

Court of Appeals, Division One

Criminal

1 CA-CR 23-0298

STATE v. BROOKS

Appellate Case Information

Case Filed: 25-Jul-2023

Case Closed:

Dept/Composition

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Rebecca Jones, Esq. (AZ Bar No. 28996)

Side 2. BENNY CHARLES BROOKS, III, Appellant

(Litigant Group) BENNY CHARLES BROOKS, III

- Benny Charles Brooks, III

Attorneys for: Appellant

Stephen L Duncan, Esq. (AZ Bar No. 14403)

CASE STATUS

Jul 1, 2024.....At Issue

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2018-131721-001	See file	See file	Mark H Brain, Sentencing	JURY	

OPEN DUE DATE

Reply Brief Due

Due By:

Monday, July 29, 2024

Re: FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)

CALENDAR

Friday MOTION CALENDAR

5-Jul-2024 Department M;

File date: 7/1/2024.....Motion to Exceed Word Limit for Answering Brief (Appellee)

DECISION RENDERED: See proceeding entry for ORDER dated 8-Jul-2024 for more information...

80 PROCEEDING ENTRIES

- 25-Jul-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 07/17/23. Notification to Court Reporters dated 07/24/2023.
- 25-Jul-2023 FILED: Appellate Clerk Notice (31.2(g))
- 26-Jul-2023 ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Court reporters Debra Carney, Luz Franco, Diane Donoho, Lisa Bradley, Monica Hill-Morrisette, Treva Colwell, Lori Reinhardt, Kristine Mayo, April Escobedo, Kassie Kosmal, Catherine Turner, transcripts due 09/11/2023. Benjamin A Armstrong ProTem Judge - Author
- 7-Aug-2023 FILED: Reporter's transcript - 05/04/2023 - Trial - (Lori Reinhardt)
- 9-Aug-2023 FILED: Reporter's Transcripts - 05/04/2023 - Trial - Day 16 (Treva B. Colwell)
- 15-Aug-2023 FILED: Courtesy Copy - Designation of Record for Appeal Filed in Superior Court (Appellant)
- 16-Aug-2023 ORDERED: Court Reporter Debra Carney transcript(s) dated 02/02/2023, 03/22/2023, 04/05/2023 due by 10/02/2023. FURTHER ORDERED: Reaffirming this previously set due date of 09/11/2023 for transcripts dated 04/06/2023, 05/03/2023, 06/23/2023, for Court Reporter Debra Carney. FURTHER ORDERED: Court Reporter Treva B Colwell transcript(s) dated 03/24/2023 due by 10/02/2023. FURTHER ORDERED: Court Reporter Jennifer Church transcript(s) dated 11/21/2018, 01/11/2019, 02/13/2019, 04/11/2019, 06/04/2019, 08/06/2019, 11/21/2019, 02/05/2020, 02/19/2020, 08/24/2020, 11/23/2020, 10/20/2021, 05/12/2022, 05/18/2022, due by 10/02/2023. FURTHER ORDERED: Ken Crenshaw transcript(s) dated 05/04/2021, 09/01/2022, due by 10/02/2023. FURTHER ORDERED: Court Reporter Gail Ferguson transcript(s) dated 09/24/2018, due by 10/02/2023. FURTHER ORDERED: Court Reporter Scott Kindle transcript(s) dated 12/19/2022, 04/03/2023, due by 10/02/2023. FURTHER ORDERED: Court Reporter Wendy Ricard transcript(s) dated 03/23/2020 due by 10/02/2023. Hon Randall M Howe - Author
- 17-Aug-2023 FILED: Reporter's Transcripts - 03/24/2023 - Oral Argument (Treva B. Colwell)
- 20-Aug-2023 FILED: Reporter's Transcript - 04/13/2023 - Reporter's Transcript of Proceedings (Lisa Bradley)
- 20-Aug-2023 FILED: Reporter's Transcript - 04/19/2023 - Reporter's Transcript of Proceedings (Lisa Bradley)

Court of Appeals, Division One

Criminal

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STATE v. BROOKS

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11.	20-Aug-2023	FILED: Reporter's Transcript - 04/20/2023 - Reporter's Transcript of Proceedings (Lisa Bradley)
12.	20-Aug-2023	FILED: Reporter's Transcript - 04/25/2023 - Reporter's Transcript of Proceedings (Lisa Bradley)
13.	28-Aug-2023	FILED: Reporter's Transcript - 04/26/2023 - Reporter's Transcript of Proceedings (Lisa Bradley)
14.	30-Aug-2023	FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: None Exhibits: None sent with e-Record
15.	30-Aug-2023	FILED: Additional Record on Appeal Physical Exhibits: Hearing Date: 04/06/2023 LIST # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 480 504 509 511 513 536 537 540 590 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 626 627 632 633 634 643 645 647 648 649 650 651 652 653 654 655 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 845 846 847 848 849 850 851 852 853 854 863 864 865 868 870 IN A BOX Hearing Date: 06/26/2023 List # 1 2 3 4 5 6 in manila envelope Sealed Exhibit: Confidential Criminal History Report in Sealed Manila Envelope
16.	4-Sep-2023	FILED: Reporter's Transcript - 04/27/2023 - Reporter's Transcript of Proceedings (Lisa Bradley)
17.	4-Sep-2023	FILED: Reporter's Transcript - 05/01/2023 - Reporter's Transcript of Proceedings (Lisa Bradley)
18.	4-Sep-2023	FILED: Reporter's Transcript - 05/16/2023 - Reporter's Transcript of Proceedings (Lisa Bradley)
19.	4-Sep-2023	FILED: Reporter's Transcript - 05/18/2023 - Reporter's Transcript of Proceedings (Lisa Bradley)
20.	4-Sep-2023	FILED: Reporter's Transcripts - 05/22/2023 - Trial Day 22 - (Kristine Mayo)
21.	4-Sep-2023	FILED: Reporter's Transcripts - 05/23/2023 - Trial Day 23 - (Kristine Mayo)
22.	6-Sep-2023	FILED: Reporter's Transcript - 07/14/2023 - Sentencing - (Catherine Turner)
23.	8-Sep-2023	FILED: Reporter's Transcript - 04/24/2023 - Trial (Continuing) - (Luz Franco)
24.	8-Sep-2023	FILED: Reporter's Transcript - 04/11/2023 - Trial (Continuing) - (Luz Franco)
25.	8-Sep-2023	FILED: Reporter's Transcript - 04/12/2023 - Trial (Continuing) - (Luz Franco)
26.	8-Sep-2023	FILED: Reporter's Transcript - 05/15/2023 - Trial (Continuing) Luz Franco
27.	8-Sep-2023	FILED: Reporter's Transcript - 04/06/2023 - Trial Day 1 - (Debra Carney)
28.	8-Sep-2023	FILED: Reporter's Transcript - 05/03/2023 - Trial Day 15 - (Debra Carney)
29.	8-Sep-2023	FILED: Reporter's Transcript - 06/23/2023 - Hearing - (Debra Carney)

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30.	10-Sep-2023	FILED: Reporter's Transcripts - Jury Trial - Day 24 - AM - 05/24/2023 (April Escobedo)
31.	12-Sep-2023	FILED: Reporter's Transcript - 05/02/2023 - Jury Trial (Monica S Hill-Morrisette)
32.	12-Sep-2023	FILED: Reporter's Transcript - 05/25/2023 - Trial (Kassie Kosmal)
33.	12-Sep-2023	FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
34.	12-Sep-2023	FILED: Reporter's Transcript - 04/10/2023 - Trial (Continuing) - (Luz Franco)
35.	13-Sep-2023	FILED: Reporter's Transcript - 04/12/2023 - Trial Day 4 - Afternoon Session (Diane Donoho)
36.	13-Sep-2023	FILED: Reporter's Transcript - 04/17/2023 - Trial Day 6 (Diane Donoho)
37.	13-Sep-2023	FILED: Reporter's Transcript - 05/10/2023 - Trial Day 17 (Diane Donoho)
38.	13-Sep-2023	FILED: Reporter's Transcript - 05/11/2023 - Trial Day 18 (Diane Donoho)
39.	18-Sep-2023	ORDERED: Motion to Unseal Documents (Appellant) = GRANTED. Upon presentation of this order, unsealing the Court Information Sheets (I.O.R. 4 and 8); the Original Sealed Documents (I.O.R. 45, 46 and 62); the Arizona Department of Correction's Objection and Motion to Vacate (I.O.R. 54); the Department of Child Safety's Motion for Clarification (I.O.R. 60); the State's Non-Party Department of Child Safety Notice Filing (I.O.R. 72); Detective Diponzio's Response to State's Motion for In Camera Review and Request for Protective Order Related to Ms. Diponzio's Medical Records (I.O.R. 291); Detective Diponzio's Response to State's Motion for in Camera Review and Request for Protective Order (I.O.R. 294); the State's Motion for in Camera Review (I.O.R. 295); the Minute Entry dated February 22, 2023 (I.O.R. 296); the Random Jury List (I.O.R. 498); the Sealed Jury Questionnaires (I.O.R. 536 through 546); and the Restitution Ledger Request (I.O.R. 565), for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
40.	20-Sep-2023	FILED: Reporter's Transcript - 04/03/2023 - Trial Procedure Conference (Scott Kindle)
41.	20-Sep-2023	FILED: Reporter's Transcript - 12/19/2022 - Trial Continuance (Scott Kindle)
42.	25-Sep-2023	FILED: Reporter's Transcript - 11/21/2018 - Complex Case Management Conference (Jennifer Church)
43.	25-Sep-2023	FILED: Reporter's Transcript - 1/11/2019 - Complex Case Management Conference (Jennifer Church)
44.	25-Sep-2023	FILED: Reporter's Transcript - 2/13/2019 - Complex Case Management Conference (Jennifer Church)
45.	25-Sep-2023	FILED: Reporter's Transcript - 4/11/2019 - Complex Case Management Conference (Jennifer Church)
46.	25-Sep-2023	FILED: Reporter's Transcript - 05/04/2021 - Oral Argument/Matter Under Advisement (Kimberly C. McCright)
47.	25-Sep-2023	FILED: Reporter's Transcript - 09/01/2022 - Trial Continuance Past Last Day (Kimberly C. McCright)
48.	25-Sep-2023	FILED: Reporter's Transcript - 6/4/2019 - Complex Case Management Conference (Jennifer Church)
49.	25-Sep-2023	FILED: Reporter's Transcript - 8/6/2019 - Complex Case Management Conference (Jennifer Church)
50.	25-Sep-2023	FILED: Reporter's Transcript - 11/21/2019 - Complex Case Management Conference (Jennifer Church)
51.	26-Sep-2023	FILED: Reporter's Transcript - 03/22/2023 - Trial Assignment - (Debra Carney)
52.	26-Sep-2023	FILED: Reporter's Transcript - 02/02/2023 - Trial Continuance - (Debra Carney)
53.	26-Sep-2023	FILED: Reporter's Transcript - 04/05/2023 - Trial Management Conference - (Debra Carney)
54.	26-Sep-2023	FILED: Reporter's Transcript - 2/5/2020 - Complex Case Management Conference (Jennifer Church)
55.	26-Sep-2023	FILED: Reporter's Transcript - 2/19/2020 - Complex Case Management Conference (Jennifer Church)
56.	26-Sep-2023	FILED: Reporter's Transcript - 8/24/2020 - Complex Case Management Conference (Jennifer Church)
57.	27-Sep-2023	FILED: Request for Extension of Time (Time to File Transcripts) (Wendy Ricard)
58.	27-Sep-2023	FILED: Reporter's Transcript - 10/20/2021 - Final Trial Management Conference (Jennifer Church)
59.	27-Sep-2023	FILED: Reporter's Transcript - 5/12/2022 - Status Conference (Jennifer Church)
60.	27-Sep-2023	FILED: Reporter's Transcript - 05/18/2022 - Status Conference (Jennifer Church)

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61. 27-Sep-2023 ORDERED: Request for Extension of Time (Time to File Transcripts) (Wendy Ricard) = GRANTED. Due date EXTENDED from Monday, 10-02-2023 to Wednesday, 11-01-2023 (Transcript for 03/23/2020 by Reporter Wendy Richard due) or OSC set on 11/15/2023. Hon Randall M Howe - Author
62. 27-Sep-2023 FILED: Reporter's Transcript -11/23/2020 - Complex Case Management Conference (Jennifer Church)
63. 9-Oct-2023 FILED: Reporter's Transcript - 03/23/2020 - Trial Continuance (Wendy C. Ricard)
64. 16-Oct-2023 ORDERED: Court Reporter Gail Ferguson transcript dated 09/24/2018 or OSC on 11/01/2023. Hon Randall M Howe - Author
65. 31-Oct-2023 ORDERED: Directing Court Reporting Supervisor Chris Bleuenstein to reassign the preparation of the transcripts designated above from Court Reporter Gail Ferguson to an available court reporter, and to furnish one copy to appellant's counsel, one copy to appellee's counsel, and the original to the clerk of this court by 12/14/2023, marked for filing in this appeal, for transcript dated 09/24/2018. FURTHER ORDERED: Vacating the order to show cause hearing that is currently set for 11/01/2023. FURTHER ORDERED: Directing Court Reporting Supervisor Chris Bleuenstein to notify the Court of Appeals Clerk's Office of the court reporter assigned to prepare the above-listed transcripts. Hon Randall M Howe - Author
66. 16-Nov-2023 FILED: Reporter's Transcript - 09/24/2018 - Comprehensive Pretrial Conference (Diane Donoho on behalf of G Ferguson)
67. 17-Nov-2023 FILED: Notice of Completion of Record
68. 20-Nov-2023 FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
69. 27-Nov-2023 ORDERED: Motion To Withdraw And Substitute New Counsel (Appellant) = GRANTED. FURTHER ORDERED: Appointing attorney Stephen Duncan as attorney for appellant in this appeal. FURTHER ORDERED: That the 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 01/02/2024 to 02/16/2024 Benjamin A Armstrong ProTem Judge - Author
70. 15-Feb-2024 FILED: Motion for Procedural Order (Extension of Time to File Opening Brief); Certificate of Service (Appellant)
71. 16-Feb-2024 ORDERED: Motion for Procedural Order (Extension of Time to File Opening Brief) (Appellant) = GRANTED. Due date EXTENDED from Friday, 02-16-2024 to Monday, 03-18-2024. Benjamin A Armstrong ProTem Judge - Author
72. 18-Mar-2024 FILED: Motion for Procedural Order (Extension of Time to File Opening Brief); Certificate of Service (Appellant)
73. 19-Mar-2024 ORDERED: Motion for Procedural Order (Extension of Time to File Opening Brief) (Appellant) = GRANTED. Due date EXTENDED from Monday, 03/18/2024 to Wednesday, 04/17/2024 or OSC on 05/01/2024. Benjamin A Armstrong ProTem Judge - Author
74. 17-Apr-2024 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
75. 1-May-2024 FILED: Notice of Appearance; Certificate of Service (Appellee)
76. 1-May-2024 FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
77. 1-May-2024 ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Monday, 06-03-2024 to Wednesday, 07-03-2024. Benjamin A Armstrong ProTem Judge - Author
78. 1-Jul-2024 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
79. 1-Jul-2024 FILED: Motion to Exceed Word Limit for Answering Brief; Certificate of Service (Appellee)
80. 8-Jul-2024 ORDERED: Motion to Exceed Word Limit for Answering Brief (Appellee) = GRANTED and accepting the answering brief filed 07/01/2024. FURTHER ORDERED: Appellant may file a reply brief by 07/29/2024. Hon David B Gass - Author