

Court of Appeals, Division One

Criminal

1 CA-CR 22-0553

STATE v. DAVITT

Appellate Case Information

Case Filed: 23-Nov-2022

Case Closed:

Dept/Composition

Department F

Hon. Jennifer B Campbell
Hon. Kent E Cattani
Hon. Anni Hill Foster

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Ashley Torkelson Levine, Esq. (AZ Bar No. 32544)

Side 2. DANIEL DAVITT, Appellant

(Litigant Group) DANIEL DAVITT

- Daniel Davitt

Attorneys for: Appellant

Stephen M Johnson, Esq. (AZ Bar No. 15831)

CASE STATUS

Jan 22, 2024....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2017-118418-001	See File	See File	Justin Beresky, Sentencing	JURY	

DESCENDENT CASE(S)

ASC CR-24-0024-PR

CASE DECISION

19-Dec-2023 MEMORANDUM DECISION

Jennifer Campbell.....Author
Kent Cattani.....Concur
Anni Foster.....Concur

Filed: 19-Dec-2023

Mandate:

Decision Disposition

Affirmed

78 PROCEEDING ENTRIES

- 23-Nov-2022 FILED: Notice of Appeal from Maricopa County Superior Court filed 11/18/22. Notification sent to Court Reporters dated 11/22/2022.
- 29-Nov-2022 FILED: Appellate Clerk Notice (31.2(g))
- 1-Dec-2022 ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Court Reporters Scott Coniam, Catherine Turner, and Jovanna Roman transcript due by 01/16/2023. Benjamin A Armstrong ProTem Judge - Author
- 15-Dec-2022 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
- 15-Dec-2022 FILED: Designation of Record for Appeal (Appellant)
- 16-Dec-2022 FILED: Reporter's Transcript - 03/20/2018 (Lisa Bradley)
- 20-Dec-2022 ORDERED: Granting the motion and supplementing the record with the transcript of the sealed status conference held before the Honorable Suzanne E. Cohen on 08/20/2021. FURTHER ORDERED: Unsealing the court reporter notes of the proceeding designated above to permit preparation of the transcript for use by the parties for this appeal only. The parties or counsel shall not further disclose or disseminate any information from this proceeding. FURTHER ORDERED: Court Reporter Michele Kaley transcripts due by 01/19/2023. Benjamin A Armstrong ProTem Judge - Author

Court of Appeals, Division One**Criminal****1 CA-CR 22-0553****STATE v. DAVITT****78 PROCEEDING ENTRIES**

8. 27-Dec-2022 ORDERED: Ken Crenshaw transcripts dated 06/29/2017; 07/22/2019; 12/16/2019; 03/09/2020; 07/28/2021; 09/13/2021; 11/15/2021; 03/11/2022; 08/12/2022; 08/25/2022; 08/29/2022 due by 02/10/2023. FURTHER ORDERED: Court Reporter Michele Kaley transcript dated 03/02/2021 due by 02/10/2023. FURTHER ORDERED: Reaffirming this previously set due date of 01/19/2023 for transcript dated 08/20/2021 for Court Reporter Michele Kaley. FURTHER ORDERED: Court Reporter Dalia Ambriz transcript dated 11/09/2018 due by 02/10/2023. FURTHER ORDERED: Court Reporter Nicole Buldis transcript dated 09/25/2019 due by 02/10/2023. FURTHER ORDERED: Court Reporter Jennifer Church transcripts dated 01/14/2020; 12/05/2019; 12/02/2019; 11/21/2019; 09/16/2019; 08/22/2019; 06/17/2019; 05/10/2019; 03/18/2019; 07/10/2018 due by 02/10/2023. FURTHER ORDERED: Court Reporter Treva Colwell transcript dated 01/06/2021 due by 02/10/2023. FURTHER ORDERED: Jeane Kappedal transcript dated 04/13/2022 due by 02/10/2023. FURTHER ORDERED: Court Reporter Scott Kindle transcript dated 01/13/2022 due by 02/10/2023. FURTHER ORDERED: Court Reporter Lauren Kuhnhehn transcript dated 08/06/2021 due by 02/10/2023. FURTHER ORDERED: Court Reporter Kristine Mayo transcript dated 07/26/2022 due by 02/10/2023. FURTHER ORDERED: Court Reporter Marylynn LeMoine transcript dated 01/09/2018 due by 02/10/2023. FURTHER ORDERED: Court Reporter Barbara Stockford transcripts dated 06/06/2018; 05/04/2018 due by 02/10/2023. Hon David B Gass - Author
9. 30-Dec-2022 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 05/10/2019 List # 1 2 4 5 6 in manila envelope
Hearing Date: 09/07/2022 List # 3 7 8 16 in manila envelope
Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope
10. 30-Dec-2022 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: 311
Exhibits: None sent with e-Record
11. 31-Dec-2022 FILED: Reporter's Transcript - 09/07/2022 - Jury Trial (Catherine Turner)
12. 6-Jan-2023 FILED: Notice of Errata Minute Entry dated 01/05/2023 (Michele Kaley)
13. 6-Jan-2023 FILED: Reporter's Transcript - 03/02/2021 - Virtual Status Conference (Michele Kaley)
14. 8-Jan-2023 FILED: Reporter's Transcript - 09/12/2022 - Jury Trial (Catherine Turner)
15. 8-Jan-2023 FILED: Reporter's Transcript - 09/13/2022 - Jury Trial - (Catherine Turner)
16. 8-Jan-2023 FILED: Reporter's Transcript - 09/14/2022 - Jury Trial - (Catherine Turner)
17. 9-Jan-2023 FILED: Reporter's Transcript - 11/18/2022 - Sentencing (Scott Coniam)
18. 9-Jan-2023 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
19. 10-Jan-2023 FILED: Reporter's Transcript - 09/21/2022 - Jury Trial (Catherine Turner)
20. 10-Jan-2023 FILED: Reporter's Transcript - 09/22/2022 - Verdict (Catherine Turner)
21. 11-Jan-2023 FILED: Reporter's Transcript - 06/06/2018 - Status Conference (Barbara Stockford)
22. 13-Jan-2023 FILED: Reporter's Transcript - 09/19/2022 - Jury Trial (Jovanna Roman)
23. 13-Jan-2023 FILED: Reporter's Transcript - 09/21/2022 - Jury Trial (Jovanna Roman)
24. 16-Jan-2023 FILED: Affidavit (Barbara Stockford); Minute Entry
25. 17-Jan-2023 ORDERED: Upon presentation of this order, unsealing the confidential Court Information Sheets (I.O.R. 4 and 9); the Order to File Defendant's Ex Parte Motion for Transport Under Seal (I.O.R. 44); the Motion to File Defendant's Ex Parte Motion for Transport Under Seal (I.O.R. 45); the Defendant's Ex Parte Motion for Transport (I.O.R. 46); the Order for Transport (I.O.R. 47); the Minute Entry dated October 30, 2017 (I.O.R. 48); the Psychotherapy Treatment Plan (I.O.R. 86); the Letter dated February 19, 2019 (I.O.R. 97); the Psychotherapy Progress Note (I.O.R. 141); the "DCS Documents" (I.O.R. 241); the Random Jury List (I.O.R. 281); and the Restitution Ledger Request (I.O.R. 299) for parties/agents in this appeal only. Benjamin A Armstrong ProTem Judge - Author
26. 18-Jan-2023 FILED: Amended Designation of Record (Appellant)
27. 22-Jan-2023 FILED: Reporter's Transcript - 01/09/2018 - Trial Continuance (Marylynn LeMoine Cotton)
28. 23-Jan-2023 FILED: Request for Full Amount of Time to Produce Appeal Transcript; Nunc Pro Tunc Minute Entry

Court of Appeals, Division One**Criminal****1 CA-CR 22-0553****STATE v. DAVITT****78 PROCEEDING ENTRIES**

29.	26-Jan-2023	ORDERED: Request for Full Amount of Time to Produce Appeal Transcript; Nunc Pro Tunc Minute Entry = GRANTING the request and correcting the deadline to file the transcript dated 08/20/2021 to 02/21/2023. Benjamin A Armstrong ProTem Judge - Author
30.	26-Jan-2023	FILED: Reporter's Transcript - 04/13/2022 - Complex Case Mgmt Conference - Terry Masciola (on behalf of Jeanne Kappedal)
31.	27-Jan-2023	FILED: Reporter's Transcript - 11/09/2018 - Status Conference (Dalia Ambriz)
32.	27-Jan-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
33.	30-Jan-2023	FILED: Reporter's Transcript - 01/06/2021 - Final Trial Management Conference (Treva Colwell)
34.	1-Feb-2023	FILED: Reporter's Transcript - 8/09/2021 - Final Trial Management Conference (Lauren Kuhnhehn)
35.	8-Feb-2023	FILED: Reporter's Transcript - 01/13/2022 - Complex Case Management Conference (Scott Kindle)
36.	9-Feb-2023	FILED: Reporter's Transcript - 07/10/2018 - Final Trial Management Conference (Jennifer Church)
37.	9-Feb-2023	FILED: Reporter's Transcript - 03/18/2019 - Final Trial Management Conference (Jennifer Church)
38.	9-Feb-2023	FILED: Reporter's Transcript - 05/10/2019 - Voluntariness Hearing (Jennifer Church)
39.	9-Feb-2023	FILED: Reporter's Transcript - 06/17/2019 - Final Trial Management Conference (Jennifer Church)
40.	9-Feb-2023	FILED: Reporter's Transcript - 08/22/2019 - Final Trial Management Conference (Jennifer Church)
41.	9-Feb-2023	FILED: Reporter's Transcript - 09/16/2019 - Status Conference (Jennifer Church)
42.	10-Feb-2023	FILED: Reporter's Transcripts - 07/26/2022 - Status Hearing (Kristine Mayo)
43.	10-Feb-2023	FILED: Reporter's Transcript - 09/25/2019 - Final Trial Management Conference (Nicole Buldis)
44.	11-Feb-2023	FILED: Reporter's Transcript - 11/21/2019 - Status Conference (Jennifer Church)
45.	11-Feb-2023	FILED: Reporter's Transcript - 12/02/2019 - Final Trial Management Conference (Jennifer Church)
46.	11-Feb-2023	FILED: Reporter's Transcript - 12/05/2019 - Final Trial Management Conference (Jennifer Church)
47.	11-Feb-2023	FILED: Reporter's Transcript - 01/14/2020 - Final Trial Management Conference (Jennifer Church)
48.	13-Feb-2023	ORDERED: Ken Crenshaw transcripts dated 06/29/2017; 05/04/2018; 07/22/2019; 12/16/2019; 03/09/2020; 07/28/2021; 09/13/2021; 11/15/2021; 03/11/2022; 08/12/2022; 08/25/2022; 08/29/2022 due by 03/15/2023 or OSC set for 04/05/2023. Hon David B Gass - Author
49.	14-Feb-2023	FILED: Reporters Transcript - 08/20/2021 (Tara L Kramer)(SEALED)
50.	2-Mar-2023	FILED: Reporter's Transcript - 06/29/2017 - Initial Pretrial Conference (Kimberly McCright)
51.	2-Mar-2023	FILED: Reporter's Transcript - 05/04/2018 - Settlement Conference (Kimberly McCright)
52.	2-Mar-2023	FILED: Reporter's Transcript - 07/22/2019 - Trial Continuance (Kimberly McCright)
53.	2-Mar-2023	FILED: Reporter's Transcript - 12/16/2019 - Trial Vacated / Status Conference Set (Kimberly McCright)
54.	2-Mar-2023	FILED: Reporter's Transcript - 03/09/2020 - Status Conference (Kimberly McCright)
55.	2-Mar-2023	FILED: Reporter's Transcript - 07/28/2021 - Settlement Conference (Kimberly McCright)
56.	2-Mar-2023	FILED: Reporter's Transcript - 09/13/2021 - Status Conference (Kimberly McCright)
57.	2-Mar-2023	FILED: Reporter's Transcript - 11/15/2021 - Final Trial Management Conference Re-Set (Kimberly McCright)
58.	2-Mar-2023	FILED: Reporter's Transcript - 03/11/2022 - Complex Case Management Conference (Kimberly McCright)
59.	2-Mar-2023	FILED: Reporter's Transcript - 08/12/2022 - Final Trial Management Conference (Kimberly McCright)
60.	2-Mar-2023	FILED: Reporter's Transcript - 08/25/2022 - Trial Assignment (Kimberly McCright)
61.	2-Mar-2023	FILED: Reporter's Transcript - 08/29/2022 - Trial Procedure Conference (Kimberly McCright)
62.	14-Mar-2023	FILED: Notice of Completion of Record

Court of Appeals, Division One**Criminal****1 CA-CR 22-0553****STATE v. DAVITT****78 PROCEEDING ENTRIES**

63.	22-Mar-2023	FILED: Memorandum: Technical Issues Impacting Electronic Filing (A. Wood)
64.	23-Mar-2023	FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
65.	30-Mar-2023	ORDERED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date (Appellant) = GRANTED. FURTHER ORDERED: Appointing attorney Stephen Johnson as attorney for appellant in this appeal. FURTHER ORDERED: Maricopa County Public Defender must immediately forward all files, records, transcripts, and other documents that relate to this appeal to newly-appointed counsel. FURTHER ORDERED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date (Appellant) = GRANTED. Due date EXTENDED from Friday, 04-28-2023 to Monday, 06-12-2023. Benjamin A Armstrong ProTem Judge - Author
66.	12-Jun-2023	FILED: Request for Extension of Time to File Opening Brief (My First Request); Certificate of Service (Appellant)
67.	14-Jun-2023	ORDERED: Request for Extension of Time to File Opening Brief (My First Request) (Appellant) = GRANTED. Due date EXTENDED from Monday, 06-12-2023 to Wednesday, 07-12-2023 Benjamin A Armstrong ProTem Judge - Author
68.	13-Jul-2023	FILED: Appellant's Opening Brief; Certificate of Service (Appellant)
69.	19-Jul-2023	FILED: Notice of Appearance; Certificate of Service (Appellee)
70.	22-Aug-2023	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
71.	29-Aug-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
72.	8-Sep-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
73.	11-Sep-2023	FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
74.	2-Oct-2023	CLNDR: CONFERENCE, Department F, 11-16-23, COURTROOM 1.
75.	19-Dec-2023	MEMORANDUM DECISION (Affirmed) Hon Jennifer B Campbell - Author; Hon Kent E Cattani - Concur; Hon Anni Hill Foster - Concur
76.	19-Dec-2023	FILED: Memorandum Decision Distribution List
77.	22-Jan-2024	FILED: Email Notice from ASC re: Petition for Review filed 01/18/2024; request for partial record
78.	22-Jan-2024	FILED: Letter forwarding partial record to Arizona Supreme Court