

Arizona Supreme Court
Criminal Post Conviction

CR-16-0020-PC

STATE OF ARIZONA v FRANK DALE MCCRAY

<p>Appellate Case Information</p> <p>Case Filed: 13-Jan-2016</p> <p>Case Closed:</p>	<p>Dept/Composition</p>
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Side 1. STATE OF ARIZONA, Plaintiff
(Litigant Group) STATE OF ARIZONA

- **State of Arizona, Respondent**

Attorneys for: Plaintiff
John R Lopez, IV, Esq. (AZ Bar No. 19182)
Lacey Stover Gard, Esq. (AZ Bar No. 22714)
Jeffrey L Sparks, Esq. (AZ Bar No. 27536)

Side 2. FRANK DALE MCCRAY, Defendant
(Litigant Group) FRANK DALE MCCRAY

- **Frank Dale McCray, Petitioner**

Attorneys for: Defendant
David Alan Darby, Esq. (AZ Bar No. 12682)

CASE STATUS

Jan 13, 2016.... Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2001-015915	First Degree Murder	Death	Douglas L Rayes, Trial	JURY	

29 PROCEEDING ENTRIES

1. 13-Jan-2016 FILED: Petition for Review; Certificate of Service; Certificate of Compliance (Defendant McCray)
2. 13-Jan-2016 FILED: Motion to Deem Petition for Review Timely Filed, and Grant Leave to File Supporting Appendic within 24 Hours; Certificate of Service (Defendant McCray)
3. 13-Jan-2016 A "Motion to Deem Petition for Review Timely Filed, and Grant Leave to File Supporting Appendix within 24 Hours" having been filed by Defendant McCray on January 13, 2016,

IT IS ORDERED deeming Defendant's Petition for Review filed January 13, 2016 as timely.

IT IS FURTHER ORDERED granting a 24 hour extension of time to file the Supporting Appendix to Petition for Review by January 14, 2016.
(Janet Johnson, Clerk)
4. 13-Jan-2016 FILED: Motion to Exceed Page Limit; Certificate of Service (Defendant McCray)
5. 13-Jan-2016 FILED: Motion for Leave to File Substitute or Amended Brief to Correct Appendix Citations; Certificate of Service (Defendant McCray)
6. 13-Jan-2016 A "Motion to Exceed Page Limit" and "Motion for Leave to File Substitute or Amended Brief to Correct Appendix Citations" having been filed by Defendant McCray on January 13, 2016,

IT IS ORDERED granting Defendant's Motion to Exceed the Page Count Limit on the Petition for Review by two pages. The Petition for Review shall be filed as of January 13, 2016.

IT IS FURTHER ORDERED granting the Motion for Leave to File Substitute or Amended Brief to Correct Appendix Citations.
(Hon. Robert M. Brutinel)
7. 14-Jan-2016 FILED: Amended Petition for Review; Certificate of Service; Certificate of Compliance (Defendant McCray)
8. 15-Jan-2016 FILED: Appendix In Support of Amended Petition for Review; Certificate of Service (Defendant McCray)
9. 22-Jan-2016 FILED: Notice of Errata; Certificate of Service (Plaintiff McCray)
10. 10-Feb-2016 FILED: The State of Arizona's Response to Petition for Review; Certificate of Service; Exhibits A-U; Certificate of Compliance (Plaintiff State)
11. 10-Feb-2016 FILED: Motion to Exceed Page Limit; Certificate of Service (Plaintiff State)

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12. 12-Feb-2016 A "Motion to Exceed Page Limit" 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 pagination,
- IT IS ORDERED granting Plaintiff State's motion to exceed the page limit on the Response to Petition for Review by 11 pages for a total of 31 pages. The State of Arizona's Response to Petition for Review shall be filed as of February 10, 2016. (Janet Johnson, Clerk)
13. 19-Feb-2016 FILED: Motion to Extend Time to File Reply Brief; Certificate of Service (Defendant McCray)
14. 19-Feb-2016 A "Motion to Extend Time to File Reply Brief" having been filed by Defendant McCray on February 19, 2016,
- IT IS ORDERED granting a first extension of time to file the Reply to the Response to Petition for Review on or before February 29, 2016. (Janet Johnson, Clerk)
15. 26-Feb-2016 FILED: 2nd Motion to Extend Time to File Reply Brief; Certificate of Service (Defendant McCray)
16. 26-Feb-2016 A "2nd Motion to Extend Time to File Reply Brief" (Defendant McCray) having been filed on February 26, 2016,
- IT IS ORDERED granting a second extension of time to file the Reply Brief on or before March 7, 2016. (Hon. John Pelander)
17. 7-Mar-2016 FILED: 3rd Motion to Extend Time to File Reply Brief; Certificate of Service (Defendant McCray)
18. 7-Mar-2016 A "3rd Motion to Extend Time to File Reply Brief" (Defendant McCray) having been filed on March 7, 2016,
- IT IS ORDERED granting a third extension of time to file the Reply on or before March 10, 2016. (Hon. Ann A. Scott Timmer)
19. 10-Mar-2016 FILED: 4th Motion to Extend Time to File Reply Brief; Certificate of Service (Defendant McCray)
20. 10-Mar-2016 A "4th Motion to Extend Time to File Reply Brief" (Defendant McCray) having been filed on March 10, 2016,
- IT IS ORDERED granting a fourth extension of time to file the Reply on or before March 17, 2016. No further extensions of time shall be granted absent extraordinary circumstances. (Hon. Ann A. Scott Timmer)
21. 18-Mar-2016 FILED: Reply Brief; Certificate of Service; Certificate of Compliance (Defendant McCray)
22. 18-Mar-2016 FILED: Motion to Exceed Page Limit (33 Page Reply Filed); Certificate of Service (Defendant McCray)
23. 18-Mar-2016 FILED: Motion to Deem Reply as Timely Filed and Motion for Leave to File Supplemental Appendices Within 24 Hours; Certificate of Service (Defendant McCray)
24. 18-Mar-2016 On March 18, 2016, Defendant McCray filed a "Reply Brief (33 Pages)," a "Motion to Exceed Page Limit," and a "Motion to Deem Reply as Timely Filed and Motion for Leave to File Supplemental Appendices Within 24 Hours." After consideration,
- IT IS ORDERED granting the motions. The Reply Brief shall be deemed timely filed.
- IT IS FURTHERER ORDERED Defendant may file a supplemental appendix to his Reply Brief on or before March 21, 2016. (Hon. Ann A. Scott Timmer)
25. 21-Mar-2016 FILED: Appendix II in Support of Reply in Amended Petition for Review; Certificate of Service (Defendant McCray)
26. 21-Mar-2016 FILED: Notice of Errata (Reply) (Various Fixes Throughout Reply); Certificate of Service (Defendant McCray)
27. 27-Apr-2016 FILED: State's Motion for Court to Order Trial Court to Prepare and Transmit Record; Certificate of Service (Plaintiff State)
28. 4-May-2016 Upon considering the State's Motion for Court to Order Trial Court to Prepare and Transmit Record,
- IT IS ORDERED that the motion is granted.
- IT IS FURTHER ORDERED that pursuant to Rule 32.9(e), Ariz. R. Crim. P., the Clerk of the Maricopa County Superior Court shall electronically transmit to the Clerk of this Court the record of Rule 32 post-conviction proceedings in State v. McCray, case number CR2001-015915, with an index of record. The superior court clerk shall not send any exhibit that cannot be provided as an electronic copy. (Hon. Robert M. Brutinel)
29. 29-Jun-2016 FILED: Record from MCSC: Instruments and MEs (electronic)
- Contains SEALED Documents