

Court of Appeals, Division One

Criminal

1 CA-CR 22-0509

STATE v. GODOY

Appellate Case Information

Case Filed: 31-Oct-2022

Case Closed:

Dept/Composition

Department E

Hon. James B Morse
Hon. Cynthia J Bailey
Hon. Brian Y Furuya

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Jacob R Lines, Esq. (AZ Bar No. 22560)

Side 2. JOSE T GODOY, Appellant

(Litigant Group) JOSE T GODOY

- Jose T Godoy

Attorneys for: Appellant

Robert J Trebilcock, Esq. (AZ Bar No. 12004)

Kaitlin Marie Amos, Esq. (AZ Bar No. 37106)

CASE STATUS

Feb 6, 2024.....Under Advisement

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
YUM S1400CR202000491	Threatening or Intimidating, Class 1 Misdemeanor	180 Days, ADOC	Brandon S Kinsey, Authoring Judge of Order		

DESCENDENT CASE(S)

ASC CR-23-0237-PR

2 OPEN DUE DATES

Simultaneous Supplemental Brief Due

Due By:

Thursday, April 11, 2024

Appellant's Simultaneous Brief

Re: * ORDERED: That the parties file simultaneous briefs of no more than 1,500 words explaining how this court should address arguments raised in the opening brief on appeal from a void order. FURTHER ORDERED: Briefs may be filed no later than 04/11/2024, by

Simultaneous Supplemental Brief Due

Due By:

Thursday, April 11, 2024

Appellee's Simultaneous Brief

Re: * ORDERED: That the parties file simultaneous briefs of no more than 1,500 words explaining how this court should address arguments raised in the opening brief on appeal from a void order. FURTHER ORDERED: Briefs may be filed no later than 04/11/2024, by

CASE DECISION

08-Aug-2023 MEMORANDUM DECISION

Vacated

Vacated by ASC Decision Order filed 02/06/2024

Filed:

08-Aug-2023

Mandate:

Decision Disposition

Affirmed

Brian Furuya.....Author

James Morse.....Concur

Cynthia Bailey.....Concur

31 PROCEEDING ENTRIES

1. 31-Oct-2022 FILED: Notice of Appeal from Yuma County Superior Court filed 10/21/22. Notification sent to Court Reporters dated 10/25/2022.

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2. 31-Oct-2022 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None sent with e-Record
(Includes transcripts dated 07/07/2021, 07/08/2021, 08/24/2021, 08/31/2021, 03/23/2021, 07/09/2021, 09/13/2021)
3. 3-Nov-2022 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 09/13/2021 List # 1 2 in manila envelope
Hearing Date: 07/07/2021 07/08/2021 List # 1 2 7 8 9 10 11 12 13 14 16 17 18 19 21 31 in manila envelope
4. 16-Nov-2022 FILED: Appellate Clerk Notice (31.2(g))
5. 23-Nov-2022 FILED: Notice of Completion of Record
6. 9-Jan-2023 FILED: Appellant's Opening Brief; Certification of Compliance; Certificate of Service (Appellant)
7. 9-Jan-2023 FILED: Appendix in Support of Opening Brief (Appellant)
8. 18-Jan-2023 FILED: Notice of Appearance; Certificate of Service (Appellee)
9. 10-Feb-2023 FILED: Motion to Dismiss Appeal and Stay Deadline for Filing Answering Brief; Certificate of Service (Appellee)
10. 21-Feb-2023 ORDERED: Motion to Stay Deadline for Filing Answering Brief (Appellee) = GRANTING the motion and vacating the 02/21/2023, deadline to file the answering brief. A new deadline will be set, if necessary, after the court considers the motion to dismiss. Benjamin A Armstrong ProTem Judge - Author
11. 22-Feb-2023 FILED: Motion for Additional Time in Which to Answer State's Motion to Dismiss; Certificate of Service (Appellant)
12. 22-Feb-2023 FILED: Notice of Appearance; Certificate of Service (Appellant)
13. 23-Feb-2023 ORDERED: Deferring a ruling on motion (Motion to Dismiss Appeal) to panel that considers appeal on merits. FURTHER ORDERED: Answering brief due by 03/27/2023. Benjamin A Armstrong ProTem Judge - Author
14. 27-Feb-2023 ORDERED: Motion for Additional Time in Which to Answer State's Motion to Dismiss (Appellant) = GRANTED and extending the time to file a response to 03/13/2023. FURTHER ORDERED: Vacating the 02/23/2023 order deferring a ruling on the motion to dismiss. FURTHER ORDERED: Vacating the 03/27/2023, due date for the answering brief. Benjamin A Armstrong ProTem Judge - Author

[Vacated per order filed 03/22/2023-ajb]
15. 15-Mar-2023 FILED: Motion To Re-set Due Date For State's Answer Brief; Motion To Withdraw Order Of February 23, 2023 And To Reinstate Order Of February 27, 2027; Certificate of Service (Appellant)
16. 22-Mar-2023 ORDERED: Motion To Re-set Due Date For State's Answer Brief; Motion To Withdraw Order Of February 23, 2023 And To Reinstate Order Of February 27, 2027 (Appellant) = GRANTED and reinstating the 02/23/2023, order deferring a ruling on appellee's motion to dismiss to the panel that considers this appeal on the merits. FURTHER ORDERED: Vacating the 02/27/2023, order extending the time to file a response to the motion to dismiss. FURTHER ORDERED: The answering brief must be filed by 04/21/2023. Benjamin A Armstrong ProTem Judge - Author
17. 21-Apr-2023 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
18. 28-Apr-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
19. 8-May-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
20. 10-May-2023 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
21. 30-May-2023 CLNDR: CONFERENCE, Department E, 7-19-23, CONFERENCE ROOM.
22. 8-Aug-2023 MEMORANDUM DECISION (Affirmed) Hon Brian Y Furuya - Author; Hon James B Morse Jr. - Concur; Hon Cynthia J Bailey - Concur
23. 8-Aug-2023 FILED: Memorandum Decision Distribution List
24. 10-Aug-2023 ORDERED: Motion to Dismiss Appeal and Stay Deadline for Filing Answering Brief (Appellee) = DENIED as moot. Hon Brian Y Furuya - Author
25. 24-Aug-2023 FILED: Appellant's Motion to Reconsider; Certificate of Compliance; Certificate of Service (Appellant)

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26. 30-Aug-2023 ORDERED: Appellant's Motion to Reconsider (Appellant) = DENIED. Hon Brian Y Furuya - Author
27. 15-Sep-2023 FILED: Email Notice from ASC re: Petition for Review filed 09/14/2023; request for partial record
28. 15-Sep-2023 FILED: Letter forwarding partial record to Arizona Supreme Court
29. 6-Feb-2024 FILED: ASC Decision Order, dated 02/06/2024, re: Petition for Review GRANTED; vacating the court of appeals' memorandum decision and remanding to the court of appeals for reconsideration of the arguments raised in Appellant's opening brief on appeal consistent with this decision.
30. 22-Feb-2024 FILED: Arizona Supreme Court Mandate - COA1 Decision Vacated - Remanded to COA1
31. 15-Mar-2024 ORDERED: That the parties file simultaneous briefs of no more than 1,500 words explaining how this court should address arguments raised in the opening brief on appeal from a void order. FURTHER ORDERED: Briefs may be filed no later than 04/11/2024, by close of business. FURTHER ORDERED: That, upon completion of briefing, the court may take further action deemed appropriate. Hon Brian Y Furuya - Author