

Court of Appeals, Division One

Criminal

1 CA-CR 23-0059

STATE v. MCSMITH

Appellate Case Information

Case Filed: 16-Feb-2023

Case Closed:

Dept/Composition

Department E

Hon. Anni Hill Foster
Hon. Brian Y Furuya
Hon. Randall M Howe

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Kevin M Morrow, Esq. (AZ Bar No. 34697)

Side 2. SAMUEL MCSMITH, Appellant

(Litigant Group) SAMUEL MCSMITH

- Samuel McSmith

Attorneys for: Appellant

Aaron J Moskowitz, Esq. (AZ Bar No. 22246)

CASE STATUS

Feb 27, 2024....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2018-153124-001			Tracy Renee Nadzieja, Sentencing	PROBVIOL	

DESCENDENT CASE(S)

ASC CR-24-0079-PR

OPEN DUE DATE

Petition for Review to ASC due

Due By:

Monday, April 29, 2024

[1 extension]

Re: MEMORANDUM DECISION (Affirmed) Hon Anni Hill Foster - Author; Hon Brian Y Furuya - Concur; Hon Randall M Howe - Concur

CASE DECISION

27-Feb-2024 MEMORANDUM DECISION

Anni Foster.....Author
Brian Furuya.....Concur
Randall Howe.....Concur

Filed: 27-Feb-2024

Mandate:

Decision Disposition

Affirmed

42 PROCEEDING ENTRIES

- 16-Feb-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 02/13/23. Notification sent to Court Reporters dated 02/15/2023.
- 24-Feb-2023 FILED: Appellate Clerk Notice (31.2(g))
- 28-Feb-2023 FILED: Designation of Record for Appeal (Appellant)
- 13-Mar-2023 ORDERED: Ken Crenshaw shall file in this Court the transcript(s) of proceeding(s) dated 08/29/2022, 10/12/2022, and 12/02/2022 by 04/27/2023. FURTHER ORDERED: Reaffirming this previously set due date of 03/30/2023, as it relates to the transcripts of 02/01/2023, for Ken Crenshaw. Hon David B Gass - Author
- 27-Mar-2023 FILED: Reporter's Transcript - 08/29/2022 - Revocation Arraignment-Denial (Kimberly McCright)
- 27-Mar-2023 FILED: Reporter's Transcript - 10/12/2022 - Witness Violation Hearing - Continuance (Kimberly McCright)
- 27-Mar-2023 FILED: Reporter's Transcript - 12/02/2022 - Witness Violation Hearing (Kimberly McCright)
- 27-Mar-2023 FILED: Reporter's Transcript - 02/01/2023 - Disposition Hearing (Kimberly McCright)

Court of Appeals, Division One**Criminal****1 CA-CR 23-0059****STATE v. MCSMITH****42 PROCEEDING ENTRIES**

9.	29-Mar-2023	FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: 31 Exhibits: None sent with e-Record
10.	29-Mar-2023	FILED: Additional Record on Appeal Physical Exhibits: Hearing Date: 10/12/2022 - LIST # 1 4 5 6 IN MANILA ENVELOPE Sealed Exhibit: Confidential Criminal History Report in Sealed Manila Envelope
11.	3-Apr-2023	FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
12.	4-Apr-2023	FILED: Notice of Completion of Record
13.	5-Apr-2023	FILED: Notice of Appearance; Certificate of Service (Appellant)
14.	11-Apr-2023	ORDERED: Motion to Unseal Documents (Appellant) = GRANTED. Upon presentation of this order, unsealing Court Information Sheet (I.O.R. 2), for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
15.	2-May-2023	FILED: Motion to Supplement the Record and Motion to Vacate the Opening Brief's Deadline; Certificate of Service (Appellant)
16.	9-May-2023	ORDERED: Motion to Supplement the Record (Appellant) = GRANTED. Ken Crenshaw transcripts of 09/29/2020, 12/08/2020, 01/21/2021, 01/21/2021, 05/03/2021, 02/01/2022, 03/01/2021 due by 06/07/2023. FURTHER ORDERED: Motion to Vacate the Opening Brief's Deadline = Extending the time to file the Opening Brief to 07/07/2023. Benjamin A Armstrong ProTem Judge - Author
17.	5-Jun-2023	FILED: Reporter's Transcript - 09/29/2020 - Not Guilty Arraignment (Kimberly McCright)
18.	5-Jun-2023	FILED: Reporter's Transcript - 12/08/2020 - Settlement Conference (Kimberly McCright)
19.	5-Jun-2023	FILED: Reporter's Transcript - 01/21/2021 - Plea Agreement/Change of Plea (Kimberly McCright)
20.	5-Jun-2023	FILED: Reporter's Transcript - 05/03/2021 - Sentence Hearing (Kimberly McCright)
21.	5-Jun-2023	FILED: Reporter's Transcript - 02/01/2022 - DUI Court Status Hearing (Kimberly McCright)
22.	5-Jun-2023	FILED: Reporter's Transcript - 03/01/2022 - DUI Court Status Hearing (Kimberly McCright)
23.	13-Jun-2023	ORDERED: Ken Crenshaw transcript dated 01/21/2021 due by 07/13/2023 or OSC set on 07/19/2023. FURTHER ORDERED: Extending the time to file the opening brief to 08/14/2023. Benjamin A Armstrong ProTem Judge - Author [VACATED per order filed 07/19/2023]
24.	18-Jul-2023	FILED: Affidavit Regarding Ordered Transcripts (Ken Crenshaw)
25.	19-Jul-2023	ORDERED: Vacating the 06/13/2023, order directing Ken Crenshaw to arrange for the preparation of an additional transcript for the 01/21/2021, proceedings. FURTHER ORDERED: Vacating the order to show cause hearing set for Ken Crenshaw on 07/19/2023. Benjamin A Armstrong ProTem Judge - Author
26.	8-Aug-2023	FILED: Motion for Extension of Time to File Appellant's Opening Brief; Certificate of Service (Appellant)
27.	8-Aug-2023	ORDERED: Motion for Extension of Time to File Appellant's Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 08-14-2023 to Wednesday, 09-13-2023. Benjamin A Armstrong ProTem Judge - Author
28.	13-Sep-2023	FILED: Appellant's Opening Brief; Certification Of Compliance With Rule 31.12, Arcp; Certificate of Service (Appellant)
29.	15-Sep-2023	FILED: Notice of Appearance; Certificate of Service (Appellee)
30.	5-Oct-2023	FILED: Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
31.	5-Oct-2023	ORDERED: Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Monday, 10-23-2023 to Wednesday, 11-22-2023. Benjamin A Armstrong ProTem Judge - Author
32.	22-Nov-2023	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
33.	28-Nov-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
34.	8-Dec-2023	FILED: Motion for Extension of Time to File Appellant's Reply Brief; Certificate of Service (Appellant)
35.	8-Dec-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record

Court of Appeals, Division One**Criminal****1 CA-CR 23-0059****STATE v. MCSMITH****42 PROCEEDING ENTRIES**

- | | | |
|-----|-------------|--|
| 36. | 11-Dec-2023 | ORDERED: Motion for Extension of Time to File Appellant's Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 12-12-2023 to Tuesday, 01-02-2024. Benjamin A Armstrong ProTem Judge - Author |
| 37. | 21-Dec-2023 | CLNDR: CONFERENCE, Department E, 2-8-24, COURTROOM 2. |
| 38. | 2-Jan-2024 | FILED: Appellant's Reply Brief; Certification of Compliance With Rule 31.12, ARCP; Certificate of Service (Appellant) |
| 39. | 27-Feb-2024 | MEMORANDUM DECISION (Affirmed) Hon Anni Hill Foster - Author; Hon Brian Y Furuya - Concur; Hon Randall M Howe - Concu |
| 40. | 27-Feb-2024 | FILED: Decision Distribution Notification |
| 41. | 21-Mar-2024 | FILED: Letter, dated 03/21/2024, to Appellant from Counsel re: Right to File Petition for Review (Appellant) |
| 42. | 22-Mar-2024 | FILED: ASC Order filed 03/22/2024 re: extending time for filing Petition for Review to 04/29/2024; matter is subject to dismissal if the petition for review is not filed by 04/29/2024. |