

**Court of Appeals, Division One****Criminal - Anders Appeal****1 CA-CR 22-0151****STATE v. MORENO****Appellate Case Information**

Case Filed: 8-Apr-2022

Case Closed: 27-Mar-2024

**Decision****Dept/Composition****Department E**

Hon. Cynthia J Bailey

Hon. Jennifer B Campbell

Hon. David D Weinzwieg

**Side 1. STATE OF ARIZONA, Appellee****(Litigant Group) STATE OF ARIZONA**

- State of Arizona

**Attorneys for: Appellee**

Alice Jones, Esq. (AZ Bar No. 28062)

**Side 2. SALVADOR HILARIO MORENO, Appellant****(Litigant Group) SALVADOR HILARIO MORENO**

- Salvador Hilario Moreno

**Attorneys for: Appellant**

Nathan Hogle, Esq. (AZ Bar No. 29940)

**CASE STATUS**

Mar 27, 2024....Case Closed

PREDECESSOR CASE (S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CR2019-003621-003	Dangerous Drug, Class 2	10 Years DOC	Laura M Reckart, Sentencing	JURY	

**DESCENDENT CASE (S)**

ASC CR-23-0176-PR

**CASE DECISION****29-Jun-2023 MEMORANDUM DECISION**

Jennifer Campbell.....Author

Cynthia Bailey.....Concur

David Weinzwieg.....Concur

Filed: 29-Jun-2023

Mandate: 27-Mar-2024

Decision Disposition

**Affirmed****48 PROCEEDING ENTRIES**

- 8-Apr-2022 FILED: Notice of Appeal from Maricopa County Superior Court filed 04/04/22. Notification sent to Court Reporters dated 04/07/2022.
- 11-Apr-2022 ORDERED: Court Reporters Treva Colwell and Robin Bobbie transcripts due by 05/23/2022. Benjamin A Armstrong ProTem Judge - Author
- 18-May-2022 FILED: e-Record on Appeal:  
Instruments/Minute Entries: Combined  
Disposition Report: 108  
Exhibits: None sent with e-Record
- 18-May-2022 FILED: Reporter's Transcript - 10/07/2021 - Trial Day 1 (Treva Colwell)
- 18-May-2022 FILED: Reporter's Transcript - 10/13/2021 - Trial Day 3 (Treva Colwell)
- 18-May-2022 FILED: Reporter's Transcript - 10/14/2021 - Trial Day 4 (Treva Colwell)
- 18-May-2022 FILED: Reporter's Transcript - 10/18/2021 - Trial Day 5 (Treva Colwell)
- 18-May-2022 FILED: Reporter's Transcripts - 10/19/2021 - Trial - Day 6 (Treva B. Colwell)
- 18-May-2022 FILED: Reporter's Transcripts - 10/20/2021 - Trial - Day 7 (Treva B. Colwell)
- 18-May-2022 FILED: Reporter's Transcripts - 03/17/2022 - Sentencing (Treva B. Colwell)
- 20-May-2022 FILED: Reporter's Transcript - 10/12/2021 - Jury Trial Day 2 (Robin Lawlor)

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12. 6-Jun-2022 FILED: No Financial Arrangements (Treva Colwell)
13. 7-Jun-2022 (On April 11, 2022, the court entered an order directing the court reporters to prepare the transcripts at public expense) ORDERED: advising court reporter Treva Colwell as indicated above. Benjamin A Armstrong ProTem Judge - Author
14. 7-Jun-2022 FILED: Notice of Completion of Record
15. 8-Aug-2022 ORDERED: Attorney Nathan Hogle set for OSC on 08/17/2022 for opening brief due 08/15/2022. Benjamin A Armstrong ProTem Judge - Author
16. 10-Aug-2022 FILED: Motion for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
17. 12-Aug-2022 ORDERED: Motion for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 08-15-2022 to Wednesday, 09-14-2022. FURTHER ORDERED: Vacating the order to show cause hearing set for 08/17/2022. Benjamin A Armstrong ProTem Judge - Author
18. 9-Sep-2022 FILED: Motion for Additional Extension of Time to File Opening Brief; Certificate of Service (Appellant)
19. 13-Sep-2022 ORDERED: Motion for Additional Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 09-14-2022 to Friday, 10-14-2022. Benjamin A Armstrong ProTem Judge - Author
20. 6-Oct-2022 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)  
[STRICKEN per order dated 10/11/2022-mba]
21. 11-Oct-2022 ORDERED: Striking appellant's opening brief filed on 10/06/2022. Appellant's counsel must file by 11/07/2022, an opening brief setting forth the detailed procedural history and underlying facts of the case with specific references to the record in compliance with Thompson and Clark. If counsel still finds no arguable issues for appeal, counsel's opening brief may state that conclusion pursuant to Anders and Leon. Absent extraordinary circumstances based on new and unforeseeable circumstances, the court will not grant any further extensions. Benjamin A Armstrong ProTem Judge - Author
22. 16-Nov-2022 ORDERED: That Attorney Nathan Hogle must file a new opening brief by 11/25/2022 or OSC set for 12/07/2022. Benjamin A Armstrong ProTem Judge - Author
23. 28-Nov-2022 FILED: Motion for Extension of Time (Opening Brief) (Appellant Pro Per)
24. 30-Nov-2022 ORDERED: Advising appellant that the court has ordered attorney Nathan Hogle to appear at an order to show cause hearing at 2:30 p.m. on Wednesday, 12/07/2022, to show cause why the court should not impose sanctions for counsel's failure to comply with this court's orders entered 10/11/2022, and 11/16/2022. The deadline to file a new opening brief will be addressed at that hearing. Benjamin A Armstrong ProTem Judge - Author
25. 7-Dec-2022 ORDERED: That no later than 01/16/2023, attorney Nathan Hogle shall file in this Court the opening brief or OSC set for 01/18/2023. Hon David B Gass - Author
26. 9-Jan-2023 FILED: Appellant's [sic] Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
27. 11-Jan-2023 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 2/21/23; FURTHER ORDERED: Answering brief to await court order. Benjamin A Armstrong ProTem Judge - Author
28. 18-Jan-2023 FILED: (Untitled) Extension to File Anders Appeal (Appellant Pro Per)
29. 23-Jan-2023 ORDERED: (Untitled) Extension to File Anders Appeal (Appellant Pro Per) = GRANTED. Granting the motion to extend time and extending the time to file a pro se supplemental brief from 02/21/2023, to 03/23/2023. Pursuant to Division One Administrative Order 2020-03, the court will not grant any further extension absent a showing of new and unforeseen circumstances constituting good cause. FURTHER ORDERED: Denying the motion to appoint new counsel. Benjamin A Armstrong ProTem Judge - Author
30. 24-Feb-2023 FILED: Appellants Motion to Proceed With "Brief"; Without the Filing of a "Supplemental Brief" (Appellant Pro Per)
31. 24-Feb-2023 FILED: (Untitled) Motion (supplemental opening brief) (Appellant Pro Per)
32. 7-Mar-2023 ORDERED: Treating the untitled pleading filed 02/24/2023, as appellant's pro se supplemental opening brief. The court will consider appellant's appeal in due course. Benjamin A Armstrong ProTem Judge - Author
33. 4-Apr-2023 FILED: Assigning Anders appeal to Dept E for consideration and disposition. [Amy M. Wood, Clerk]
34. 6-Apr-2023 FILED: Additional Record on Appeal  
Physical Exhibits:  
Confidential Criminal History Addendum in manila envelope

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35.	29-Jun-2023	MEMORANDUM DECISION (Affirmed) Hon Jennifer B Campbell - Author; Hon Cynthia J Bailey - Concur; Hon David D Weinzwieg - Concur (Motion for reconsideration extended thirty days from date of this decision.)
36.	29-Jun-2023	FILED: Memorandum Decision Distribution List
37.	12-Jul-2023	FILED: Letter, 7/12/23, forwarding 'Motion for Extension of Time...' to Arizona Supreme Court for consideration
38.	18-Jul-2023	FILED: ASC Order filed 07/18/2023 re: ORDERED the motion is denied without prejudice to Appellant Moreno's ability to file a motion in compliance with Arizona Rules of Crim. Proc. Rule 31.6(e) and ARCAP 6(b); matter subject to dismissal if a compliant motion or petition for review is not filed by 07/31/2023.
39.	27-Jul-2023	FILED: Courtesy Copy - "Motion for Procedural Order" filed in Arizona Supreme Court
40.	1-Aug-2023	FILED: ASC Order filed 08/01/2023 re: extending time for filing Petition for Review to 09/29/2023; matter is subject to dismissal if the petition for review is not filed by 09/29/2023.
41.	21-Sep-2023	FILED: Courtesy Copy - Motion for Procedural Order (Motion for extension of time to file Petition for Review), filed in the ASC (Petitioner Pro Per)
42.	27-Sep-2023	FILED: ASC Order filed 09/27/2023 re: ORDERED: The motion is denied without prejudice to Appellant Moreno's ability to file a motion in compliance. This matter is subject to dismissal if a compliant motion or petition for review is not filed by 10/12/2023.
43.	11-Oct-2023	FILED: Email Notice from ASC re: Petition for Review filed 10/02/2023; request for partial record
44.	11-Oct-2023	FILED: Letter forwarding partial record to Arizona Supreme Court
45.	16-Oct-2023	FILED: Courtesy Copy - Certificate of Compliance filed in the Arizona Supreme Court (Appellant Pro Per)
46.	23-Feb-2024	FILED: Letter from ASC, 02/23/2024, re: Petition for Review DENIED on 02/22/2024
47.	27-Mar-2024	FILED: Mandate, Physical record to clerk, Maricopa County Superior Court.
48.	27-Mar-2024	FILED: Letter dated 03/27/2024, to Dept Public Safety Re: Copy of Mandate/Decision/Disposition Report