

Court of Appeals, Division One

Criminal

1 CA-CR 22-0257

STATE v. LAPORTE

Appellate Case Information

Case Filed: 8-Jun-2022
Case Closed: 29-Mar-2024

Decision

Dept/Composition

Department B

Hon. Michael J Brown
Hon. Andrew M Jacobs
Hon. David B Gass

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Eric Knobloch, Esq. (AZ Bar No. 30269)

Side 2. DAVE ALLEN LAPORTE, Appellant

(Litigant Group) DAVE ALLEN LAPORTE

- Dave Allen LaPorte

Attorneys for: Appellant

Bryce M Hamblin, Esq. (AZ Bar No. 26959)

CASE STATUS

Mar 29, 2024....Case Closed

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
APC S0100CR201900388	Second Degree Murder, Class 1; Abandonment or Concealment of a Dead Body, Class 5; Tampering with Physical Evidence, Class 6	25 Years, ADOC; 3.75 Years, ADOC; 2.75 Years, ADOC	Michael D Latham, Sentencing	JURY	

CASE DECISION

01-Feb-2024 MEMORANDUM DECISION

David Gass.....Author
Michael Brown.....Concur
Andrew Jacobs.....Concur

Filed: 01-Feb-2024

Mandate: 29-Mar-2024

Decision Disposition

Affirmed in Part
Vacated in Part
Remanded for Resentencing

52 PROCEEDING ENTRIES

- 8-Jun-2022 FILED: Notice of Appeal from Apache County Superior Court filed 05/31/22.
- 8-Jun-2022 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None sent with e-Record
- 29-Jun-2022 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 01/11/2021 List # 1 2 3 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 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 in box

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4.	18-Jul-2022	FILED: Request for Extension of Time (Time to File Transcripts)(Lerryn Horton Roberds)
5.	18-Jul-2022	ORDERED: Request for Extension of Time (Time to File Transcripts)(Lerryn Horton Roberds) = GRANTED. Due Dates EXTENDED to 08/15/2022 for Transcripts dated 03/23/2022, 03/24/2022, 03/30/2022, 03/31/2022 or OSC set for 09/07/2022. FURTHER ORDERED: That the due date will not be extended again, absent a timely showing of actual and substantial good cause. Hon David B Gass - Author
6.	22-Jul-2022	ORDERED: Court Reporter Cori Brickey set for OSC on 08/03/2022 for transcripts dated 03/22/2022; 03/25/2022; 03/29/2022; 04/05/2022; 04/06/2022; 04/07/2022. Hon David B Gass - Author
7.	29-Jul-2022	FILED: Request for Extension of Time (Time to File Transcript)(Cori Brickey)
8.	29-Jul-2022	FILED: Request for Extension of Time (Time to File Transcript)(Cori Brickey)
9.	1-Aug-2022	ORDERED: Request for Extension of Time (Time to File Transcript)(Cori Brickey) = GRANTED. Due Dates EXTENDED to 08/15/2022 for Transcripts dated 03/22/2022, 03/25/2022, 03/29/2022, 04/05/2022, 04/06/2022, 04/07/2022 or OSC set for 08/17/2022. Hon David B Gass - Author
10.	15-Aug-2022	FILED: Reporter's Transcript - 03/25/2022 - Jury Trial Day 4 (Cori Brickey)
11.	15-Aug-2022	FILED: Reporter's Transcript - 03/29/2022 - Jury Trial Day 5 (Cori Brickey)
12.	15-Aug-2022	FILED: Reporter's Transcript - 03/22/2022 - Jury Trial Day 1 (Cori Brickey)
13.	16-Aug-2022	FILED: Reporter's Transcript - 03/23/2022 - Jury by Trial - Day 2 (Lerryn Roberds)
14.	16-Aug-2022	FILED: Reporter's Transcript - 03/24/2022 - Jury by Trial - Day 3 (Lerryn Roberds)
15.	16-Aug-2022	FILED: Reporter's Transcript - 03/30/2022 - Jury by Trial - Day 6 (Lerryn Roberds)
16.	16-Aug-2022	FILED: Reporter's Transcript - 03/31/2022 - Jury by Trial - Day 7 (Lerryn Roberds)
17.	17-Aug-2022	FILED: Reporter's Transcript - 04/05/2022 - Jury Trial Day 8 (Cori Brickey)
18.	17-Aug-2022	FILED: Reporter's Transcript - 04/07/2022 - Jury Trial Day 10 (Cori Brickey)
19.	19-Aug-2022	FILED: Reporter's Transcript - 04/06/2022 - Jury Trial Day 9 (Cori Brickey)
20.	28-Nov-2022	FILED: Reporter's Transcript - 05/18/2022 - Sentencing Hearing (Cori Brickey)
21.	29-Nov-2022	FILED: Supplemented Superior Court e-Record with Revised Index of Record
22.	4-Jan-2023	FILED: Notice of Completion of Record
23.	28-Feb-2023	ORDERED: Affirming appointment of attorney Bryce Hamblin as counsel for appellant. FURTHER ORDERED: Opening brief due by 04/17/2023. Benjamin A Armstrong ProTem Judge - Author
24.	17-Apr-2023	FILED: Waiver of Right to Counsel and Motion for Extension; Certificate of Service (Appellant Pro Per)
25.	25-Apr-2023	ORDERED: Waiver of Right to Counsel and Motion for Extension (Appellant Pro Per) = DENIED. Benjamin A Armstrong ProTem Judge - Author
26.	26-Apr-2023	FILED: Motion to Extend Time to File Brief; Certificate of Service (Appellant)
27.	27-Apr-2023	ORDERED: Motion to Extend Time to File Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 04-17-2023 to Wednesday, 05-17-2023. Benjamin A Armstrong ProTem Judge - Author
28.	12-May-2023	FILED: Motion to Extend Time; Certificate of Service (Appellant)
29.	14-May-2023	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
30.	16-May-2023	ORDERED: The court will take no action on the Motion to Extend Time. Benjamin A Armstrong ProTem Judge - Author
31.	30-May-2023	FILED: Notice of Appearance; Certificate of Service (Appellee)
32.	14-Jun-2023	FILED: Motion for Procedural Order (First Extension for Answering Brief); Certificate of Service (Appellee)
33.	15-Jun-2023	ORDERED: Motion for Procedural Order (First Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Friday, 06-23-2023 to Monday, 07-24-2023. Benjamin A Armstrong ProTem Judge - Author
34.	24-Jul-2023	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)

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35.	31-Jul-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
36.	1-Aug-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
37.	25-Aug-2023	CLNDR: CONFERENCE, Department B, 10-13-23, CONFERENCE ROOM.
38.	11-Oct-2023	ORDERED: No later than 10/27/2023, the parties shall file simultaneous supplemental briefs of 2,000 words or less. The supplemental briefs need not include a statement of facts, and the parties may reference relevant facts by referring to their previously submitted briefs. FURTHER ORDERED: Motions for extension of time will not be entertained. FURTHER ORDERED: Upon submission of the briefs ordered above, this court shall re-conference the case. Hon Michael J Brown - Author [Vacated per order filed 10/17/2023]
39.	17-Oct-2023	ORDERED: Vacating this court's 10/11/2023, order and adding additional issues for the parties to address. FURTHER ORDERED: Supplementary briefing will address the following issues: (See Order). FURTHER ORDERED: No later than 11/15/2023, the parties shall file simultaneous supplemental briefs of 3,000 words or less. The supplemental briefs need not include a statement of facts, and the parties may reference relevant facts by referring to their previously submitted briefs. FURTHER ORDERED: Motions for extension of time will not be entertained. FURTHER ORDERED: Upon submission of the briefs ordered above, this court shall re-conference the case. Hon Michael J Brown - Author Hon Michael J Brown - Author
40.	19-Oct-2023	FILED: Additional Record on Appeal Physical Exhibits: List # 410 (Certified Copies from ACAO) in mailing envelope
41.	25-Oct-2023	FILED: Motion for Procedural Order (Unopposed Motion to Supplement the Record on Appeal, Expedited Ruling Requested); Certificate of Service; Exhibit (To Motion for Procedural Order (Unopposed Motion to Supplement the Record on Appeal, Expedited Ruling Requested) (Appellee)
42.	30-Oct-2023	ORDERED: Motion for Procedural Order (Unopposed Motion to Supplement the Record on Appeal, Expedited Ruling Requested) (Appellee) = GRANTED. Hon Michael J Brown - Author
43.	15-Nov-2023	FILED: Appellant's Supplemental Brief; Certificate of Compliance; Certificate of Service (Appellant)
44.	15-Nov-2023	FILED: Appellee's Supplemental Brief; Certificate of Compliance; Certificate of Service (Appellee)
45.	1-Feb-2024	MEMORANDUM DECISION (Affirmed in Part, Vacated in Part, Remanded for Resentencing) Hon David B Gass - Author; Hon Michael J Brown - Concur; Hon Andrew M Jacobs - Concur
46.	1-Feb-2024	FILED: Decision Distribution Notification
47.	15-Feb-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Reporters Transcript - 04/07/2022 - Jury Trial Day 10 (In Chambers) (Cori Brickey)
48.	15-Feb-2024	FILED: Reporters Transcript - 04/07/2022 - Jury Trial Day 10 (In Chambers) (Cori Brickey)
49.	16-Feb-2024	FILED: Motion for Reconsideration; Certificate of Service (Appellee)
50.	22-Feb-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Amended ME dated 02/16/2024)
51.	4-Mar-2024	ORDERED: Motion for Reconsideration (Appellee) = DENIED. Hon David B Gass - Author
52.	29-Mar-2024	FILED: Mandate, Physical record to clerk, Apache County Superior Court.