# Court of Appeals, Division One

**Criminal**

## 1 CA-CR 23-0312 — STATE v. TUPA

**Appellate Case Information**

Case Filed: 2-Aug-2023

Case Closed:

**Dept/Composition**

**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. JASON AARON TUPA, Appellant**

**(Litigant Group) JASON AARON TUPA**

- **Jason Aaron Tupa**

**Attorneys for: Appellant**

Sharolynn Griffiths, Esq. (AZ Bar No. 25509)

**CASE STATUS**

**Oct 20, 2023.....Record Complete-Notice Completion Sent**

| PREDECESSOR CASE(S) | | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments> | Trial | Dispo |
|---|---|---|---|---|---|---|
| MAR | CR2020-001622-001 | See file | See file | David W Garbarino, Sentencing | JURY | |

**OPEN DUE DATE**

**Answering Brief Due** **Due By:** Monday, August 19, 2024

*Re: FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)*

**55 PROCEEDING ENTRIES**

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| 1. | 2-Aug-2023 | FILED: Notice of Appeal from Maricopa County Superior Court filed 07/28/23. Notification to Court Reporters dated 08/01/2023. |
| 2. | 2-Aug-2023 | FILED: Appellate Clerk Notice (31.2(g)) |
| 3. | 3-Aug-2023 | FILED: Motion to Withdraw as Counsel of Record and Motion to Appoint Appellate Counsel; Certificate of Service (Appellant) |
| 4. | 4-Aug-2023 | ORDERED: Directing appellant to make arrangements with the court reporter(s) to pay for the preparation of the transcripts by 09/05/2023. FURTHER ORDERED: Directing appellant to file a notice in this court by 09/12/2023, as to the arrangements made. If appellant fails to file a notice, the court will dismiss this appeal. FURTHER ORDERED: Appellant may file in the superior court a motion to proceed as indigent with a supporting affidavit as required by Rule 31.5(a)(2). Counsel Matthew Long must assist appellant with the request. Appellant must file a copy of the request in this court by 09/05/2023. FURTHER ORDERED: Absent satisfactory financial arrangements, no transcripts are due in this case until further order from this court. Benjamin A Armstrong ProTem Judge - Author |
| 5. | 7-Aug-2023 | ORDERED: Motion to Withdraw as Counsel of Record and Motion to Appoint Appellate Counsel (Appellant) = DENIED. FURTHER ORDERED: Directing appellant to comply with the 08/04/2023, order to make financial arrangements for the preparation of transcripts or, if appropriate, file a motion in the superior court to proceed as an indigent on appeal. Benjamin A Armstrong ProTem Judge - Author |
| 6. | 9-Aug-2023 | ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Court reporters Lauren Kuhnhenn, Tara Kramer, Kristine Mayo, Nicole Tatlow, and Luz Franco transcripts due 09/25/2023. Benjamin A Armstrong ProTem Judge - Author |
| 7. | 18-Aug-2023 | FILED: Courtesy Copy - Designation of Record for Appeal Filed in Superior Court (Appellant) |
| 8. | 21-Aug-2023 | ORDERED: Ken Crenshaw transcript(s) dated 07/30/2020, 08/19/2022, 01/05/2023, 01/12/2023, 04/17/2023, 05/05/2023, 05/10/2023, due by 10/05/2023. FURTHER ORDERED: Court Reporter Jennifer Church transcript(s) dated 10/04/2022 due by 10/05/2023. FURTHER ORDERED: Court Reporter Hope Yeager transcript(s) dated 10/13/2022, due by 10/05/2023. FURTHER ORDERED: Court Reporter Tara L Kramer transcript(s) dated 12/05/2022, due by 10/05/2023. FURTHER ORDERED: Reaffirming this previously set due date of 09/25/2023 for transcripts dated 05/18/2023, 05/22/2023, 05/23/2023, 05/24/2023, 06/06/2023, 06/07/2023, 06/08/2023, for Court Reporter Tara L Kramer. Hon Randall M Howe - Author |



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**55 PROCEEDING ENTRIES**

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| 9. | 8-Sep-2023 | FILED: Additional Record on Appeal<br>Physical Exhibits:<br>Hearing Date: 05/16/2023 List # 10 17 in manila envelope<br><br>Sealed Exhibit:<br>Confidential Criminal History Report in Sealed Manila Envelope |
| 10. | 8-Sep-2023 | FILED: Reporter's Transcript - 12/05/2022 - Status Conference - (Tara L. Kramer) |
| 11. | 8-Sep-2023 | FILED: Reporter's Transcript - 05/18/2023 - Jury Trial - (Tara L. Kramer) |
| 12. | 8-Sep-2023 | FILED: e-Record on Appeal:<br>Instruments/Minute Entries: Combined<br>Disposition Report: None<br>Exhibits: None sent with e-Record |
| 13. | 11-Sep-2023 | FILED: Reporter's Transcript - 05/22/2023 - Jury Trial - (Tara L. Kramer) |
| 14. | 14-Sep-2023 | FILED: Reporter's Transcript - 05/23/2023 - Jury Trial - (Tara L. Kramer) |
| 15. | 15-Sep-2023 | FILED: Reporter's Transcript - 10/13/2022 - Trial Continuance - PM - (Hope J Yeager) |
| 16. | 20-Sep-2023 | FILED: Reporter's Transcript - 05/24/2023 - Jury Trial - (Tara L. Kramer) |
| 17. | 22-Sep-2023 | FILED: Reporter's Transcript - 06/01/2023 -Trial Day 8 (Nicole Tatlow) |
| 18. | 24-Sep-2023 | FILED: Untitled Motion for Extension (Time to File Transcripts) (Lauren Kuhnhenn) |
| 19. | 25-Sep-2023 | ORDERED: Untitled Motion for Extension (Time to File Transcripts) (Lauren Kuhnhenn) = GRANTED. Due Dates EXTENDED to 10/25/2023 for Transcripts dated 05/16/2023, 05/17/2023 or OSC set on 11/01/2023. Hon Randall M Howe - Author |
| 20. | 25-Sep-2023 | FILED: Reporter's Transcript - 06/06/2023 - Jury Trial - (Tara L. Kramer) |
| 21. | 25-Sep-2023 | FILED: Reporter's Transcript - 06/07/2023 - Jury Trial - (Tara L. Kramer) |
| 22. | 25-Sep-2023 | FILED: Reporter's Transcript - 06/08/2023 - Jury Trial - (Tara L. Kramer) |
| 23. | 25-Sep-2023 | FILED: Reporter's Transcripts - 5/30/2023 - Trial Day 7 - (Kristine Mayo) |
| 24. | 25-Sep-2023 | FILED: Reporter's Transcript - 07/21/2023 - Sentencing (Luz Franco) |
| 25. | 27-Sep-2023 | FILED: Reporter's Transcript - 10/04/2022 - Final Trial Management Conference (Jennifer Church) |
| 26. | 4-Oct-2023 | FILED: Reporter's Transcript - 07/30/2020 - Arraignment (Becky Kleiner) |
| 27. | 4-Oct-2023 | FILED: Reporter's Transcript - 08/19/2022 - Trial Management Conference (Becky Kleiner) |
| 28. | 4-Oct-2023 | FILED: Reporter's Transcript - 01/05/2023 - Trial Management Conference (Becky Kleiner) |
| 29. | 4-Oct-2023 | FILED: Reporter's Transcript - 01/12/2023 - Status Conference (Becky Kleiner) |
| 30. | 4-Oct-2023 | FILED: Reporter's Transcript - 04/17/2023 - Status Conference (Becky Kleiner) |
| 31. | 4-Oct-2023 | FILED: Reporter's Transcript - 05/05/2023 - Trial Procedure Conference (Becky Kleiner) |
| 32. | 4-Oct-2023 | FILED: Reporter's Transcript - 05/10/2023 - Settlement Conference (Becky Kleiner) |
| 33. | 11-Oct-2023 | FILED: Reporter's Transcripts - Jury Trial - 05/16/2023 (Lauren Kuhnhenn) |
| 34. | 13-Oct-2023 | FILED: Reporter's Transcripts - 05/17/2023 - Jury Trial - (Lauren Kuhnhenn) |
| 35. | 20-Oct-2023 | FILED: Notice of Completion of Record |
| 36. | 24-Oct-2023 | FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant) |
| 37. | 30-Oct-2023 | ORDERED: Motion To Withdraw And Substitute New Counsel(Appellant) = GRANTED and appointing attorney Stephen Duncan as attorney for appellant in this appeal. FURTHER ORDERED: 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 12/04/2023 to 01/18/2024. Benjamin A Armstrong ProTem Judge - Author |



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**55 PROCEEDING ENTRIES**

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| 38. | 18-Jan-2024 | FILED: Motion for Procedural Order (Extension of Time to File Opening Brief); Certificate of Service (Appellant) |
| 39. | 19-Jan-2024 | ORDERED: Motion for Procedural Order (Extension of Time to File Opening Brief) (Appellant) = GRANTED. Due date EXTENDED from Thursday, 01-18-2024 to Tuesday, 02-20-2024 Benjamin A Armstrong ProTem Judge - Author |
| 40. | 20-Feb-2024 | FILED: Motion for Procedural Order (Extension of Time to File Opening Brief); Certificate of Service (Appellant) |
| 41. | 21-Feb-2024 | ORDERED: Motion for Procedural Order (Extension of Time to File Opening Brief) (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 02-20-2024 to Thursday, 03-21-2024 Benjamin A Armstrong ProTem Judge - Author |
| 42. | 21-Mar-2024 | FILED: Motion for Procedural Order (Extension of Time to File Opening Brief); Certificate of Service (Appellant) |
| 43. | 21-Mar-2024 | FILED: Stipulation for Substitution of Counsel and Consent; Certificate of Service (Appellant) |
| 44. | 21-Mar-2024 | FILED: Motion for Procedural Order (Extension of Time to File Opening Brief) (Duplicate); Certificate of Service (Appellant) |
| 45. | 21-Mar-2024 | ORDERED: Motion for Procedural Order (Extension of Time to File Opening Brief) (Appellant) = GRANTED. Due date EXTENDED from Thursday, 03-21-2024 to Monday, 04-22-2024 Geoffrey P Butzine ProTem Judge - Author |
| 46. | 25-Mar-2024 | ORDERED: Substituting attorney Sharolynn Griffiths as counsel for appellant for all remaining proceedings on appeal in place of attorney Stephen Duncan. FURTHER ORDERED: The opening brief must be filed by 05/06/2024. Benjamin A Armstrong ProTem Judge - Author |
| 47. | 6-May-2024 | FILED: Motion for Procedural Order (Extension of Time to File Opening Brief); Certificate of Service (Appellant) |
| 48. | 7-May-2024 | ORDERED: Motion for Procedural Order (Extension of Time to File Opening Brief) (Appellant) = GRANTED. Due date EXTENDED from Monday, 05-06-2024 to Wednesday, 06-05-2024. Benjamin A Armstrong ProTem Judge - Author |
| 49. | 5-Jun-2024 | FILED: Motion for Procedural Order (Extension of Time to File Opening Brief); Certificate of Service (Appellant) |
| 50. | 6-Jun-2024 | FILED: Supplemental Motion for Procedural Order (Extension of Time to File Opening Brief); Certificate of Service (Appellant) |
| 51. | 7-Jun-2024 | ORDERED: Motion for Procedural Order (Extension of Time to File Opening Brief) (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 06-05-2024 to Friday, 07-05-2024. Benjamin A Armstrong ProTem Judge - Author |
| 52. | 5-Jul-2024 | FILED: Appellant's Opening Brief; Certificate of Compliance (Duplicate); Certificate of Service (Duplicate)(Appellant)<br><br>[STRICKEN per order filed 07/08/2024] |
| 53. | 8-Jul-2024 | ORDERED: Striking the opening brief filed 07/05/2024. FURTHER ORDERED: Appellant may file a signed replacement reply brief by 07/15/2024. Benjamin A Armstrong ProTem Judge - Author |
| 54. | 10-Jul-2024 | FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant) |
| 55. | 11-Jul-2024 | FILED: Notice of Appearance; Certificate of Service (Appellee) |



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