

**Court of Appeals, Division One****Criminal - Anders Appeal****1 CA-CR 23-0276****STATE v. WARAX****Appellate Case Information**

Case Filed: 13-Jul-2023

Case Closed:

**Dept/Composition****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. MELISSA ROSELLEN WARAX, Appellant****(Litigant Group) MELISSA ROSELLEN WARAX**

- Melissa Rosellen Warax

**Attorneys for: Appellant**

R John Lee, Esq. (AZ Bar No. 7157)

**CASE STATUS**

Mar 25, 2024....At Issue

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
APC	S0100CR202300035	Aggravated Assault, Class 5; Aggravated Assault, Class 5; Aggravated Assault, Class 5	5 Years; 5 Years; 5 Years	Garrett L Whiting, Sentencing	BENCH	

**OPEN DUE DATE****Additional Record Due****Due By:**

Thursday, April 11, 2024

Re: FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days

**2 PENDING MATTERS****General Motion**

NOTICE OF NO COLORABLE CLAIM; Motion to Withdraw (Appellant)

Filed: 11-Jan-2024

Scheduled: 12-Jan-2024

**General Motion**

Notice of No Colorable Claim; MOTION TO WITHDRAW (Appellant)

Filed: 11-Jan-2024

Scheduled: 12-Jan-2024

**24 PROCEEDING ENTRIES**

- 13-Jul-2023 FILED: Notice of Appeal from Apache County Superior Court filed 06/27/23 - Notice of Mailing Dated 6/28/23
- 13-Jul-2023 FILED: Record on Appeal:  
Combined Instruments/Minute Entries  
Disposition Report: None  
Exhibits: Not Sent At This Time
- 14-Jul-2023 FILED: Appellate Clerk Notice (31.2(g))
- 20-Jul-2023 FILED: Additional Record on Appeal  
Physical Exhibits:  
List # SE1 SE2 SE4 SE5 SE6 DEA in wrapped with rubberband
- 17-Aug-2023 FILED: (Untitled) Motion for Extension of Time to File Transcripts (Kimberly McCright)
- 17-Aug-2023 ORDERED: (Untitled) Motion for Extension of Time to File Transcripts (Kimberly McCright) = GRANTED. Due Dates EXTENDED to 09/11/2023 for Transcripts dated 06/26/2023, 05/16/2023 or OSC set on 09/20/2023. Hon Randall M Howe - Author
- 19-Sep-2023 FILED: Untitled Motion for Extension (Time to File Transcripts) (Kimberly McCright)

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8. 19-Sep-2023 ORDERED: Untitled Motion for Extension (Time to File Transcripts) (Kimberly McCright) = GRANTED. Due Dates EXTENDED to 10/11/2023 for Transcripts dated 06/26/2023, 05/16/2023 or OSC set on 10/18/2023. FURTHER ORDERED: Vacating OSC currently set for 09/20/2023. Hon Randall M Howe - Author  
[VACATED per order filed 10/17/2023]
9. 17-Oct-2023 FILED: Untitled Motion for Extension (Time to File Transcripts) (Kimberly McCright)
10. 17-Oct-2023 ORDERED: Untitled Motion for Extension (Time to File Transcripts) (Kimberly McCright) = GRANTED. Due Dates EXTENDED to 11/13/2023 for Transcripts dated 06/26/2023, 05/16/2023 or OSC set on 11/15/2023. FURTHER ORDERED: Vacating the OSC currently set for 10/18/2023. Hon Randall M Howe - Author
11. 18-Oct-2023 FILED: Notice of Appearance; Certificate of Service (Appellant)
12. 19-Oct-2023 ORDERED: Directing appellant to file an amended certificate of service of the notice of appearance that complies with Arizona Rule of Criminal Procedure 1.7(c) and includes service on appellee's counsel. FURTHER ORDERED directing appellant to file the amended certificate of service by 10/27/2023. Benjamin A Armstrong ProTem Judge - Author
13. 20-Oct-2023 FILED: Notice of Appearance; Amended Certificate of Service (Appellant)
14. 13-Nov-2023 FILED: Reporter's Transcript - 05/16/2023 - Bench Trial/Motions Hearing/Under Advisement (Kimberly C. McCright)
15. 13-Nov-2023 FILED: Reporter's Transcript - 06/26/2023 - Sentencing (Kimberly C. McCright)
16. 14-Nov-2023 FILED: Notice of Completion of Record
17. 8-Jan-2024 ORDERED: That the opening brief must be filed by 01/16/2024. FURTHER ORDERED: That if the brief is not filed timely, attorney R. John Lee must appear before this court on Wednesday, 01/17/2024, at 2:30 p.m., to show cause why the court should not impose sanctions. Benjamin A Armstrong ProTem Judge - Author
18. 11-Jan-2024 FILED: Notice of No Colorable Claim; Motion to Withdraw (Opening Brief); Certificate of Service (Appellant)
19. 16-Jan-2024 ORDERED: Striking appellant's Anders brief. Appellant's counsel shall file an opening brief setting forth the detailed procedural history and underlying facts of the case with specific references to the record in compliance with Thompson and Clark on or before 02/15/2024. If counsel still finds no arguable issues for appeal, counsel's brief may state that conclusion pursuant to Anders v. California and State v. Leon. No extensions will be granted absent extraordinary circumstances. FURTHER ORDERED: Vacating the order to show cause hearing set for 01/17/2024. Benjamin A Armstrong ProTem Judge - Author
20. 12-Feb-2024 FILED: Appellant's Opening Brief – Notice of No Colorable Claim; Motion to Withdraw; Certificate of Compliance; Certificate of Service (Appellant)
21. 12-Feb-2024 FILED: Affidavit of Counsel R. John Lee in Support of Counsel's Motion to Withdraw (Appellant)
22. 14-Feb-2024 ORDERED: If appellant wishes to file a pro se supplemental opening brief raising additional issues on appeal, appellant must do so by 03/25/2024. 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
23. 12-Mar-2024 FILED: Notice of Filing Transmittal; Certificate of Service; Transmittal (Appellant)
24. 1-Apr-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days