

**Court of Appeals, Division One**  
**Criminal Petition Review Post Conviction Relief**

**1 CA-CR 23-0216 PRPC**

**STATE v. FULLEN**

**Appellate Case Information**

Case Filed: 8-Jun-2023

Case Closed: 21-Jul-2023

Reinstated x 1: 11-Oct-2023 Dismissal

Re-Closed:

**Dept/Composition**

**Side 1. STATE OF ARIZONA, Respondent**

(Litigant Group) STATE OF ARIZONA

- State of Arizona

**Attorneys for: Respondent**

Glen M Asay, Esq. (AZ Bar No. 34372)

**Side 2. JOHN HOYT FULLEN, Petitioner**

(Litigant Group) JOHN HOYT FULLEN

- John Hoyt Fullen

PRO SE

**CASE STATUS**

Feb 26, 2024....At Issue

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
YAV P1300CR201400199			Debra R Phelan, Judge on PC		
YAV P1300CR201400496			Debra R Phelan, Judge on PC		

**DESCENDENT CASE(S)**

ASC CR-23-0294-PR

**CALENDAR**

Friday MOTION CALENDAR

15-Mar-2024 Department M;

File date: 3/8/2024.....Motion for Consolidation of Appeals (Petitioner Pro Per)

*DECISION RENDERED: See proceeding entry for ORDER dated 18-Mar-2024 for more information...*

**2 CASE DECISIONS**

12-Jun-2023 ORDER

\*\*\*Vacated\*\*\*

ORDERED: Dismissing this matter.

[Vacated per order filed 10/11/2023]

Benjamin Armstrong.....Author

Filed: 12-Jun-2023 Mandate:

Decision Disposition

**Dismissed**

03-Jan-2024 ORDER

\*\*\*Vacated\*\*\*

ORDERED: Dismissing this matter.

[Vacated per order filed 01/17/2024]

Benjamin Armstrong.....Author

Filed: 03-Jan-2024 Mandate:

Decision Disposition

**Dismissed**

**30 PROCEEDING ENTRIES**

1. 8-Jun-2023 FILED: Notice of Appeal from Superior Court (Petition for Review) (PCR) (Petitioner Pro Per)

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2. 8-Jun-2023 FILED: e-Record on Appeal: P1300CR201400199  
Instruments/Minute Entries: Combined  
Disposition Report: 16 69  
Exhibits: None sent with e-Record
3. 8-Jun-2023 FILED: e-Record on Appeal: P1300CR201400496  
Instruments/Minute Entries: Combined  
Disposition Report: 13 52 71  
Exhibits: None sent with e-Record
4. 12-Jun-2023 ORDERED: Dismissing this matter. Benjamin A Armstrong ProTem Judge - Author
5. 20-Jun-2023 FILED: Returned US Mail, Order Dismissing Review dated 06/12/2023, addressed to John Hoyt Fullen, Not in Custody (Resent 07/06/2023)
6. 21-Jul-2023 FILED: Letter, 07/21/2023, Certified Copy of Order dismissing appeal. No physical record to be returned to clerk, Yavapai County Superior Court.
7. 21-Jul-2023 FILED: Letter dated 07/21/2023, to Dept Public Safety Re: Copy of Mandate/Decision/Disposition Report
8. 2-Oct-2023 FILED: Motion to Reinstate Petition for Review and Request for a 90 Day Extension to File the Petition for Review. [sic] (Petitioner Pro Per)
9. 11-Oct-2023 ORDERED: Motion to Reinstate Petition for Review and Request for a 90 Day Extension to File the Petition for Review. = GRANTED and reinstating this matter. FURTHER ORDERED: Directing petitioner to file a petition for review that fully complies with Arizona Rule of Criminal Procedure 33.16(c) by 11/17/2023. If petitioner does not file a fully compliant petition for review by 11/17/2023, the court will dismiss this matter. Because both of the superior court records on review contain the records filed up to but not after 06/08/2023, FURTHER ORDERED: Directing the Clerk of the Yavapai County Superior Court to transmit those portions of the superior court records filed after 06/08/2023, to the clerk of this court by 11/27/2023. Benjamin A Armstrong ProTem Judge - Author
10. 16-Oct-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (P1300CR201400199) (Yavapai County superior court records filed after 06/08/2023)
11. 16-Oct-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (P1300CR201400496) (Includes Yavapai County superior court records filed after 06/08/2023)
12. 26-Oct-2023 FILED: Motion for a 90 Day Extension of Time to File Opening Brief, Good Cause Showing (Petitioner Pro Per)
13. 26-Oct-2023 FILED: Motion for Discovery, Appointment of Counsel, and Appointment of Investigator and Paralegal. [sic] (Petitioner Pro Per)
14. 27-Oct-2023 ORDERED: Motion for a 90 Day Extension of Time to File Opening Brief, Good Cause Showing (Petitioner Pro Per) = GRANTED. Due date EXTENDED from 11/17/2023 to 12/18/2023. Benjamin A Armstrong ProTem Judge - Author
15. 27-Oct-2023 ORDERED: Denying the motion to appoint counsel, an investigator, and a paralegal. FURTHER ORDERED: Denying the request for discovery. Benjamin A Armstrong ProTem Judge - Author
16. 9-Nov-2023 FILED: Motion for Rehearing Reconsideration (Petitioner Pro Per)
17. 21-Nov-2023 ORDERED: Motion for Rehearing Reconsideration (Petitioner Pro Per) = DENIED. Hon David B Gass - Author
18. 28-Nov-2023 FILED: Email Notice from ASC re: Petition for Review filed 11/17/2023; request for partial record
19. 28-Nov-2023 FILED: Letter forwarding partial record to Arizona Supreme Court
20. 3-Jan-2024 ORDERED: Dismissing this matter. Benjamin A Armstrong ProTem Judge - Author
21. 11-Jan-2024 FILED: ASC Order filed 01/11/2024 re: ORDERED: The petition filed in this matter is dismissed without prejudice to its consideration by the Court of Appeals. FURTHER ORDERED: the Clerk of the Supreme Court shall transmit the petition to the Clerk of the Court of Appeals, Division One.
22. 12-Jan-2024 FILED: Motion to Reconsider and Motion to Correct Clerk of the Courts Filing Error (Petitioner Pro Per)
23. 16-Jan-2024 FILED: Petition for Review (PCR) (Petitioner Pro Per)
24. 17-Jan-2024 ORDERED: Motion For Reconsider [sic] and Motion to Correct Clerk of the Courts Filing Error (Petitioner Pro Per) = GRANTED and reinstating this matter. The petition for review received 01/16/2024, shall be the petition for review at issue in this matter. FURTHER ORDERED: That any response shall be filed by 02/16/2024. FURTHER ORDERED: Directing the Clerk of Yavapai County Superior Court to transmit the record on appeal, including transcripts and exhibits, to the clerk of this court by 03/04/2024. Benjamin A Armstrong ProTem Judge - Author

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25. 12-Feb-2024 FILED: Response to Petition for Review; Certificate of Service (Respondent)
26. 12-Feb-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (P1300CR201400199)
27. 12-Feb-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (P1300CR201400496)
28. 26-Feb-2024 FILED: Reply to State's Resonse (Petition for Review) (PCR) (Petitioner Pro Per)
29. 8-Mar-2024 FILED: Motion for Consolidation of Appeals (Petitioner Pro Per)
30. 18-Mar-2024 ORDERED: Motion for Consolidation of Appeals (Petitioner Pro Per) = DENIED. Benjamin A Armstrong ProTem Judge - Author