

# Court of Appeals, Division One

Criminal

**1 CA-CR 23-0209**

**STATE v. LALLANDE**

## Appellate Case Information

Case Filed: 6-Jun-2023

Case Closed:

## Dept/Composition

### Department F

Hon. Daniel J Kiley  
Hon. Kent E Cattani  
Hon. D Steven Williams

## Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

### Attorneys for: Appellee

Amy Pignatella Cain, Esq. (AZ Bar No. 20629)

## Side 2. THOMAS J LALLANDE, IV, Appellant

(Litigant Group) THOMAS J LALLANDE, IV

- Thomas J Lallande, IV

### Attorneys for: Appellant

Stephen N Mercer, Esq. (AZ Bar No. 20242)

## CASE STATUS

Apr 18, 2024.....Under Advisement

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2020-000414-001	Narcotic Drug-Possess for Sale, Class 2; Dangerous Drug-Poss/Use, Class 4; Drug Paraphernalia-Possess/Use, Class 6	5 years, ADOC; 2.5 years, ADOC; 1 year, ADOC	Lisa Ann Vandenberg, Sentencing	JURY	

## CALENDAR

Thursday MONTHLY COURT CASE CALENDAR  
18-Apr-2024 Department F; CONFERENCE ROOM

CR Cases

## 64 PROCEEDING ENTRIES

- 6-Jun-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 05/24/23. Notification sent to Court Reporters dated 06/05/2023.
- 6-Jun-2023 FILED: Appellate Clerk Notice (31.2(g))
- 8-Jun-2023 ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Ken Crenshaw and Court reporters Scott Kindle, Robin Lawlor, transcripts due 07/24/2023 Benjamin A Armstrong ProTem Judge - Author
- 13-Jun-2023 FILED: Returned US Mail, Appellate Clerk Notice (31.2(g)) dated 06/06/2023, addressed to Thomas J Lallande IV, No Longer in Custody
- 14-Jun-2023 FILED: Reporter's Transcript - 05/18/2023 - Sentencing (Robin Lawlor)
- 20-Jun-2023 FILED: Courtesy Copy - Designation of Record for Appeal Filed in Superior Court (Appellant)
- 21-Jun-2023 ORDERED: Ken Crenshaw transcripts dated 04/27/2021, 06/21/2021, 08/03/2021, 08/19/2021, 09/22/2021, 10/26/2021, 11/09/2021, 01/05/2022, 01/18/2022, 01/19/2022, 02/01/2022, 02/23/2022, 03/31/2022, 04/28/2022, 05/12/2022, 07/21/2022, 09/08/2022, 10/27/2022, 11/10/2022, 11/14/2022, 11/17/2022, 12/15/2022, 01/12/2023, 02/07/2023, 03/17/2023 due by 08/07/2023. FURTHER ORDERED: Reaffirming this previously set due date of 07/24/2023, as it relates to the transcripts of 11/01/2021, for Ken Crenshaw. FURTHER ORDERED: Court Reporter Linda Lopez transcript dated 02/07/2022 due by 08/07/2023. FURTHER ORDERED: Court Reporter Terry L Masciola transcript dated 02/02/2022 due by 08/07/2023. FURTHER ORDERED: Court Reporter Catherine Turner transcript dated 01/24/2022 due by 08/07/2023. Hon David B Gass - Author
- 6-Jul-2023 FILED: Additional Record on Appeal  
Physical Exhibits:  
Hearing Date: 02/10/2022 List # 4 5 6 7 11 15 16 17 19 20 21 22 23  
24 25 26 27 28 30 31 32 33 in manila envelope  
Sealed Exhibit:  
Confidential Criminal History Report in Sealed Manila Envelope

**Court of Appeals, Division One****Criminal****1 CA-CR 23-0209****STATE v. LALLANDE****64 PROCEEDING ENTRIES**

9. 6-Jul-2023 FILED: e-Record on Appeal:  
Instruments/Minute Entries: Combined  
Disposition Report: 174  
Exhibits: None sent with e-Record
10. 19-Jul-2023 FILED: Reporter's Transcript - 01/24/2022 - Jury Trial/Continuance - (Catherine Turner)
11. 19-Jul-2023 FILED: First Request for Extension of Time to File Transcripts (Scott Kindle)
12. 20-Jul-2023 ORDERED: First Request for Extension of Time to File Transcripts (Scott Kindle) = GRANTED. Due Dates EXTENDED to 08/23/2023 for Transcripts dated 02/10/2022, 02/15/2022 or OSC set for 08/30/2023. Hon Randall M Howe - Author  
  
[AMENDED per order filed 08/09/2023]
13. 1-Aug-2023 ORDERED: Ken Crenshaw transcript dated 11/01/2021 due by 08/31/2023 or OSC set on 09/06/2023. Hon Randall M Howe - Author
14. 2-Aug-2023 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
15. 4-Aug-2023 ORDERED: Motion to Unseal Documents (Appellant) = GRANTED. Upon presentation of this order, unsealing the Court Information Sheets (I.O.R. 3 and 22); the Random Jury List (I.O.R. 123); the Medical Report of Dr. Jason Frizzel dated 03/23/2022 (I.O.R. 157); the Medical Report of Dr. Katherine Spector dated 03/24/2022 (I.O.R. 158); and the Medical Report of Dr. Jason Frizzell dated 04/21/2022 (I.O.R. 159), for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
16. 4-Aug-2023 FILED: Reporter's Transcript - 02/07/2022 - Trial Preparation Conference - (Linda Lopez)
17. 5-Aug-2023 FILED: First Motion for Extension of Time to File Transcript (Terry Masciola)
18. 7-Aug-2023 ORDERED: First Motion for Extension of Time to File Transcript (Terry Masciola) = GRANTED. Due date EXTENDED from Monday, 08-07-2023 to Wednesday, 09-06-2023 (Transcript for 02/02/2022 by Reporter Terry L Masciola) or OSC set for 09/13/2023. Hon Randall M Howe - Author  
  
[AMENDED per order filed 08/09/2023]
19. 9-Aug-2023 FILED: Untitled Motion for Extension (Time to File Transcripts) (Kimberly McCright)
20. 9-Aug-2023 ORDERED: Untitled Motion for Extension (Time to File Transcripts) (Kimberly McCright) = GRANTED. Due Dates EXTENDED to 09/06/2023 for Transcripts dated 04/27/2021, 06/21/2021, 08/03/2021, 08/19/2021, 09/22/2021, 10/26/2021, 11/09/2021, 01/05/2022, 01/18/2022, 01/19/2022, 02/01/2022, 02/23/2022, 03/31/2022, 04/28/2022, 05/12/2022, 07/21/2022, 09/08/2022, 10/27/2022, 11/10/2022, 11/14/2022, 11/17/2022, 12/15/2022, 01/12/2023, 02/07/2023, 03/17/2023 or OSC set on 09/13/2023. Hon Randall M Howe - Author  
  
[AMENDED per order filed 08/09/2023]
21. 9-Aug-2023 AMENDED ORDER: First Request for Extension of Time to File Transcripts (Scott Kindle) = GRANTED. Due Dates EXTENDED to 08/23/2023 for Transcripts dated 02/10/2022, 02/15/2022 or OSC set for 09/06/2023. Hon Randall M Howe - Author
22. 9-Aug-2023 AMENDED ORDER: Untitled Motion for Extension (Time to File Transcripts) (Kimberly McCright) = GRANTED. Due Dates EXTENDED to 09/06/2023 for Transcripts dated 04/27/2021, 06/21/2021, 08/03/2021, 08/19/2021, 09/22/2021, 10/26/2021, 11/09/2021, 01/05/2022, 01/18/2022, 01/19/2022, 02/01/2022, 02/23/2022, 03/31/2022, 04/28/2022, 05/12/2022, 07/21/2022, 09/08/2022, 10/27/2022, 11/10/2022, 11/14/2022, 11/17/2022, 12/15/2022, 01/12/2023, 02/07/2023, 03/17/2023 or OSC set on 09/20/2023. Hon Randall M Howe - Author
23. 9-Aug-2023 AMENDED ORDER: First Motion for Extension of Time to File Transcript (Terry Masciola) = GRANTED. Due date EXTENDED from Monday, 08-07-2023 to Wednesday, 09-06-2023 (Transcript for 02/02/2022 by Reporter Terry L Masciola) or OSC set for 09/20/2023. Hon Randall M Howe - Author
24. 14-Aug-2023 FILED: Reporter's Transcript - 02/02/2022 - Status Conference/TPC Conference - (Terry Masciola)
25. 16-Aug-2023 FILED: Reporter's Transcript - 02/10/2022 - Trial Day 1 (Scott Kindle)
26. 16-Aug-2023 FILED: Reporter's Transcript - 02/15/2022 - Trial Day 2 (Scott Kindle)
27. 1-Sep-2023 FILED: Reporter's Transcript - 11/01/2021 - Oral Argument (Kimberly C. McCright)
28. 6-Sep-2023 FILED: Reporter's Transcript - 09/22/2021 - Trial Continuance Past Last Day (Kimberly C. McCright)
29. 6-Sep-2023 FILED: Reporter's Transcript - 10/26/2021 - Final Trial Management Conference (Kimberly C. McCright)
30. 6-Sep-2023 FILED: Reporter's Transcript - 11/09/2021 - Trial Assignment (Kimberly C. McCright)

**Court of Appeals, Division One****Criminal****1 CA-CR 23-0209****STATE v. LALLANDE****64 PROCEEDING ENTRIES**

31.	6-Sep-2023	FILED: Reporter's Transcript - 01/05/2022 - Final Trial Management Conference (Kimberly C. McCright)
32.	6-Sep-2023	FILED: Reporter's Transcript - 04/27/2021 - Status Conference (Kimberly C. McCright)
33.	6-Sep-2023	FILED: Reporter's Transcript - 06/21/2021 - Status Conference (Kimberly C. McCright)
34.	6-Sep-2023	FILED: Reporter's Transcript - 08/03/2021 - Settlement Conference (Kimberly C. McCright)
35.	6-Sep-2023	FILED: Reporter's Transcript - 08/19/2021 - Settlement Conference (Kimberly C. McCright)
36.	6-Sep-2023	FILED: Reporter's Transcript - 01/18/2022 - Trial Assignment (Kimberly C. McCright)
37.	6-Sep-2023	FILED: Reporter's Transcript - 01/19/2022 - Trial Procedure Conference (Kimberly C. McCright)
38.	6-Sep-2023	FILED: Reporter's Transcript - 02/01/2022 - Trial Assignment (Kimberly C. McCright)
39.	6-Sep-2023	FILED: Reporter's Transcript - 02/23/2022 - Status Conference (Kimberly C. McCright)
40.	6-Sep-2023	FILED: Reporter's Transcript - 11/17/2022 - Criminal Competency Hearing Continuance (Kimberly C. McCright)
41.	6-Sep-2023	FILED: Reporter's Transcript - 12/15/2022 - Rule 11 Evidentiary Hearing (Kimberly C. McCright)
42.	6-Sep-2023	FILED: Reporter's Transcript - 01/12/2023 - Status Conference (Kimberly C. McCright)
43.	6-Sep-2023	FILED: Reporter's Transcript - 02/07/2023 - Settlement Conference (Kimberly C. McCright)
44.	6-Sep-2023	FILED: Reporter's Transcript - 03/31/2022 - Criminal Competency Hearing Continuance (Kimberly C. McCright)
45.	6-Sep-2023	FILED: Reporter's Transcript - 04/28/2022 - Criminal Competency Hearing Continuance (Kimberly C. McCright)
46.	6-Sep-2023	FILED: Reporter's Transcript - 05/12/2022 - Criminal Competency Hearing Continuance Rule 11 Evidentiary Hearing Set (Kimberly C. McCright)
47.	6-Sep-2023	FILED: Reporter's Transcript - 07/21/2022 - Status Conference (Kimberly C. McCright)
48.	6-Sep-2023	FILED: Reporter's Transcript - 09/08/2022 - Status Conference (Kimberly C. McCright)
49.	6-Sep-2023	FILED: Reporter's Transcript - 10/27/2022 - Status Conference (Kimberly C. McCright)
50.	6-Sep-2023	FILED: Reporter's Transcript - 11/10/2022 - Status Conference (Kimberly C. McCright)
51.	6-Sep-2023	FILED: Reporter's Transcript - 11/14/2022 - Criminal Competency Hearing Continuance (Kimberly C. McCright)
52.	6-Sep-2023	FILED: Reporter's Transcript - 03/17/2023 - Status Conference (Kimberly C. McCright)
53.	6-Sep-2023	FILED: Notice of Completion of Record
54.	12-Sep-2023	FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
55.	18-Sep-2023	ORDERED: Motion to Withdraw and Substitute New Counsel (Appellant) = GRANTED. FURTHER ORDERED: Appointing attorney Stephen Mercer 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
56.	23-Oct-2023	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
57.	23-Oct-2023	FILED: Exhibit A - Motion to Suppress (Appellant)
58.	23-Oct-2023	FILED: Exhibit B - Motion to Suppress (Appellant)
59.	26-Oct-2023	FILED: Notice of Appearance; Certificate of Service (Appellee)
60.	29-Nov-2023	FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
61.	29-Nov-2023	ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from 12/04/2023 to 01/03/2024 Benjamin A Armstrong ProTem Judge - Author
62.	2-Jan-2024	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
63.	30-Jan-2024	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days

**Court of Appeals, Division One**

**Criminal**

**1 CA-CR 23-0209**

**STATE v. LALLANDE**

**64 PROCEEDING ENTRIES**

64. 9-Feb-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
65. 26-Feb-2024 CLNDR: CONFERENCE, Department F, 4-18-24, CONFERENCE ROOM.