

Arizona Supreme Court
Criminal Death Penalty Appeal

CR-14-0291-AP

STATE OF ARIZONA v BRYAN WAYNE HULSEY

Appellate Case Information

Case Filed: 9-Sep-2014
Case Closed:

Dept/Composition

En Banc
Hon. Scott Bales
Hon. John Pelander
Hon. Robert M. Brutinel
Hon. Ann A. Scott Timmer
Hon. Clint Bolick
Hon. Andrew W. Gould
Hon. Rebecca White Berch

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Mark Brnovich, Esq. (AZ Bar No. 14134)
John R. Lopez, IV, Esq. (AZ Bar No. 19182)
Lacey Stover Gard, Esq. (AZ Bar No. 22714)
Kristina B Reeves, Esq. (AZ Bar No. 31171)

Side 2. BRYAN WAYNE HULSEY, Appellant

(Litigant Group) BRYAN WAYNE HULSEY

- Bryan Wayne Hulsey

Attorneys for: Appellant

David Goldberg, Esq. (AZ Bar No. 12726)

CASE STATUS

Jul 21, 2016.....At Issue

Mar 12, 2015.....Record Complete

Sep 9, 2014.....Pending

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2007-111635-001 DT	First Degree Murder	Death	Joseph C Kreamer, Trial	JURY	

232 PROCEEDING ENTRIES

- 9-Sep-2014 FILED: Notice of Appeal (Clerk, MCSC) (Judgment filed in MCSC 8/29/2014)
- 27-Sep-2014 FILED: Reporter's Transcript - 03/09/12 - Motion to Continue (Cindy Lineburg)
- 27-Sep-2014 FILED: Reporter's Transcript - 04/26/11 - Appointment of Counsel (Cindy Lineburg)
- 1-Oct-2014 FILED: Declaration re Transcript Unavailability (Re 6/27/08 Transcript) (Tara L. Kramer)
- 2-Oct-2014 FILED: Reporter's Transcript - 10/5/11 - Status Conference (Wanda Bauer)
- 2-Oct-2014 FILED: Reporter's Transcript - 2/29/12 - Status Conference (Wanda Bauer)
- 7-Oct-2014 FILED: Reporter's Transcript - 5/13/14 - Motion for Mistrial/Jury Selection (Helene Paustian)
- 7-Oct-2014 FILED: Reporter's Transcript - 12/12/12 - Trial Continuance (Dotty Reaume)
- 9-Oct-2014 FILED: First Motion for Extension of Time to File Transcripts (Leisel Baker)
- 9-Oct-2014 FILED: Reporter's Transcript - 5/4/12 - Complex Case Management Conference (Kristen Brown)
- 9-Oct-2014 FILED: Reporter's Transcript - 5/11/07 - Hearing (Leo Mankiewicz)

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12. 9-Oct-2014 FILED: Record on Appeal - MCSC: Index; Instruments and MEs (Electronic)
- Envelopes (5) (NOT SCANNED):
- Env. No 2 - HD 9/5/07 (SEALED) - Pltf Exh No 1 (w/CD attachment)
- Env. No 4 - HD 5/29/13 (SEALED) - Court Exh No 1
- Env. No 6 - 2/28/07 (SEALED) Grand Jury Transcript (Lydia Estrada-Gray)
- Env. No 7 - HD 5/12/14 - Pltf Exh Nos 194-196, 234, 436, 457 (CD)
Def Exh Nos 369 (CD), 370 (CD), 371 (CD), 393, 419, 422, 423, 425, 426, 429 (CD), 430 (CD), 431 (CD), 432 (CD), 433 (CD), 434 (CD), 456 (CD)
- Exhibits and 1 Brown Box:
- SCANNED:
- Env. No 1 - HD 8/1/08 - Court Exh No 1
Env. No 3 - HD 11/5/12 (SEALED) - Court Exh Nos 1-3
Env. No 5 - HD 4/2/14 - Pltf Exh Nos 1-2
- Brown Box 1 - HD 5/12/14 (SCANNED); Pltf Exh Nos 1-181, 185-189, 191-193, 302, 316, 320, 321, 325-327, 329-333, 342-345, 347, 350, 358, 378-380, 382-387, 398, 405, 411, 414, 437, 438, 440-442, 447, 449, 451, 452
- Def Exh Nos 308, 310, 311, 314, 322-324, 328, 334-339, 351, 353, 359-362, 365-368, 373, 381, 404, 420, 421, 427, 428, 439, 444, 455
- Court Exh 301
13. 10-Oct-2014 A "First Motion for Extension of Time to File Transcripts" (Leisel Baker, Certified Court Reporter) having been filed on October 09, 2014,
- IT IS ORDERED granting a first extension of time to file the Transcripts on or before November 30, 2014. (Janet Johnson, Clerk)
14. 11-Oct-2014 FILED: Reporter's Transcript - 11/30/10 (Cindy L Lineburg)
15. 12-Oct-2014 FILED: Reporter's Transcript - 3/15/13 - Status Conference (Marmie Guimont)
16. 12-Oct-2014 FILED: Reporter's Transcript - 04/28/08 - Capital Mitigation Master Conference (Kristen L. Brown)
17. 12-Oct-2014 FILED: Reporter's Transcript - 06/18/14 - Trial PM (Marmie Guimont)
18. 13-Oct-2014 FILED: Motion for Extension of Time for 8/19/14 Trial Transcript (Marla Arnold)
19. 13-Oct-2014 FILED: Reporter's Transcript - 5/21/14 - Voir Dire (Patricia Kotarba)
20. 14-Oct-2014 Court Reporter Scott Kindle has advised the Court that the court reporter notes for the May 1 and May 22, 2009 proceedings were sealed by the trial court. Therefore,
- IT IS ORDERED that the court reporter notes for May 1 and May 22, 2009 are unsealed for the purpose of preparing the transcripts for appeal. No later than October 31, 2014, Scott Kindle shall prepare and file transcripts of those proceedings.
- IT IS FURTHER ORDERED that Mr. Kindle shall not send copies of the transcripts to appellate counsel, and the Clerk of this Court shall maintain the transcripts as sealed documents, until further order of the Court. Either party may file a motion to have the transcripts unsealed and copies provided to counsel. (Hon. John Pelander)
21. 14-Oct-2014 FILED: (SEALED) Reporters Transcripts - 4/21/11 - Ex Parte Motion to Withdraw (Cindy L Lineburg)
22. 14-Oct-2014 FILED: (SEALED) Reporters Transcript - 6/20/13 - Status Conference (Marmie Guimont)
23. 14-Oct-2014 FILED: Reporter's Transcript - 6/18/14 - Trial AM (Barbara Stockford)
24. 15-Oct-2014 FILED: Reporter's Transcript - 6/20/13 - Status Conference (Marmie Guimont)
25. 15-Oct-2014 FILED: Reporter's Transcript - 5/21/14 Jury Voir Dire a.m. (Kristi Week)
26. 16-Oct-2014 FILED: (SEALED) Reporters Transcript - 11/5/12 - Ex Parte Hearing (Lori Reinhardt)
27. 16-Oct-2014 FILED: Reporter's Transcript - 9/4/12 - Pretrial Hearing (Laura Ashbrook)

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28. 16-Oct-2014 FILED: Reporter's Transcript - 10/23/12 - Pretrial Hearing (Laura Ashbrook)
29. 16-Oct-2014 FILED: Reporter's Transcript - 10/30/12 - Pretrial Hearing (Laura Ashbrook)
30. 16-Oct-2014 FILED: Reporter's Transcript - 11/06/12 - Pretrial Hearing (Laura Ashbrook)
31. 16-Oct-2014 FILED: Reporter's Transcript - 4/1/09 - Pretrial Hearing (Laura Ashbrook)
32. 16-Oct-2014 FILED: Reporter's Transcript - 4/23/12 - Pretrial Hearing (Laura Ashbrook)
33. 16-Oct-2014 FILED: Reporter's Transcript - 6/15/12 - Chronis Hearing (Laura Ashbrook)
34. 16-Oct-2014 FILED: Reporter's Transcript - 7/27/12 - Pretrial Hearing (Laura Ashbrook)
35. 16-Oct-2014 FILED: Reporter's Transcript - 12/10/12 - Pretrial Hearing (Laura Ashbrook)
36. 16-Oct-2014 FILED: Reporter's Transcript - 12/02/11 - Status Conference (Cindy Benner)
37. 16-Oct-2014 FILED: (Unsigned) Reporter's Transcript - 08/03/11 - Status Conference (Cindy Benner)
38. 16-Oct-2014 FILED: Reporter's Transcript - 05/20/11 - Status Conference (Cindy Benner)
39. 17-Oct-2014 Marla Arnold, Court Reporter, having filed a first request for extension of time to file transcripts,

IT IS ORDERED granting Marla Arnold, Court Reporter, a first extension of time to and including the 19th of November, 2014, in which to file the August 19, 2014 transcript in the above-entitled matter. (Janet Johnson, Clerk)
40. 17-Oct-2014 FILED: Reporter's Transcript - 8/3/11 - Status Conference (Replace RT filed on 10/16/14) (Cindy Benner)
41. 17-Oct-2014 FILED: Notice of Errata (RT Filed on 10/16/14 had no signature) (Re 8/3/11 transcript) (Cindy Benner)
42. 17-Oct-2014 FILED: First Motion for Extension of Time to File Transcripts (Laura Ashbrook)
43. 17-Oct-2014 FILED: Reporter's Transcript - 2/14/13 - Motion for Rule 11 Evaluation (Laura Ashbrook)
44. 18-Oct-2014 FILED: Reporter's Transcript - 04/29/11 - Status Conference (Cindy Benner)
45. 18-Oct-2014 FILED: Notice of Errata (Re 4/29/11 Transcript) (Cindy Benner)
46. 18-Oct-2014 FILED: (Replaced by Previous Transcript per Notice of Errata) 1 Reporter's Transcript - 04/29/11 - Status Conference (Cindy Benner)
47. 18-Oct-2014 FILED: Reporter's Transcript - 04/03/12 - Motion to Continue (Cindy Lineburg)
48. 19-Oct-2014 FILED: Reporter's Transcript - 03/24/09 - Capital Case Management Conference (Scott A. Kindle)
49. 19-Oct-2014 FILED: Reporter's Transcript - 05/01/09 p.m. - Capital Case Management Conference (Scott A. Kindle)
50. 19-Oct-2014 FILED: Reporter's Transcript - 05/22/09 p.m. - Status Conference (Scott A. Kindle)
51. 19-Oct-2014 FILED: Reporter's Transcript - 07/15/09 - Status Conference (Scott A. Kindle)
52. 19-Oct-2014 FILED: Reporter's Transcript - 10/02/09 - Capital Case Management Conference (Scott A. Kindle)
53. 19-Oct-2014 FILED: Reporter's Transcript - 12/11/09 - Capital Case Management Conference and Oral Argument (Scott A. Kindle)
54. 19-Oct-2014 FILED: Reporter's Transcript - 02/12/10 - Capital Case Management Conference (Scott A. Kindle)
55. 19-Oct-2014 FILED: Reporter's Transcript - 03/26/10 - Capital Case Management Conference (Scott A. Kindle)
56. 19-Oct-2014 FILED: Reporter's Transcript - 06/25/10 - Status Conference (Scott A. Kindle)
57. 19-Oct-2014 FILED: Reporter's Transcript - 07/23/10 - Capital Case Management Conference (Scott A. Kindle)
58. 19-Oct-2014 FILED: Reporter's Transcript - 08/04/10 - Capital Case Management Conference (Scott A. Kindle)
59. 19-Oct-2014 FILED: Reporter's Transcript - 09/24/10 - Capital Case Management Conference (Scott A. Kindle)
60. 19-Oct-2014 FILED: Reporter's Transcript - 12/10/10 - Capital Case Management Conference (Scott A. Kindle)

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61. 19-Oct-2014 FILED: Reporter's Transcript - 01/21/11 - Capital Case Management Conference (Scott A. Kindle)
62. 19-Oct-2014 FILED: Reporter's Transcript - 02/11/11 - Capital Case Management Conference (Scott A. Kindle)
63. 20-Oct-2014 FILED: Reporter's Transcript - 04/07/11 - Final Trial Management Conference (Scott A. Kindle)
64. 20-Oct-2014 FILED: Reporter's Transcript - 04/19/11 - Status Conference (Scott A. Kindle)
65. 21-Oct-2014 FILED: Transcript - 03/09/07 - Not Guilty Arraignment (Janice Penfield)
66. 22-Oct-2014 FILED: Correction of Trial Date (Helene Paustian)
67. 22-Oct-2014 Laura Ashbrook, Certified Court Reporter, having filed a first request for extension of time to file transcripts,

IT IS ORDERED granting Laura Ashbrook, Certified Court Reporter, a first extension of time to and including December 9, 2014, in which to file Reporter's Transcripts in the above-entitled matter. (Janet Johnson, Clerk)
68. 22-Oct-2014 FILED: (SEALED) Reporters Transcript - 04/05/12 - Ex Parte Hearing (Cindy Lineburg)
69. 22-Oct-2014 FILED: Motion for Extension of Time to File Transcripts (Antoinette Salazar)
70. 22-Oct-2014 FILED: First Motion for Extension of Time to File Transcripts (Miguel A. Benitez)
71. 22-Oct-2014 FILED: Reporter's Transcript - 06/11/14 (Lisa Bradley)
72. 23-Oct-2014 Antoinette Salazar, Court Reporter, having filed a first request for extension of time to file transcripts,

IT IS ORDERED granting Antoinette Salazar, Court Reporter, a first extension of time to and including November 21st, 2014, in which to file Reporter's Transcripts in the above-entitled matter.

No further extensions of time shall be granted absent extraordinary circumstances. (Janet Johnson, Clerk)
73. 24-Oct-2014 Miguel A. Benitez, Court Reporter, having filed a first request for extension of time to file transcripts,

IT IS ORDERED granting Miguel A. Benitez, Court Reporter, a first extension of time to and including November 24, 2014, in which to file 11 Reporter's Transcripts in the above-entitled matter.

IT IS FURTHER ORDERED granting Miguel A. Benitez time to and including December 12, 2014, in which to file the remaining Reporter's Transcripts in the above-entitled matter. (Janet Johnson, Clerk)
74. 24-Oct-2014 Filed: (SEALED) Reporter's Transcript - 7/2/13 - Ex Parte Proceeding (Lydia Estrada-Gray)
75. 24-Oct-2014 Filed: 2 (SEALED) Reporter's Transcripts - 5/1/09 - Oral Argument; 5/22/09 - Ex Parte Hearing (Scott A. Kindle)
76. 27-Oct-2014 Court reporter Janell Rose having advised that the proceeding of June 3, 2013, was sealed by the trial court,

IT IS ORDERED that the court reporter notes for June 3, 2013 are unsealed for the purpose of preparing the transcript for appeal. Ms. Rose shall prepare and file a transcript of the proceeding no later than November 3, 2014.

IT IS FURTHER ORDERED that Ms. Rose shall not send copies of the transcript to appellate counsel, and the Clerk of this Court shall maintain the transcript as a sealed document, until further order of the Court. Either party may file a motion to have the transcript unsealed and copies provided to counsel. (Hon. John Pelander)
77. 28-Oct-2014 FILED: (SEALED) Reporter's Transcript - 4/18/11 - Ex Parte Hearing (Deborah M. Croci)
78. 29-Oct-2014 Filed: (SEALED) Reporter's Transcript - 6/3/13 (Janell Rose)
79. 31-Oct-2014 FILED: Reporter's Transcripts - 8/12/14 - Trial (Leisel Baker)
80. 31-Oct-2014 FILED: Reporter's Transcript - 5/13/14 - Motion for Mistrial/Jury Selection (Helene Paustian)
81. 4-Nov-2014 FILED: Reporter's Transcript - 10/6/08 - Capital Case Management Conference (Rochelle L. Dobbins)
82. 7-Nov-2014 FILED: Reporter's Transcript - 05/08/14 - PreTrial Conference P.M. (Marla Arnold)
83. 12-Nov-2014 FILED: Reporter's Transcript - 2/13/08 - Ex Parte Hearing (Bethany D. Campbell)

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84. 12-Nov-2014 Court reporters Mike Benitez and Hilda Lopez have advised the Court that certain trial proceedings have been sealed. Therefore, IT IS ORDERED that the court reporter notes for April 8, 2008, June 26, 2008, and January 9, 2009, are unsealed for the purpose of preparing the transcripts for appeal. No later than December 12, 2014, Mike Benitez and Hilda Lopez shall prepare and file their transcripts for these proceedings.
- IT IS FURTHER ORDERED that the court reporters shall not send copies of the transcripts to appellate counsel, and the Clerk of this Court shall maintain the transcripts as sealed documents, until further order of the Court. Either party may file a motion to have the transcripts unsealed and copies provided to counsel. (Hon. Robert Brutinel)
85. 13-Nov-2014 FILED: (SEALED) Reporter's Transcript - 1/9/09 (Hilda E. Lopez)
86. 18-Nov-2014 FILED: Reporter's Transcript - 08/19/14 - Trial (Marla Arnold)
87. 20-Nov-2014 FILED: Reporter's Transcript - 4/19/07 - Management Conference (Miguel Benitez)
88. 20-Nov-2014 FILED: Reporter's Transcript - 6/19/07 - Status Conference (Miguel Benitez)
89. 20-Nov-2014 FILED: Reporter's Transcript - 6/27/07 (Miguel Benitez)
90. 20-Nov-2014 FILED: Reporter's Transcript - 7/2/07 - Status Conference (Miguel Benitez)
91. 20-Nov-2014 FILED: Reporter's Transcript - 12/11/07 - Status Conference (Miguel Benitez)
92. 20-Nov-2014 FILED: Reporter's Transcript - 1/9/08 - Status Conference (Miguel Benitez)
93. 20-Nov-2014 FILED: Reporter's Transcript - 1/11/08 (Miguel Benitez)
94. 20-Nov-2014 FILED: Reporter's Transcript - 2/8/08 - Status Conference (Miguel Benitez)
95. 20-Nov-2014 FILED: Reporter's Transcript - 8/2/07 - Motion to Continue Deposition of Patsy Jones (Miguel Benitez)
96. 20-Nov-2014 FILED: Reporter's Transcript - 8/28/07 - Status Conference (Miguel Benitez)
97. 20-Nov-2014 FILED: Reporter's Transcript - 9/5/07 - Status Conference (Miguel Benitez)
98. 20-Nov-2014 FILED: Reporter's Transcript - 10/9/07 - Status Conference (Miguel Benitez)
99. 20-Nov-2014 FILED: Reporter's Transcript - 3/14/08 - Management Conference (Miguel Benitez)
100. 20-Nov-2014 FILED: Reporter's Transcript - 5/9/08 (Miguel Benitez)
101. 19-Nov-2014 FILED: Supplemental Record on Appeal – MCSC: Index; Instruments and MEs; 19 Duplicate RTs (All Electronic)
102. 21-Nov-2014 FILED: Reporter's Transcript - 8/10/12 - Case Management Conference (Kathy Braley)
103. 24-Nov-2014 FILED: Reporter's Transcript - 12/20/13 - Management Conference (Laura Ashbrook)
104. 24-Nov-2014 FILED: Reporter's Transcript - 1/17/14 - Management Conference (Laura Ashbrook)
105. 24-Nov-2014 FILED: Reporter's Transcript - 2/11/14 - Management Conference (Laura Ashbrook)
106. 24-Nov-2014 FILED: Reporter's Transcript - 2/21/14 - Management Conference (Laura Ashbrook)
107. 24-Nov-2014 FILED: Reporter's Transcript - 9/26/13 - Management Conference (Laura Ashbrook)
108. 24-Nov-2014 FILED: Reporter's Transcript - 11/15/13 - Management Conference (Laura Ashbrook)
109. 24-Nov-2014 FILED: Reporter's Transcript - 11/26/13 - Management Conference (Laura Ashbrook)
110. 24-Nov-2014 FILED: Reporter's Transcript - 12/3/13 - Management Conference (Laura Ashbrook)
111. 24-Nov-2014 FILED: Reporter's Transcript - 6/10/14 - Jury Trial (Laura Ashbrook)
112. 24-Nov-2014 FILED: Reporter's Transcript - 6/16/14 - Jury Trial (Laura Ashbrook)
113. 24-Nov-2014 FILED: Reporter's Transcript - 6/17/14 - Jury Trial (Laura Ashbrook)
114. 24-Nov-2014 FILED: Reporter's Transcript - 6/19/14 - Jury Trial (Laura Ashbrook)

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115. 24-Nov-2014 FILED: Reporter's Transcript - 3/27/13 - Management Conference (Laura Ashbrook)
116. 24-Nov-2014 FILED: Reporter's Transcript - 5/6/13 - Management Conference (Laura Ashbrook)
117. 24-Nov-2014 FILED: Reporter's Transcript - 5/16/13 - Management Conference (Laura Ashbrook)
118. 24-Nov-2014 FILED: Reporter's Transcript - 7/25/13 - Management Conference (Laura Ashbrook)
119. 24-Nov-2014 FILED: Reporter's Transcript - 3/7/14 - Management Conference (Laura Ashbrook)
120. 24-Nov-2014 FILED: Reporter's Transcript - 4/2/14 - Management Conference (Laura Ashbrook)
121. 24-Nov-2014 FILED: Reporter's Transcript - 4/17/14 (Laura Ashbrook)
122. 24-Nov-2014 FILED: Reporter's Transcript - 6/9/14 - Jury Trial (Laura Ashbrook)
123. 5-Dec-2014 FILED: Appellant's Motion to Supplement and Unseal the Record and Exhibits and for Copies; Certificate of Service (Appellant Hulsey)
124. 5-Dec-2014 FILED: Notice of Appearance of Appellant's Counsel; Certificate of Service (Appellant Hulsey)
125. 5-Dec-2014 FILED: Notice of Appointment of Counsel (Appellant Hulsey)
126. 9-Dec-2014 FILED: Second Motion for Extension of Time to File Transcripts (Laura Ashbrook)
127. 10-Dec-2014 Laura Ashbrook, Court Reporter, having filed a second request for extension of time to file transcripts,

IT IS ORDERED granting Laura Ashbrook, Court Reporter, a second extension of time to and including January 23, 2015, in which to file Reporter's Transcripts in the above-entitled matter. (Hon. Ann A. Scott Timmer)
128. 10-Dec-2014 Court Reporter Antoinette Salazar has advised the Court that the proceeding of April 2, 2013 was sealed. Therefore,

IT IS ORDERED that the court reporter notes for April 2, 2013 are unsealed for the purpose of preparing the transcript. No later than December 31, 2014, Ms. Salazar shall prepare and file the transcript under seal.

IT IS FURTHER ORDERED that Ms. Salazar shall not send copies of the transcript to appellate counsel, and the Clerk of this Court shall maintain the transcript as a sealed document, until further order of the Court. Either party may file a motion to have the transcript unsealed and copies provided to counsel. (Hon. Ann A. Scott Timmer)
129. 11-Dec-2014 FILED: 3 (SEALED) Reporter's Transcripts - 4/8/08, 6/26/08, 1/9/09 (Miguel A. Benitez)
130. 12-Dec-2014 FILED: Reporter's Transcript - 7/11/08 - Oral Argument (Mike Benitez)
131. 12-Dec-2014 FILED: Reporter's Transcript - 8/1/08 - Motion for Change of Counsel (Mike Benitez)
132. 12-Dec-2014 FILED: Reporter's Transcript - 9/19/08 - Case Management Conference (Mike Benitez)
133. 12-Dec-2014 FILED: Reporter's Transcript - 12/12/08 - Case Management Conference (Mike Benitez)
134. 12-Dec-2014 FILED: Reporter's Transcript - 2/20/09 - Case Management Conference (Mike Benitez)
135. 12-Dec-2014 FILED: Reporter's Transcript - 8/20/14 - Jury Trial Penalty Phase (Mike Benitez)
136. 16-Dec-2014 FILED: Appellant's Second Motion to Unseal the Record and Transcripts; Certificate of Service (Appellant Hulsey)

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137. 29-Dec-2014 The Court has been advised that there are additional sealed proceedings to be transcribed which were not included in the original notice to court reporters. Therefore,
- IT IS ORDERED that the court reporter notes are unsealed and no later than January 16, 2015, the following court reporters shall file the transcripts of these proceedings:
- 10/1/07 Mitigation discovery conference - Bethany Campbell
12/13/07 Mitigation discovery conference – Bethany Campbell
- 8/4/08 Ex parte hearing – Mike Benitez
9/9/08 Ex parte hearing – Mike Benitez
- 11/14/08 Mitigation status conference – Lisa Blanks
9/26/12 Ex parte hearing – Cindy Lineburg
- 3/22/13 Ex parte status conference – Lydia Estrada-Gray
- IT IS FURTHER ORDERED that the court reporters shall send copies of the transcripts to counsel. However, the Clerk of this Court shall maintain the original transcripts as sealed documents. Appellant's counsel: David Goldberg, PO Box 608, Fort Collins, CO 80522. State's counsel: Jeffrey Zick, Arizona Attorney General's Office, 1275 W. Washington Street, Phoenix, AZ 85007. (Hon Ann A Scott Timmer)
138. 29-Dec-2014 Upon considering Appellant's Motion to Supplement and Unseal the Record and Exhibits and for Copies and Appellant's Second Motion to Unseal the Record and Transcripts,
- IT IS ORDERED that the Clerk of this Court shall temporarily unseal all sealed transcripts, exhibits and documents in this case and provide copies to Appellant's counsel and the State's counsel. The transcripts, exhibits and documents shall then be resealed. Counsel shall not include sealed information in the briefs or otherwise disclose such information to the public without prior permission from this Court. Pursuant to Rule 123(e)(10), Rules of the Supreme Court, counsel shall maintain the confidentiality of all information that personally identifies jurors.
- IT IS FURTHER ORDERED denying the motion as to the "Notice to the Court Regarding Defendant's Medical Condition" unless and until the parties can locate the original or a copy of that document.
- IT IS FURTHER ORDERED denying the request to include in the record on appeal the record in *Hulsey v. Rayes/State*, Court of Appeals case number 1 CA-SA 13-0002. The parties may cite to the record in 1 CA-SA 13-0002 or Arizona Supreme Court case number CV-13-0010-PR and request that the Court take judicial notice of same. The Clerk of this Court shall temporarily unseal the record in CV-13-0010-PR and provide copies to Appellant's counsel and the State's counsel. The record shall then be resealed.
- IT IS FURTHER ORDERED denying the request to include in the record on appeal exhibits and transcripts from hearings in *State v. Gittens*, Maricopa County Superior Court case number CR2010-007912-002. Appellant may renew his request if he attaches copies of the exhibits and transcripts. The parties may cite to the record in *Gittens v. Kreamer/State*, Arizona Supreme Court case number CV-13-0360-PR, and request that the Court take judicial notice of same. The Clerk of this Court shall provide copies of the record in CV-13-0360-PR to Appellant's counsel and the State's counsel. (Hon. Ann A. Scott Timmer)
139. 2-Jan-2015 FILED: (SEALED) Reporter's Transcript - 4/2/13 - Status Conference (Antoinette Salazar)
140. 8-Jan-2015 FILED: 2 Reporter's Transcripts - 5/27/09 and 2/1/2012 (Marge Harcarik)
141. 16-Jan-2015 Filed: (SEALED) Reporter's Transcript - 9/26/12 (Cindy Lineburg)
142. 16-Jan-2015 FILED: (SEALED) Reporter's Transcript - 3/22/13 (Lydia Estrada-Gray)
143. 25-Jan-2015 FILED: Reporter's Transcript - 7/21/14 - Trial (Laura Ashbrook)
144. 25-Jan-2015 FILED: Reporter's Transcript - 7/23/14 - Trial (Laura Ashbrook)
145. 25-Jan-2015 FILED: Reporter's Transcript - 7/24/14 - Trial (Laura Ashbrook)
146. 25-Jan-2015 FILED: Reporter's Transcript - 7/28/14 - Trial (Laura Ashbrook)
147. 25-Jan-2015 FILED: Reporter's Transcript - 6/23/14 - Trial (Laura Ashbrook)
148. 25-Jan-2015 FILED: Reporter's Transcript - 7/14/14 - Trial (Laura Ashbrook)
149. 25-Jan-2015 FILED: Reporter's Transcript - 7/16/14 - Trial (Laura Ashbrook)
150. 25-Jan-2015 FILED: Reporter's Transcript - 7/17/14 - Trial (Laura Ashbrook)

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151. 25-Jan-2015 FILED: Reporter's Transcript - 7/29/14 - Trial (Laura Ashbrook)
152. 25-Jan-2015 FILED: Third Motion for Extension of Time to File Transcripts (Laura Ashbrook)
153. 26-Jan-2015 Laura Ashbrook, Court Reporter, having filed a third request for extension of time to file transcripts,

IT IS ORDERED granting Laura Ashbrook, Court Reporter, a third extension of time to and including March 9, 2015, in which to file Reporter's Transcripts in the above-entitled matter.

No further extensions shall be granted, absent extraordinary circumstances. (Hon. John Pelander)
154. 27-Jan-2015 The Court having previously granted Appellant's motion for copies of all sealed transcripts,

IT IS ORDERED that the court reporters shall provide copies of all sealed transcripts in this case to Appellant's counsel and the State's counsel, including:

Scott Kindle: 5/1/09; 5/22/09
Cindy Lineburg: 4/21/11; 4/5/12
Marmie Guimont: 6/20/13
Lori Reinhardt: 11/5/12
Lydia Estrada-Gray: 7/2/13
Janell Rose: 6/3/13
Deborah Croci: 4/18/11
Mike Benitez: 4/8/08; 6/26/08; 1/9/09
Hilda Lopez: 1/9/09
Antoinette Salazar: 4/2/13

(Hon. John Pelander)
155. 28-Jan-2015 FILED: 2 (SEALED) Reporter's Transcripts - 8/4/08 9/9/08 (Miguel Benitez)
156. 26-Feb-2015 FILED: Reporter's Transcript - 7/31/2014 - Jury Trial (Laura Ashbrook)
157. 26-Feb-2015 FILED: Reporter's Transcript - 8/6/2014 - Jury Trial (Laura Ashbrook)
158. 26-Feb-2015 FILED: Reporter's Transcript - 8/11/2014 - Jury Trial (Laura Ashbrook)
159. 26-Feb-2015 FILED: Reporter's Transcript - 8/13/2014 - Jury Trial (Laura Ashbrook)
160. 26-Feb-2015 FILED: Reporter's Transcript - 8/14/2014 - Jury Trial (Laura Ashbrook)
161. 26-Feb-2015 FILED: Reporter's Transcript - 8/18/2014 - Jury Trial (Laura Ashbrook)
162. 26-Feb-2015 FILED: Reporter's Transcript - 8/21/2014 - Jury Trial (Laura Ashbrook)
163. 26-Feb-2015 FILED: Reporter's Transcript - 8/25/2014 - Jury Trial (Laura Ashbrook)
164. 5-Mar-2015 On December 29, 2014, this Court ordered former court reporter Bethany Campbell to file transcripts of the proceedings of October 1, 2007 and December 13, 2007 (mitigation discovery conferences) no later than January 16, 2015. The order was sent to Ms. Campbell's home address and e-mail address which she had recently provided to the Court. Ms. Campbell has failed to comply with the Court's order to file the transcripts. She has not responded to a letter and e-mails from court staff requesting that she file the now overdue transcripts. Therefore,

IT IS ORDERED that Bethany Campbell shall file transcripts of the proceedings of October 1, 2007 and December 13, 2007 (mitigation discovery conferences) no later than March 13, 2015. If the transcripts are not filed by that date, Ms. Campbell shall appear in this Court before Justice Brutinel on March 19, 2015, at 9:00 a.m. to show cause why a citation for contempt of court and sanctions should not be imposed. Ms. Campbell shall bring to the hearing any notes of the proceedings, dictionary, audio back-up and stenographic file.

(Hon Robert M. Brutinel)
165. 8-Mar-2015 FILED: Reporter's Transcript - 5/12/2014 - Jury Trial (Laura Ashbrook)
166. 8-Mar-2015 FILED: Reporter's Transcript - 5/20/2014 - Jury Trial (Laura Ashbrook)
167. 8-Mar-2015 FILED: Reporter's Transcript - 8/27/2014 - Jury Deliberations (Laura Ashbrook)
168. 8-Mar-2015 FILED: Reporter's Transcript - 8/28/2014 - Jury Verdict (Laura Ashbrook)
169. 8-Mar-2015 FILED: (DUPLICATE) Reporter's Transcript - 5/20/2014 - Jury Trial (Laura Ashbrook)

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170. 8-Mar-2015 FILED: Reporter's Transcript - 5/22/2014 - Jury Trial (Laura Ashbrook)
171. 8-Mar-2015 FILED: Reporter's Transcript - 5/27/2014 - Jury Trial (Laura Ashbrook)
172. 8-Mar-2015 FILED: Reporter's Transcript - 5/28/2014 - Jury Trial (Laura Ashbrook)
173. 8-Mar-2015 FILED: Reporter's Transcript - 5/29/2014 - Jury Trial (Laura Ashbrook)
174. 8-Mar-2015 FILED: Reporter's Transcript - 6/2/2014 - Jury Trial (Laura Ashbrook)
175. 10-Mar-2015 FILED: Reporter's Transcript - 6/3/2014 - Trial (Laura Ashbrook)
176. 11-Mar-2015 FILED: Reporter's Transcript - 4/6/2012 - Pretrial Hearing (Laura Ashbrook)
177. 11-Mar-2015 FILED: Reporter's Transcript - 4/1/2009 - Pretrial Hearing (Laura Ashbrook)
178. 11-Mar-2015 FILED: Reporter's Transcript - 10/30/2012 - Pretrial Conference (Laura Ashbrook)
179. 11-Mar-2015 FILED: Reporter's Transcript - 6/9/2014 - Jury Trial (Laura Ashbrook)
180. 11-Mar-2015 FILED: Reporter's Transcript - 10/23/2012 - Pretrial Hearing (Laura Ashbrook)
181. 11-Mar-2015 FILED: Reporter's Transcript - 11/6/2012 - Pretrial Conference (Laura Ashbrook)
182. 11-Mar-2015 FILED: Reporter's Transcript - 12/10/2012 - Pretrial Conference (Laura Ashbrook)
183. 11-Mar-2015 FILED: Reporter's Transcript - 5/19/2014 - Trial (Laura Ashbrook)
184. 12-Mar-2015 FILED: 2 Reporter's Transcripts - 12/3/2007; 10/1/2007 (Bethany Campbell)
- RECORD COMPLETE
185. 12-Mar-2015 Bethany Campbell having filed the ordered transcripts,
IT IS ORDERED that the show cause hearing set for March 19, 2015 is vacated. (Hon. Robert M. Brutinel)
186. 19-Mar-2015 The Clerk of the Court has determined that the record on appeal is complete. Therefore,
IT IS ORDERED that Appellant's Opening Brief shall be filed no later than June 17, 2015. The Answering Brief shall be filed no later than sixty (60) days after service of the Opening Brief. The Reply Brief shall be filed no later than thirty (30) days after service of the Answering Brief. (Hon. Robert M. Brutinel)
187. 11-May-2015 FILED: Appellant's Motion for Extension of Time for Filing of Reply (sic) Brief (1st Request-Uncontested); Certificate of Service (Appellant Hulsey)
188. 11-May-2015 An "Appellant's Motion for Extension of Time for Filing of Reply (sic) Brief (1st Request-Uncontested)" (Appellant Hulsey) having been filed on May 11, 2015,
IT IS ORDERED granting a first extension of time to file the Opening Brief on or before September 17, 2015. (Janet Johnson, Clerk)
189. 18-May-2015 FILED: Notice of Appearance (Attorney Stover Gard for Appellee State); Certificate of Service (Appellee State)
190. 25-Aug-2015 FILED: Notice of Appearance (Attorney Kristina Reeves for Appellee State); Certificate of Service (Appellee State)
191. 28-Aug-2015 FILED: Appellant's Motion for Extension of Time for Filing of Opening Brief (2nd Request-Uncontested); Certificate of Service (Appellant Hulsey)
192. 28-Aug-2015 An "Appellant's Motion for Extension of Time for Filing of Opening Brief (2nd Request-Uncontested)" (Appellant Hulsey) having been filed on August 29, 2015,
IT IS ORDERED granting a second extension of time to file the Opening Brief on or before November 18, 2015. (Janet Johnson, Clerk)
193. 16-Oct-2015 FILED: Appellant's Motion to Unseal the Record and for Copy of Juror Random List and Final List of Jurors; Certificate of Service (Appellant Hulsey)

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194. 16-Oct-2015 FILED: Appellant's Motion for Extension of Time for Filing of Opening Brief (3rd Request-Partially Uncontested); Certificate of Service (Appellant Hulsey)
195. 19-Oct-2015 An "Appellant's Motion for Extension of Time for Filing of Opening Brief (3rd Request-Partially Uncontested)" having been filed by Appellant Hulsey on October 16, 2015,

IT IS ORDERED granting a third extension of time to file the Opening Brief on or before January 18, 2016.
(Hon. John Pelander)
196. 20-Oct-2015 Upon considering Appellant's Motion to Unseal the Record and for Copy of Juror Random List and Final List of Jurors,

IT IS ORDERED that the motion is granted as to the Random Jury List. There is no separate Final List of Jurors in the record. The Clerk of this Court shall provide a copy of the Random Jury List, record index number 858, to Appellant's counsel. The Clerk shall provide a copy to the State's counsel upon request. Pursuant to Rule 123(e)(10), Rules of the Supreme Court, counsel shall maintain the confidentiality of all information that personally identifies jurors (Hon. John Pelander)
197. 12-Jan-2016 FILED: Appellant's Third Motion to Supplement the Record with Materials Submitted via Email to Trial Judge; Certificate of Service; Declaration and Exhibits (A, B); Exhibits (C-E) (Appellant Hulsey)
198. 18-Jan-2016 FILED: Appellant's Opening Brief; Certificate of Service; Certificate of Compliance; Appendices to Opening Brief (Appellant Hulsey)
199. 18-Jan-2016 FILED: Appellant's Motion to Exceed Word Count in Opening Brief; Certificate of Service (Appellant Hulsey)
200. 18-Jan-2016 FILED: Notice of Filing Original FTR DVD'S of Selective Trial Days with Supreme Court; Certificate of Service (Appellant Hulsey)
201. 19-Jan-2016 An "Appellant's Motion to Exceed Word Count in Opening Brief" having been filed by Appellant Hulsey on January 18, 2016, and the Clerk of the Court having been authorized by the Supreme Court to enter orders granting or denying requests for extended word count,

IT IS ORDERED granting Appellant's motion to exceed the word count limit in the Opening Brief by 3,140 words for a total of 31,140 words. The Opening Brief shall be filed as of January 18, 2016.
(Janet Johnson, Clerk)
202. 21-Jan-2016 FILED: 6 CDs of FTR Recordings (See Dkt No 201)
203. 27-Jan-2016 Appellant has filed a Motion to Supplement the Record requesting to supplement the record on appeal with police reports e-mailed by defense counsel to the judge on March 6, 2014, pertaining to an issue under consideration by the trial court. Appellant has submitted a declaration by defense counsel stating that the attachments are true and correct copies of the e-mails and police reports sent to the judge and the State's counsel.

IT IS ORDERED that the motion is granted. The documents submitted with the motion shall be included in the record on appeal.
(Hon. Robert M. Brutinel)
204. 2-Mar-2016 FILED: Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee State)
205. 3-Mar-2016 A "Motion for Extension of Time to File Answering Brief" (Appellee State) having been filed on March 2, 2016,

IT IS ORDERED granting a first extension of time to file the Answering Brief on or before May 17, 2016. (Janet Johnson, Clerk)
206. 16-May-2016 FILED: (Second) Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee State)
207. 17-May-2016 A "(Second) Motion for Extension of Time to File Answering Brief" (Appellee State) having been filed on May 16, 2016,

IT IS ORDERED granting a second extension of time to file the Answering Brief on or before May 24, 2016. (Hon. Robert M. Brutinel)
208. 26-May-2016 FILED: Motion to Exceed Word Limit (30,321 Word Answering Brief Filed); Certificate of Service (Appellee State)
209. 26-May-2016 FILED: Appellee's Answering Brief; Certificate of Service; Certificate of Compliance (Appellee State)
210. 27-May-2016 A "Motion to Exceed Word Limit" (Appellee State) having been filed, and the Clerk of the Court having been authorized by the Supreme Court to enter orders granting or denying requests for extended word count,

IT IS ORDERED granting Appellee's motion to exceed the word count on the Answering Brief by 2,321 words, for a total of 30,321 words. The Answering Brief shall be filed as of May 26, 2016. (Janet Johnson, Clerk)
211. 1-Jun-2016 FILED: Notice of Supplemental Authority; Certificate of Service; Exhibit A (Appellee State)

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212. 2-Jun-2016 FILED: Appellant's Motion for Extension of Time for Filing of Reply Brief (1st Request - Uncontested); Certificate of Service (Appellant Hulsey)
213. 3-Jun-2016 An "Appellant's Motion for Extension of Time for Filing of Reply Brief (1st Request – Uncontested)" (Appellant Hulsey) having been filed on June 2, 2016,

IT IS ORDERED granting a first extension of time to file the Reply Brief on or before July 26, 2016. No further extensions of time shall be granted. (Janet Johnson, Clerk)
214. 21-Jul-2016 FILED: Appellant's Reply Brief; Certificate of Service; Certificate of Compliance (Appellant Hulsey)

AT ISSUE
215. 21-Jul-2016 On the Court's own motion,

IT IS ORDERED that the above-entitled and numbered matter will be argued to the Court in due course. Counsel shall be advised of the date and time of oral argument at such time as the hearing date is determined. (Janet Johnson, Clerk)
216. 25-Jul-2016 FILED: Motion for Leave to File Surreply Brief Based on Lynch v. Arizona; Certificate of Service (Appellee State)
217. 25-Jul-2016 Upon considering the State's Motion for Leave to File Surreply Brief Based on Lynch v. Arizona,

IT IS ORDERED that the motion is granted. The State may file a Surreply Brief no later than August 8, 2016, limited to six pages. (Hon. Robert M. Brutinel)
218. 2-Aug-2016 FILED: Appellant's Motion to File a Supplemental Brief Addressing the State's Surreply Brief; Certificate of Service (Appellant Hulsey)
219. 3-Aug-2016 Upon considering Appellant's Motion to File a Supplemental Brief Addressing the State's Surreply Brief,

IT IS ORDERED that the motion is granted. Appellant may file a Supplemental Brief no later than September 2, 2016, limited to four pages. (Hon. Clint Bolick)
220. 5-Aug-2016 FILED: Motion for Extension of Time to File Surreply Brief Based on Lynch v. Arizona; Certificate of Service (Appellee State)
221. 8-Aug-2016 A "Motion for Extension of Time to File Surreply Brief Based on Lynch v. Arizona" (Appellee State) having been filed on August 5, 2016,

IT IS ORDERED granting a first extension of time to file the Surreply Brief on or before August 15, 2016. No further extensions of time shall be granted. (Hon. Clint Bolick)
222. 15-Aug-2016 FILED: Appellee's Surrebuttal Reply Brief; Certificate of Service; Certificate of Compliance (Appellee State)
223. 29-Aug-2016 FILED: Appellant's Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellant Hulsey)
224. 28-Oct-2016 FILED: Appellant's Fourth Motion to Unseal and Supplement the Record With the Entire File in Arizona Supreme Court Attorney Discipline Case No. 15-3363 in the Matter of Attorney Juan M. Martinez; Certificate of Service (Appellant Hulsey)
225. 28-Oct-2016 FILED: Appellant's Notice of Supplemental Authority; Certificate of Service (Appellant Hulsey)
226. 3-Nov-2016 FILED: Response to Appellant's Motion to Unseal and Supplement the Record; Certificate of Service; Exhibit A (Appellee State)
227. 15-Nov-2016 Upon considering Appellant's Fourth Motion to Unseal and Supplement the Record and the State's Response,

IT IS ORDERED that the motion is denied. (Hon. Ann A. Scott Timmer)
228. 19-Jan-2017 FILED: Appellant's Notice of Supplemental Authority; Certificate of Service (Appellant Hulsey)
229. 23-Jan-2017 NOTICE OF ORAL ARGUMENT: Set for Tuesday, March 21, 2017, at 10:15 A.M. [twenty-five minutes (25) per side]
230. 23-Jan-2017 FILED: Notice of Filing Acknowledgment of Oral Argument (David Goldberg will argue) (Appellant Hulsey)
231. 24-Jan-2017 FILED: Notice of Filing Acknowledgment of Oral Argument (Kristina Reeves will argue) (Appellee State)
232. 24-Jan-2017 Justice John R. Lopez has recused himself and will not participate in argument or decision of the above captioned matter. Therefore, pursuant to Article 6, Section 3 of the Arizona Constitution,

IT IS ORDERED that the Honorable Rebecca White Berch, Justice (Retired) of the Arizona Supreme Court, is designated to sit on the case and participate until the matter is finally determined. (Hon. Scott Bales)