioner's Notice of Supplemental Ruling in Support of Petitioner's Petition for Review From Dismissal of Successive Petition for Post Conviction Relief and Ajp's Amicus Brief; Certificate of Service Re: Petitioner's Notice of Supplemental Ruling in Support of Petitioner's Petition for Review From Dismissal of Successive Petition for Post Conviction Relief and Ajp's Amicus Brief (Petitioner)
15. 15-Sep-2022 MEMORANDUM DECISION (Review Granted, Relief Granted) Hon David B Gass - Author; Hon Paul J McMurdie - Concur; Hon Angela K Paton - Concur
16. 15-Sep-2022 FILED: Memorandum Decision Distribution List
17. 14-Oct-2022 FILED: ASC Order filed 10/14/2022 re: Extending time for filing Petition for Review to 11/16/2022.
18. 17-Nov-2022 FILED: Email Notice from ASC re: Petition for Review filed 11/16/22; request for partial record
19. 17-Nov-2022 FILED: Letter forwarding partial record to Arizona Supreme Court

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| 20. | 22-Nov-2022 | FILED: ASC Order filed 11/22/2022 re: granting Respondent's request to exceed the thirty-five-hundred-word count stated in Rules 1.6(b)(1)(E) and 31.21(g)(2), Arizona Rules of Criminal Procedure by 1,960 words. The petition for review is filed as of 11/16/2022. |
| 21. | 19-Sep-2023 | FILED: Order from ASC, 09/19/2023, re: ORDERED: Granting the State's Petition for Review. FURTHER ORDERED: Vacating the court of appeals' memorandum decision issued in this matter on 09/15/2022. FURTHER ORDERED: Remanding this matter to the court of appeals for further proceedings on Cabanas' petition for review consistent with this Court's opinion in State v. Hon. Cooper/Bassett (CR-22-0227-PR) filed on 09/18/2023. |
| 22. | 22-Sep-2023 | FILED: Memorandum: Judge Cattani for Judge Paton (Chief Judge Gass) |
| 23. | 25-Sep-2023 | ORDERED: Upon reconsideration granting review and denying relief. Hon David B Gass - Author |
| 24. | 5-Oct-2023 | FILED: Arizona Supreme Court Mandate - COA1 Decision Vacated - Remanded to COA1 |
| 25. | 20-Oct-2023 | FILED: Email Notice from ASC re: Petition for Review filed 10/18/2023; request for partial record |
| 26. | 20-Oct-2023 | FILED: Letter forwarding partial record to Arizona Supreme Court |