

Court of Appeals, Division One**Criminal - Anders Appeal****1 CA-CR 22-0561****STATE v. AVILA-LOVATO****Appellate Case Information**Case Filed: **29-Nov-2022**Case Closed: **2-Apr-2024****Decision****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

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

Side 2. JUAN JOSEPH AVILA-LOVATO, Appellant**(Litigant Group) JUAN JOSEPH AVILA-LOVATO**

- Juan Joseph Avila-Lovato

Attorneys for: Appellant

Michael J Dew, Esq. (AZ Bar No. 4543)

CASE STATUS**Apr 2, 2024.....Case Closed**

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CR2021-142743-001	Unlaw Flight from Law Enf Veh, Class 5	2 Years Supervised Probation	David W Garbarino, Sentencing	JURY	

CASE DECISION**22-Feb-2024 MEMORANDUM DECISION**

Brian Furuya.....Author

James Morse.....Concur

Cynthia Bailey.....Concur

Filed: **22-Feb-2024**Mandate: **02-Apr-2024**

Decision Disposition

Affirmed**37 PROCEEDING ENTRIES**

- 29-Nov-2022 FILED: Notice of Appeal from Maricopa County Superior Court filed 11/18/22. Notification sent to Court Reporters dated 11/28/2021.
- 2-Dec-2022 FILED: Appellate Clerk Notice (31.2(g))
- 6-Dec-2022 ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Court Reporters Hope Yeager, Lori Reinhardt and Ken Crenshaw transcripts due by 01/19/2023. Benjamin A Armstrong ProTem Judge - Author
- 9-Dec-2022 FILED: Designation of Record for Appeal (Appellant)
- 13-Dec-2022 ORDERED: Ken Crenshaw transcripts dated 02/17/2022; 08/29/2022; 10/12/2022 due by 01/27/2023. FURTHER ORDERED: Reaffirming this previously set due date of 01/19/2023 fro transcript dated 11/18/2022 for Ken Crenshaw. Hon David B Gass - Author
- 30-Dec-2022 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 10/17/2022 List # 2 3 4 5 8 9 10 14 15 16 17 18 19 20
21 22 25 28 29 30 31 in manila envelope
Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope
- 30-Dec-2022 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None sent with e-Record
- 12-Jan-2023 FILED: Request for Extension of Time (Time to File Transcript)(Lori Reinhardt)
- 13-Jan-2023 ORDERED: Request for Extension of Time (Time to File Transcript)(Lori Reinhardt) = GRANTED. Due Dates EXTENDED to 02/21/2023 for Transcripts dated 10/18/2022, 10/17/2022 or OSC set for 03/01/2023. Hon David B Gass - Author

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10.	20-Jan-2023	FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
11.	20-Jan-2023	ORDERED: Ken Crenshaw transcript dated 11/18/2022 due by 02/21/2023 or OSC set for 03/01/2023. Hon David B Gass - Author
12.	20-Jan-2023	ORDERED: Court Reporter Hope Yeager set for OSC on 02/01/2023 for transcript dated 10/19/2022. Hon David B Gass - Author
13.	20-Jan-2023	FILED: Reporter's Transcript - 10/19/2022 - Trial Day 3 - AMPM - (Hope J Yeager)
14.	30-Jan-2023	ORDERED: Upon presentation of this order, unsealing the confidential Court Information Sheet (I.O.R. 5) and the Random Jury List (I.O.R. 48) for parties/agents on this appeal only. Benjamin A Armstrong ProTem Judge - Author
15.	1-Feb-2023	ORDERED: Ken Crenshaw transcripts dated 02/17/2022; 08/29/2022; 10/12/2022 due by 03/03/2023 or OSC set for 03/15/2023. Hon David B Gass - Author
16.	15-Feb-2023	FILED: Reporter's Transcript - 10/12/2022 - Trial Procedure Conference (Cathy Kleinbart)
17.	15-Feb-2023	FILED: Reporter's Transcript - 08/29/2022 - Trial Continuance (Cathy Kleinbart)
18.	15-Feb-2023	FILED: Reporter's Transcript - 10/12/2022 - Trial Assignment (Cathy Kleinbart)
19.	15-Feb-2023	FILED: Reporter's Transcript - 11/18/2022 - Sentencing (Cathy Kleinbart)
20.	17-Feb-2023	FILED: Reporter's Transcript - 10/17/2022 - Trial Day 1 (Lori Reinhardt)
21.	17-Feb-2023	FILED: Reporter's Transcript - 10/18/2022 - Trial Day 2 (Lori Reinhardt)
22.	15-Mar-2023	FILED: Affidavit - 03/15/2023 - Affidavit Re: Ordered Transcripts (Ken Crenshaw)
23.	22-Mar-2023	ORDERED: Vacating the 03/03/2023 due date for Ken Crenshaw to prepare the 02/17/2022 transcript. FURTHER ORDERED: That this order be sent to Ken Crenshaw. Benjamin A Armstrong ProTem Judge - Author
24.	8-Sep-2023	FILED: Notice of Completion of Record
25.	12-Sep-2023	FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
26.	13-Sep-2023	FILED: Notice of Appointment of Appellate Counsel; Certificate of Service (Appellant)
27.	18-Sep-2023	ORDERED: Motion to Withdraw and Substitute New Counsel (Appellant) = GRANTED. FURTHER ORDERED: Acknowledging the appointment of attorney Michael Dew 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 Extend Opening Brief Due Date = GRANTED. Due date EXTENDED from Monday, 10-23-2023 to Thursday, 11-02-2023. Benjamin A Armstrong ProTem Judge - Author
28.	28-Oct-2023	FILED: Appellant's Opening Brief (Anders Brief); Certificate of Compliance; Certificate of Service (Appellant)
29.	31-Oct-2023	ORDERED: If appellant wishes to file a pro se supplemental opening brief raising additional issues on appeal, appellant must do so by 12/11/2023. If appellant chooses to file a supplemental opening brief, appellant must file an original and one copy with the Clerk of this Court, provide two copies to appellee and provide one copy to appellant's counsel. FURTHER ORDERED: Directing appellant's counsel to furnish appellant a paper copy of the opening brief, together with a paper copy of all records on appeal, including all transcripts in counsel's possession. Counsel shall provide the Clerk of this Court and appellee a copy of counsel's transmittal letter, specifying the documents forwarded to appellant. FURTHER ORDERED: The filing of an answering brief shall await further order of the Court. Benjamin A Armstrong ProTem Judge - Author
30.	6-Nov-2023	FILED: Letter, dated 11/02/2023, to Appellant from Counsel re: Forwarding records on appeal (Appellant)
31.	18-Dec-2023	FILED: Assigning Anders appeal to Dept E for consideration and disposition. [Amy M. Wood, Clerk]
32.	18-Dec-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
33.	27-Dec-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Disposition Report)
34.	22-Feb-2024	MEMORANDUM DECISION (Affirmed) Hon Brian Y Furuya - Author; Hon James B Morse Jr. - Concur; Hon Cynthia J Bailey - Concur (Motion for reconsideration extended thirty days from date of this decision.)
35.	22-Feb-2024	FILED: Decision Distribution Notification
36.	2-Apr-2024	FILED: Mandate, Physical record to clerk, Maricopa County Superior Court.
37.	2-Apr-2024	FILED: Letter dated 04/02/2024, to Dept Public Safety Re: Copy of Mandate/Decision/Disposition Report

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