Criminal

1 CA-CR 22-0276

STATE v. CLEMENTS

Appellate Case Information

Case Filed: 20-Jun-2022

Case Closed:

Dept/Composition
Department C

Hon. D Steven Williams Hon. Samuel A Thumma Hon. Paul J McMurdie

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

State of Arizona
 Attorney for: Appellee

Joshua C Smith, Esq. (AZ Bar No. 30229)

Side 2. CHRISTOPHER CLEMENTS, Appellant

(Litigant Group) CHRISTOPHER CLEMENTS

Christopher Clements
 Attorney for: Appellant

Dawnese Hustad, Esq. (AZ Bar No. 25002)

CASE STATUS

Jan 4, 2024......Pending in ASC

PREDECE	SSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <comments></comments>	Trial	Dispo
MAR	CR2017-005669-001	(See file)	(See file)			

DESCENDENT CASE(S)

ASC CR-24-0004-PR

CASE DECISION

05-Dec-2023 MEMORAND	UM DECISION
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D Williams......Concur

Paul McMurdie.......Concur

Filed:	05-Dec-2023	Mandate:	
		Decision Disposition	
		Affirmed	

109 PROCEEDING ENTRIES

- 1. 20-Jun-2022 FILED: Notice of Appeal from Maricopa County Superior Court filed 06/10/22 Notification to Court Reporters dated 6/17/22
- 22-Jun-2022 FILED: Designation of Record for Appeal (Appellant)
- 3. 23-Jun-2022 FILED: Minute Entry Dated 06/23/2022 (Lisa Bradley)
- 4. 24-Jun-2022 FILED: Amended Designation of Record for Appeal (Appellant)

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		109 PROCEEDING ENTRIES
5.	24-Jun-2022	ORDERED: Court Reporter Lisa A Bradley transcript dated 03/04/2022 due by 08/08/2022. FURTHER ORDERED: Reaffirming this previously set due date of 07/25/2022 for transcripts dated 04/04/2022; 04/06/2022; 04/07/2022; 04/11/2022; 04/13/2022; 04/14/2022; 04/07/2022 for Court Reporter Lisa Bradley. FURTHER ORDERED: Court Reporter Robin Lawlor transcript dated 01/24/2020 due by 08/08/2022. FURTHER ORDERED: Reaffirming this previously set due date of 07/25/2022 for transcripts dated 04/12/2022; 03/30/2022; 03/29/2022 for Court Reporter Robin Lawlor. FURTHER ORDERED: Court Reporter Andres Anaya transcript dated 03/22/2022 due by 08/08/2022. FURTHER ORDERED: Reaffirming this previously set due date of 07/25/2022 for transcripts dated 03/28/2022(a.m. session), 03/31/2022 for Court Reporter Andres Anaya. FURTHER ORDERED: Court Reporter Section 01/20/2018; 01/23/2018; 01/23/2018; 12/21/2017 due by 08/08/2022. FURTHER ORDERED: Court Reporter Catherine Turner transcripts dated 03/17/2022; 11/17/2020; 08/16/2019 due by 08/08/2022. FURTHER ORDERED: Court Reporter Scott Kindle transcript dated 03/04/2022 due by 03/10/2022. FURTHER ORDERED: Ken Crenshaw transcripts dated 02/24/2022; 10/19/2021; 09/02/2021; 07/13/2021 05/25/2021; 06/23/2020; 05/21/2020; 04/23/2020; 07/17/2019; 02/08/2019; 02/04/2019; 10/05/2018; 03/06/2018 due by 08/08/2022. FURTHER ORDERED: Court Reporter Lori Reinhardt transcripts dated 02/15/2022; 02/04/2022 (a.m. & p.m. session); 01/28/2022; 02/23/2021; 02/17/2021; 02/16/2021; 11/18/2020; 08/11/2020 due by 08/08/2022. FURTHER ORDERED: Court Reporter Lori Reinhardt transcripts dated 02/15/2022; 02/04/2022 (a.m. & p.m. session); 11/01/2019; 08/15/2019; 04/12/2019; 11/30/2018; 09/06/2019; 08/11/2020 due by 08/08/2022. FURTHER ORDERED: Court Reporter Antoinette Salazar transcript dated 11/08/2019 (a.m. session) due by 08/08/2022. FURTHER ORDERED: Court Reporter Vanessa Gartner
6.	27-Jun-2022	FILED: Reporter's Transcript - 08/23/2019 - Evidentiary Hearing - Day 2 (Hope J Yeager)
7.	29-Jun-2022	FILED: Reporter's Transcript - 08/16/2019 - Evidentiary Hearing (Lauren Kuhnhenn)
8.	29-Jun-2022	FILED: Reporter's Transcript - 06/17/2020 - Evidentiary Hearing (Kristyn Lobry)
9.	30-Jun-2022	FILED: Minute Entry Correction; Minute Entry Correction; Minute Entry dated 06/29/2022
10.	8-Jul-2022	FILED: Reporter's Transcripts - 04/12/2022 - Jury Trial - Day 10 (Robin Lawlor)
11.	8-Jul-2022	FILED: Reporter's Transcripts - 03/30/2022 - Jury Trial - Day 4 (Robin Lawlor)
12.	8-Jul-2022	FILED: Reporter's Transcripts - 03/29/2022 - Jury Trial - Day 3 (Robin Lawlor)
13.	11-Jul-2022	FILED: Reporter's Transcript - 04/18/2022 - Jury Trial (Tara L. Kramer)
14.	11-Jul-2022	FILED: Reporter's Transcript - 03/04/2022 (Lisa A. Bradley)
15.	11-Jul-2022	FILED: Reporter's Transcript - 04/04/2022 (Lisa A. Bradley)
16.	12-Jul-2022	FILED: Reporter's Transcript - 03/24/2022 - Trial Day 1 (Jennifer Church)
17.	19-Jul-2022	FILED: Reporter's Transcripts - 11/01/2019 - Evidentiary Hearing (Treva B. Colwell)
18.	19-Jul-2022	FILED: Reporter's Transcripts - 01/24/2020 - Evidentiary Hearing (Treva B. Colwell)
19.	19-Jul-2022	FILED: Reporter's Transcripts - 06/16/2020 - Evidentiary Hearing (Treva B. Colwell)
20.	19-Jul-2022	FILED: Reporter's Transcripts - 06/18/2020 - Evidentiary Hearing (Treva B. Colwell)
21.	19-Jul-2022	FILED: Reporter's Transcript - 04/06/2022 (Lisa Bradley)
22.	20-Jul-2022	FILED: Reporter's Transcript - 04/07/2022 (Lisa Bradley)
23.	23-Jul-2022	FILED: Reporter's Transcript - 04/11/2022 (Lisa Bradley)
24.	24-Jul-2022	FILED: Reporter's Transcript - 04/14/2022 (Lisa Bradley)
25.	24-Jul-2022	FILED: Reporter's Transcript - 04/13/2022 (Lisa Bradley)
26.	24-Jul-2022	FILED: Reporter's Transcript - 06/07/2022 (Lisa Bradley)
27.	25-Jul-2022	FILED: Reporter's Transcript - 02/15/2022 (Lori Reinhardt)
28.	25-Jul-2022	FILED: Reporter's Transcript - 01/28/2022 (Lori Reinhardt)
29.	25-Jul-2022	FILED: Reporter's Transcript - 02/23/2021 (Lori Reinhardt)

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30.	25-Jul-2022	FILED: Reporter's Transcript - 02/17/2021 (Lori Reinhardt)
31.	25-Jul-2022	FILED: Reporter's Transcript - 02/16/2021 (Lori Reinhardt)
32.	25-Jul-2022	FILED: Reporter's Transcript - 11/18/2020 (Lori Reinhardt)
33.	25-Jul-2022	FILED: Reporter's Transcript - 08/11/2020 (Lori Reinhardt)
34.	25-Jul-2022	FILED: Reporter's Transcript - 08/16/2019 - Evidentiary Hearing A.M. (Catherine Turner)
35.	25-Jul-2022	FILED: Reporter's Transcript - 11/17/2020 - Evidentiary Hearing (Catherine Turner)
36.	25-Jul-2022	FILED: Reporter's Transcript - 03/17/2022 - Trial Procedure Conference (Catherine Turner)
37.	25-Jul-2022	FILED: Additional Record on Appeal Physical Exhibits: Hearing Date: 11/17/2020 List # 1 2 3 4 5 6 7 8 in box Hearing Date: 02/16/2021 List # 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 23 24 in box Hearing Date: 01/28/2022 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 45 46 47 49 50 54 55 56 57 58 62 64 65 68 70 74 75 67 77 87 98 08 18 18 28 38 58 68 78 88 99 09 2 39 34 95 97 99 100 101 102 103 104 106 108 110 111 112 115 116 117 119 120 121 123 124 127 128 135 136 138 139 140 141 147 148 149 151 152 154 160 164 165 166 167 168 176 177 179 180 (SEALED) 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 207 208 in box Hearing Date: 03/24/2022 List # 3 26 30 32 34 47 47.001 47.002 47.003 47.004 47.005 47.006 85 86 88 89 117 118 123 136 145 170 171 172 173 174 175 176 177 178 179 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 209.001 210 211 212 212.001 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 275 277 278 279 280 281 282 283 284 285 286 287 288 289 289.001 289.002 289.003 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 305 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 360 365 367 368 373 374 375 377 (SEALED) 382 382.001 383 383.001 389 390 391 392 393 394 495 396 397 398 399 400 401 402 403 404 405 406 407 in box Hearing Date: 03/17/2022 List # 1 2 3 in box Hearing Date: 03/17/2022 List # 1 2 3 4 5 6 7 8 9 10 11 in box Sealed Exhibit: Confidential Criminal History Report in Sealed in box Hearing Date: 02/11/2019 List # 1 in box
38.	25-Jul-2022	FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: None Exhibits: None sent with e-Record
39.	27-Jul-2022	FILED: Reporter's Transcript - 03/28/2022 - Trial Day 2 (Andres E Anaya)
40.	27-Jul-2022	FILED: Reporter's Transcripts - 03/31/2022 - Trial Day 5 (Andres E Anaya)
41.	28-Jul-2022	FILED: Reporter's Transcripts - 03/22/2022 - Oral Argument (Andres E Anaya)
42.	28-Jul-2022	FILED: Reporter's Transcript - 08/10/2018 - Final Trial Management Conference (Treva B. Colwell)
43.	28-Jul-2022	FILED: Reporter's Transcript - 08/15/2019 - Status Conference (Treva B. Colwell)
44.	28-Jul-2022	FILED: Reporter's Transcript - 06/14/2019 - Status Conference (Treva B. Colwell)
45.	28-Jul-2022	FILED: Reporter's Transcript - 04/12/2019 - Status Conference (Treva B. Colwell)
46.	28-Jul-2022	FILED: Reporter's Transcript - 11/30/2018 - Status Conference (Treva B. Colwell)
47.	28-Jul-2022	FILED: Reporter's Transcripts - 09/6/2018 - Status Conference (Treva B. Colwell)
48.	29-Jul-2022	ORDERED: Ken Crenshaw transcript dated 10/05/2018 due by 08/29/2022 or OSC set for 09/07/2022. Hon David B Gass - Author
49.	1-Aug-2022	FILED: Reporter's Transcript - 01/24/2020 - Evidentiary Hearing Day 6 (Robin Bobbie Lawlor)
50.	1-Aug-2022	FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
51.	4-Aug-2022	FILED: Reporter's Transcript - 12/21/2017 - Comprehensive Pretrial Conference (Cindy L on behalf of Jean Kappedal)
52.	4-Aug-2022	FILED: Reporter's Transcript - 01/23/2018 - Complex Case Management Conference (Cindy L on behalf of Jean Kappedal)

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53.	4-Aug-2022	FILED: Reporter's Transcript - 02/22/2018 - Complex Case Management Conference (Cindy L on behalf of Jean Kappedal)
54.	4-Aug-2022	FILED: Reporter's Transcript - 04/04/2018 - Comprehensive Pretrial Conference (Cindy L on behalf of Jean Kappedal)
55.	5-Aug-2022	FILED: Reporter's Transcript - 11/08/2019 - Evidentiary Hearing Day 4 (Vanessa Gartner)
56.	7-Aug-2022	FILED: Reporter's Transcript - 04/24/2018 - Status Conference (Cindy Lineburg on behalf of Jeanne Kappedal)
57.	7-Aug-2022	FILED: Reporter's Transcript - 05/09/2018 - Status Conference (Cindy Lineburg on behalf of Jeanne Kappedal)
58.	7-Aug-2022	FILED: Reporter's Transcript - 07/16/2018 - Status Conference (Cindy Lineburg on behalf of Jeanne Kappedal)
59.	8-Aug-2022	FILED: Reporter's Transcript - 03/10/2022 - Trial Procedure Conference (Scott Kindle)
60.	8-Aug-2022	FILED: Reporter's Transcript - 02/04/2022 - Evidentiary Hearing (Jessica Wasdyke)
61.	8-Aug-2022	FILED: Reporter's Transcript - 02/08/2022 - Evidentiary Hearing (Jessica Wasdyke)
62.	8-Aug-2022	FILED: Reporter's Transcript - 11/08/2019 - Continuing Evidentiary Hearing (Antoinette Salazar)
63.	8-Aug-2022	ORDERED: Upon presentation of this order, unsealing the confidential The Court Information Sheet (I.O.R. 3); The sealed Orders (I.O.R. 69, 70, and 102); The Motion for Court Order for Disclosure (I.O.R. 71); The Original Sealed Document (I.O.R. 76); The Motion to File Photograph and Memorandum Under Seal (I.O.R. 101); The Minute Entry dated September 28, 2018 (I.O.R. 105); The County Attorney's Post-Hearing Brief in Opposition to Defendant's Motion to Dismiss (I.O.R. 442); The Memorandum of Relevant Factual Summary and Procedural History (I.O.R. 566); The Letter dated March 25, 2022 (I.O.R. 610); The Email to Counsel Regarding Juror 11 (I.O.R. 645); The Random Jury List (I.O.R. 684); The Jury Questionnaires (I.O.R. 685, 686, 687 and 688); The Restitution Ledger Request (I.O.R. 710); The Sentencing Memorandum (I.O.R. 712); and The State's Sentencing Memorandum (I.O.R. 713) for parties/agents on this appeal only. Benjamin A Armstrong ProTem Judge - Author
64.	8-Aug-2022	ORDERED: Jeanne Kappedal shall turn over all of her Court Reporting notes from all computer hard drives, all external hard drives, all thumb drives, and all SD cards from years 2017 through 2022 to Court Reporting Department Supervisor Vanessa Gartner. FURTHER ORDERD: That Jeanne Kappedal shall take part in a conference call between Vice Chief Judge Gass, and Court Reporting Department Supervisor Vanessa Gartner on 08/10/2022, at 10am to discuss what further actions are needed in order to resolve all of Jeanne Kappedal's pending and future transcripts. Hon David B Gass - Author
65.	10-Aug-2022	FILED: Reporter's Transcript - 02/09/2022 - Evidentiary Hearing (Jessica Wasdyke)
66.	10-Aug-2022	FILED: Motion for Extension of Time (Time to File Transcripts)(Vanessa Gartner on behalf of Jeanne Kappedal))
67.	11-Aug-2022	ORDERED: Motion for Extension of Time (Time to File Transcripts)(Vanessa Gartner on behalf of Jeanne Kappedal)) = GRANTED. Due Dates EXTENDED to 09/07/2022 for Transcripts dated 03/28/2022, 01/10/2020 or OSC set for 09/21/2022. Hon David B Gass - Author
68.	12-Aug-2022	ORDERED: Ken Crenshaw transcripts dated 03/06/2018; 02/04/2019; 02/8/2019; 07/17/2019; 04/23/2020; 05/21/2020; 06/23/2020; 05/25/2021; 07/13/2021; 09/02/2021; 10/19/2021; 02/24/2022 due by 09/12/2022 or OSC set for 09/21/2022. Hon David B Gass - Author
69.	29-Aug-2022	FILED: Reporter's Transcript - 10/05/2018 - Oral Argument (Jacob Ruleaux)
70.	29-Aug-2022	FILED: Reporter's Transcript - 10/05/2018 - Oral Argument (Kimberly McCright)
71.	5-Sep-2022	FILED: Reporter's Transcript - 01/10/2020 - Evidentiary Hearing Day 5 (Cindy L on behalf of Jean Kappedal)
72.	5-Sep-2022	FILED: Reporter's Transcript - 03/28/2022 - Trial (Cindy L on behalf of Jean Kappedal)
73.	9-Sep-2022	FILED: Reporter's Transcript - 04/23/2020 - Status Conference (Brenda Clark)
74.	9-Sep-2022	FILED: Reporter's Transcript - 05/21/2020 - Status Conference (Brenda Clark)
75.	9-Sep-2022	FILED: Reporter's Transcript - 05/25/2021 - Trial Continuance Past Last Day (Brenda Clark)
76.	9-Sep-2022	FILED: Reporter's Transcript - 02/04/2019 - Oral Argument (Brenda Clark)
77.	9-Sep-2022	FILED: Reporter's Transcript - 02/08/2019 - Status Conference (Brenda Clark)
78.	9-Sep-2022	FILED: Reporter's Transcript - 02/24/2022 - Trial Assignment (Brenda Clark)
79.	9-Sep-2022	FILED: Reporter's Transcript - 03/06/2018 - Status Conference (Brenda Clark)
80.	12-Sep-2022	FILED: Reporter's Transcript - 10/19/2021 - Final Trial Management Conference (Kimberly McCright)

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	109 PROCEEDING ENTRIES			
81.	12-Sep-2022	FILED: Reporter's Transcript - 07/17/2019 - Status Conference (Kimberly McCright)		
82.	12-Sep-2022	FILED: Reporter's Transcript - 06/23/2020 - Status Conference (Kimberly McCright)		
83.	12-Sep-2022	FILED: Reporter's Transcript - 07/13/2021 - Status Conference (Kimberly McCright)		
84.	12-Sep-2022	FILED: Reporter's Transcript - 09/02/2021 - Status Conference (Kimberly McCright)		
85.	12-Sep-2022	FILED: Notice of Completion of Record		
86.	16-Sep-2022	FILED: Notice of Appearance; Certificate of Service (Appellant)		
87.	13-Oct-2022	FILED: Motion for Complex Case Designation; Certificate of Service (Appellant)		
88.	19-Oct-2022	ORDERED: Motion for Complex Case Designation (Appellant) = GRANTING the motion and designating this matter a complex case. FURTHER ORDERED: Directing the parties to confer and to submit to this court a joint proposed briefing schedule for the court's consideration. The proposed schedule shall include deadlines for appellant and appellee to file motions to supplement the record. The proposed briefing schedule shall take into consideration that no extensions will be granted absent actual and substantial good cause based upon unforeseeable circumstances. The parties shall submit the proposed schedule by 11/01/2022. FURTHER ORDERED: Vacating the current opening brief due date of 10/27/2022. Hon Kent E Cattani - Author		
89.	31-Oct-2022	FILED: Joint Proposed Briefing Schedule; Certificate of Service (Appellant)		
90.	4-Nov-2022	ORDERED: Appellant's optional motion to supplement the record on appeal must be filed by 12/23/2022. FURTHER ORDERED: Appellant must file the opening brief by 03/10/2023. FURTHER ORDERED: Appellee's optional motion to supplement the record on appeal must be filed by 05/02/2023. FURTHER ORDERED: Appellee must file the answering brief by 07/18/2023. FURTHER ORDERED: Appellant must file the reply brief by 09/15/2023. Hon Kent E Cattani - Author		
91.	14-Feb-2023	FILED: Notice of Appearance; Certificate of Service (Appellee)		
92.	3-Mar-2023	FILED: Motion to Extend Due Date Until April 7, 2023, for Opening Brief (COVID-Related); Certificate of Service (Appellant)		
93.	7-Mar-2023	ORDERED: Motion to Extend Due Date Until April 7, 2023, for Opening Brief (COVID-Related) (Appellant) = GRANTED. Due date to file the Opening Brief EXTENDED from Friday, 03/10/2023 to Monday, 04/10/2023 (appellant). FURTHER ORDERED: Appellee's optional motion to supplement the record on appeal must be filed by 06/01/2023. FURTHER ORDERED: Appellee must file the answering brief by 08/17/2023. FURTHER ORDERED: Appellant must file the reply brief by 10/16/2023. Benjamin A Armstrong ProTem Judge - Author		
94.	10-Apr-2023	FILED: Appellant's Opening Brief; Certificate of Compliance with Rule 31.12, ARCP; Certificate of Service (Appellant)		
95.	20-Jul-2023	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)		
96.	31-Jul-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days		
97.	10-Aug-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record		
98.	26-Sep-2023	CLNDR: CONFERENCE, Department C, 11-8-23, CONFERENCE ROOM.		
99.	9-Oct-2023	FILED: Motion to Extend Time to File Reply Brief Ten Days to October 26, 2023 (First Extension); Certificate of Service (Appellant		
100.	13-Oct-2023	FILED: Addendum to Motion to Extend Time to File Reply Brief Ten Days to October 26, 2023 (First Extension); Certificate of Service (Appellant)		
101.	13-Oct-2023	ORDERED: Motion to Extend Time to File Reply Brief Ten Days to October 26, 2023 (First Extension) (Appellant) = GRANTED. Due date EXTENDED from Monday, 10-16-2023 to Thursday, 10-26-2023. Additional requests for extensions of time will not be considered. Hon D Steven Williams - Author		
102.	16-Oct-2023	FILED: Memorandum resetting conference to 11/15/23 (Judge Williams)		
103.	26-Oct-2023	FILED: Appellant's Reply Brief; Certification Of Compliance With Rule 31.12, Arcp; Certificate of Service (Appellant)		
104.	9-Nov-2023	FILED: Motion for Oral Argument; Certificate of Service (Appellant)		
105.	13-Nov-2023	ORDERED: Motion for Oral Argument (Appellant) = DENIED. Hon D Steven Williams - Author		
106.	5-Dec-2023	MEMORANDUM DECISION (Affirmed) Hon Samuel A Thumma - Author; Hon D Steven Williams - Concur; Hon Paul J McMurdie - Concur		
107.	5-Dec-2023	FILED: Memorandum Decision Distribution List		
108.	5-Jan-2024	FILED: Email Notice from ASC re: Petition for Review filed 01/04/2024; request for partial record		

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109. 5-Jan-2024 FILED: Letter forwarding partial record to Arizona Supreme Court