

Arizona Supreme Court
Criminal Death Penalty Appeal

CR-15-0049-AP

STATE OF ARIZONA v ABEL DANIEL HIDALGO

<p>Appellate Case Information</p> <p>Case Filed: 12-Feb-2015</p> <p>Case Closed:</p>	<p>Dept/Composition</p> <p>En Banc</p> <p>Hon. Scott Bales Hon. John Pelander Hon. Robert M. Brutinel Hon. Ann A. Scott Timmer Hon. Clint Bolick</p>
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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)
Andrew Reilly, Esq. (AZ Bar No. 29138)
Jim D Nielsen, Esq. (AZ Bar No. 7715)
Jeffrey A Zick, Esq. (AZ Bar No. 18712)
Jeannette R Gallagher, Esq. (AZ Bar No. 11954)
Marischa Hope Gilla, Esq. (AZ Bar No. 24229)

Side 2. ABEL DANIEL HIDALGO, Appellant
(Litigant Group) ABEL DANIEL HIDALGO

- Abel Daniel Hidalgo
- Attorneys for: Appellant**
- Bruce F Peterson, Esq. (AZ Bar No. 12308)
Sara Xochitl Orozco, Esq. (AZ Bar No. 26075)
Consuelo M Ohanesian, Esq. (AZ Bar No. 9232)
Susan L Corey, Esq. (AZ Bar No. 11832)
Toby C Schmich, Esq. (AZ Bar No. 17048)
Bruce E Buck, Esq. (AZ Bar No. 15649)

CASE STATUS	
Dec 13, 2016....Submitted	Oct 31, 2016....At Issue
Jun 29, 2015....Record Complete	Feb 12, 2015....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2011-005473-001	First Degree Murder	Death	Roland J Steinle, Trial	JURY	

142 PROCEEDING ENTRIES

1. 12-Feb-2015 FILED: Notice of Appeal (Clerk, MCSC) (Judgment filed in MCSC 1/30/2015)
2. 26-Feb-2015 FILED: (INCORRECT TRANSCRIPT) Reporter's Transcript - 1/30/2015 - Trial (Wanda Bauer)
3. 26-Feb-2015 FILED: (CORRECT TRANSCRIPT) Reporter's Transcript - 1/30/2015 - Trial (Wanda Bauer)
4. 2-Mar-2015 FILED: Reporter's Transcript - 3/19/2012 - Complex Case Management Conference (Linda Lopez)
5. 6-Mar-2015 FILED: Reporter's Transcript - 6/25/2012 - Case Management Conference (Cindy Benner)
6. 10-Mar-2015 FILED: Reporter's Transcript - 9/17/2014 - Capital Case Management Conference A.M. (Marla Arnold)
7. 11-Mar-2015 FILED: Sealed Transcript Notification - 7/18/2012 (Cindy Lineburg)
8. 11-Mar-2015 Court reporter Cindy Lineburg having advised the Court that the proceeding of July 18, 2012 was sealed by the superior court, IT IS ORDERED that the court reporter's notes for the proceeding of July 18, 2012 are unsealed for the purpose of preparing the transcript. The transcript shall be filed under seal no later than March 24, 2015.

IT IS FURTHER ORDERED that the court reporter 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. Robert M. Brutinel)

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9. 11-Mar-2015 FILED: Reporter's Transcript - 4/19/2013 - Oral Argument on Motion to Dismiss (Laura Ashbrook)
10. 11-Mar-2015 FILED: Reporter's Transcript - 5/3/2013 - Oral Argument on Motion to Dismiss Death Penalty (Laura Ashbrook)
11. 13-Mar-2015 FILED: Reporter's Transcript - 5/10/2013 - Complex Case Management Conference (Treva Colwell)
12. 16-Mar-2015 FILED: Reporter's Transcript - 6/20/2011 - Conference (Cindy Lineburg)
13. 16-Mar-2015 FILED: Reporter's Transcript - 9/11/2012 - Status Conference (Cindy Lineburg)
14. 17-Mar-2015 FILED: (SEALED) Reporter's Transcript - 7/18/2012 - Ex Parte Motion to Determine Counsel (Cindy Lineburg)
15. 17-Mar-2015 FILED: Notice of Appearance of Appellate Counsels; Certificate of Service (Attorneys Ohanesian and Orozco for Appellant Hidalgo)
16. 17-Mar-2015 FILED: (Duplicate) Sentencing Minute Entry (Appellant Hidalgo)
17. 18-Mar-2015 FILED: Record on Appeal MCSC: Instruments and MEs (Electronic)
Env. No 1 - 1/28/2011 (SEALED) Grand Jury Transcript (Luz Franco)
Exhibits and Small White Box:

White Box - HD 12/8/2014: List; (SCANNED) Pltf Exh Nos 2; 7; 8; 10; 12; 21; 24; 25; 28; 29; 33; 34; 38-40; 46-49; 52; 54; 56-59; 61-64; 66-68; 70-72; 76-78; 81; 83; 85-87; 89-93; 121; 124; 128; 133; 135; 136; 138; 140; 141; 146; 148-151; 170; 172-194; 197-201; 204; 205;
Def Exh Nos 163-169; 196; 206; 207
Stip Exh Nos 208; 209

(NOT SCANNED) Pltf Exh Nos 96; 123 (CD); 125; 126; 202 (CD)
Def Exh Nos 152-155 (4 CDs); 159-162 (4CDs)
Court Exh No 144 (CD)
18. 22-Mar-2015 FILED: Reporter's Transcript - 1/14/2015 - Trial P.M. (Barbara Stockford)
19. 27-Mar-2015 FILED: Reporter's Transcript - 7/3/2013 (Michael Babicky)
20. 6-Apr-2015 FILED: Reporter's Transcript - 10/17/2014 (David Lee)
21. 7-Apr-2015 FILED: Reporter's Transcript - 7/29/2011 (Michael Babicky)
22. 7-Apr-2015 FILED: Reporter's Transcript - 9/22/2011 (Michael Babicky)
23. 7-Apr-2015 FILED: Reporter's Transcript - 11/22/2011 (Michael Babicky)
24. 7-Apr-2015 FILED: Reporter's Transcript - 1/26/2012 (Michael Babicky)
25. 7-Apr-2015 FILED: Reporter's Transcript - 5/8/2012 (Michael Babicky)
26. 7-Apr-2015 FILED: Reporter's Transcript - 6/28/2012 (Michael Babicky)
27. 7-Apr-2015 FILED: Reporter's Transcript - 11/1/2012 (Michael Babicky)
28. 7-Apr-2015 FILED: Reporter's Transcript - 11/19/2012 (Michael Babicky)
29. 7-Apr-2015 FILED: Reporter's Transcript - 1/10/2013 (Michael Babicky)
30. 7-Apr-2015 FILED: Reporter's Transcript - 3/29/2013 (Michael Babicky)
31. 7-Apr-2015 FILED: Reporter's Transcript - 6/25/2013 (Michael Babicky)
32. 7-Apr-2015 FILED: Reporter's Transcript - 7/1/2013 (Michael Babicky)
33. 8-Apr-2015 FILED: (Motion for Extension of Time to File Transcripts) (Janell Rose)
34. 8-Apr-2015 FILED: Reporter's Transcript - 5/28/2014 - Oral Argument (Lydia Estrada-Gray)
35. 8-Apr-2015 FILED: Reporter's Transcript - 8/19/2014 - Oral Argument (Lydia Estrada-Gray)
36. 8-Apr-2015 FILED: Reporter's Transcript - 2/6/2014 - Oral Argument (Lydia Estrada-Gray)

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37. 9-Apr-2015 Janell Rose, Court Reporter, having filed a first request for extension of time to file transcripts,
IT IS ORDERED granting Janell Rose, Court Reporter, a first extension of time to and including May 11, 2015, in which to file Reporter's Transcripts in the above-entitled matter. (Janet Johnson, Clerk)
38. 9-Apr-2015 FILED: Reporter's Transcript - 5/2/2014 - Settlement Conference (Continued) (Deborah Croci)
39. 10-Apr-2015 FILED: Reporter's Transcript - 11/19/2014 - Management Conference (Janell Rose)
40. 10-Apr-2015 FILED: Reporter's Transcript - 12/3/2014 - Status Conference (Janell Rose)
41. 10-Apr-2015 FILED: Reporter's Transcript - 12/5/2014 - Status Conference (Janell Rose)
42. 13-Apr-2015 FILED: Reporter's Transcript - 8/27/2013 (Michael Babicky)
43. 13-Apr-2015 FILED: Reporter's Transcript - 11/1/2013 (Michael Babicky)
44. 13-Apr-2015 FILED: Reporter's Transcript - 12/6/2013 (Michael Babicky)
45. 13-Apr-2015 FILED: Reporter's Transcript - 2/3/2014 (Michael Babicky)
46. 13-Apr-2015 FILED: Reporter's Transcript - 2/21/2014 (Michael Babicky)
47. 13-Apr-2015 FILED: Reporter's Transcript - 4/16/2014 (Michael Babicky)
48. 16-Apr-2015 FILED: Reporter's Transcript - 5/9/2014 (Michael Babicky)
49. 16-Apr-2015 FILED: Reporter's Transcript - 7/17/2014 (Michael Babicky)
50. 16-Apr-2015 FILED: Reporter's Transcript - 8/19/2014 (Michael Babicky)
51. 16-Apr-2015 FILED: Reporter's Transcript - 9/30/2014 (Michael Babicky)
52. 28-Apr-2015 FILED: Reporter's Transcript - 1/7/2015 - Trial (Janell Rose)
53. 28-Apr-2015 FILED: Reporter's Transcript - 1/8/2015 -Status Conference (Janell Rose)
54. 28-Apr-2015 FILED: Reporter's Transcript - 12/18/2014 - Trial (Janell Rose)
55. 28-Apr-2015 FILED: Reporter's Transcript - 1/5/2015 - Trial (Janell Rose)
56. 28-Apr-2015 FILED: Reporter's Transcript - 1/6/2015 - Status Conference (Janell Rose)
57. 1-May-2015 FILED: Transcript - 9/4/2012 - Competency Hearing (Kimberly McCright)
58. 1-May-2015 FILED: Transcript - 6/2/2011 - Initial Pretrial Conference - Undesignated (Kimberly McCright)
59. 1-May-2015 FILED: Transcript - 4/20/2011 - Not Guilty Arraignment (Kimberly McCright)
60. 10-May-2015 FILED: (Second) (Motion for Extension of Time to File Transcripts) (Janell Rose)
61. 11-May-2015 Court Reporter Janell Rose has filed a second request for an extension of time to file transcripts in the captioned case. After consideration,
IT IS ORDERED granting the second request for extension of time to file Reporter's Transcripts in the above-entitled matter. All transcripts shall be filed by June 10, 2015. No further extensions will be granted without a showing of good cause. (Hon. Rebecca White Berch)
62. 18-May-2015 FILED: Notice of Appearance (Attorney Stover Gard for Appellee State); Certificate of Service (Appellee State)
63. 29-May-2015 FILED: Reporter's Transcript - 1/12/2015 - Trial (Janell Rose)
64. 29-May-2015 FILED: Reporter's Transcript - 1/13/2015 - Trial (Janell Rose)
65. 5-Jun-2015 FILED: Reporter's Transcript - 1/14/2015 - Trial (Janell Rose)
66. 5-Jun-2015 FILED: Reporter's Transcript - 1/15/2015 - Trial (Janell Rose)
67. 5-Jun-2015 FILED: Reporter's Transcript - 1/20/2015 - Trial (Janell Rose)
68. 8-Jun-2015 FILED: (Third) (Motion for Extension of Time to File Transcripts) (Janell Rose)

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69. 9-Jun-2015 Janell Rose, Court Reporter, having filed a third request for extension of time to file transcripts,
IT IS ORDERED granting Janell Rose, Court Reporter, a third extension of time to and including June 18, 2015, in which to file Reporter's Transcripts in the above-entitled matter. No further extensions shall be granted. (Hon. John Pelander)
70. 9-Jun-2015 FILED: Reporter's Transcript - 1/21/2015 - Trial (Janell Rose)
71. 9-Jun-2015 FILED: Reporter's Transcript - 1/22/2015 - Trial (Janell Rose)
72. 9-Jun-2015 FILED: Reporter's Transcript - 1/26/2015 - Trial (Janell Rose)
73. 10-Jun-2015 FILED: Reporter's Transcript - 12/1/2014 - Trial (Janell Rose)
74. 18-Jun-2015 FILED: Reporter's Transcript - 1/27/2015 - Trial (Janell Rose)
75. 18-Jun-2015 FILED: Reporter's Transcript - 1/28/2015 - Trial (Janell Rose)
76. 23-Jun-2015 FILED: Reporter's Transcript - 12/8/2014 - Trial (Janell Rose)
77. 29-Jun-2015 FILED: Reporter's Transcript - 12/9/2014 - Trial (Janell Rose)
RECORD COMPLETE
78. 8-Jul-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 October 7, 2015. Appellee's 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)
79. 7-Oct-2015 FILED: Motion For Extension (to file Opening Brief); Certificate of Service (Appellant Hidalgo)
80. 8-Oct-2015 A "Motion for Extension" having been filed by Appellant Hidalgo on October 7, 2015,
IT IS ORDERED granting a first extension of time to file Appellant's Opening Brief on or before November 23, 2015. (Janet Johnson, Clerk)
81. 20-Nov-2015 FILED: Motion for Extension (Second Request) (to File Opening Brief); Certificate of Service (Appellant Hidalgo)
82. 8-Dec-2015 A "Motion for Extension (Second Request) (to File Opening Brief)" (Appellant Hidalgo) having been filed on November 20, 2015,
IT IS ORDERED granting a second extension of time to file the Opening Brief on or before January 7, 2016. (Hon. Ann A. Scott Timmer)
83. 9-Dec-2015 FILED: Motion to Allow Appellant's Counsel to Obtain and View Sealed Documents; Certificate of Service: Motion to Allow Appellant's Counsel to Obtain and View Sealed Documents (Appellant Hidalgo)
84. 16-Dec-2015 Appellant Hidalgo has filed a Motion to Allow Appellant's Counsel to Obtain and View Sealed Documents requesting an order allowing counsel "to view the jury biographical information previously sealed by the trial court." The record on appeal transmitted by the clerk of the superior court contains no documents matching that description. The superior court clerk's office has informed this Court's staff that there are no juror questionnaires in this case. Appellant refers to "jury biographical information previously sealed by the trial court," but does not provide a copy of the trial court's order, the title of the document(s), or the date on which the document was sealed and filed. Therefore,
IT IS ORDERED that the motion is denied without prejudice to Appellant refiling the motion with the specific information noted above. (Hon. Ann A. Scott Timmer)
85. 24-Dec-2015 FILED: Response to Motion to Allow Appellant's Counsel to Obtain and View Sealed Documents; Certificate of Service (Appellee State)
86. 31-Dec-2015 FILED: Motion to Supplement in the Record On Appeal; Certificate of Service (Appellant Hidalgo)
87. 6-Jan-2016 FILED: Motion to Allow Appellant's Counsel to Obtain and View Sealed Documents; Certificate of Service (Appellant Hidalgo)
88. 6-Jan-2016 FILED: Motion to Allow Appellant's Counsel to Obtain and View Sealed Transcript; Certificate of Service (Appellant Hidalgo)
89. 6-Jan-2016 FILED: Motion for Extension (to File Opening Brief) (Third Request); Certificate of Service (Appellant Hidalgo)
90. 6-Jan-2016 FILED: Notice of Appearance (Susan Corey for Appellant Hidalgo); Certificate of Service (Appellant Hidalgo)

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91. 6-Jan-2016 FILED: Motion to Supplement the Record (Appellant Hidalgo)
92. 7-Jan-2016 A "Motion for Extension (Third Request)" (Appellant Hidalgo) having been filed on January 6, 2016,
IT IS ORDERED granting a third extension of time to file the Opening Brief on or before February 22, 2016. (Hon. Robert M. Brutinel)
93. 11-Jan-2016 FILED: Notice of Appearance (T.D. Nielson for Appellee State); Certificate of Service (Appellee State)
94. 11-Jan-2016 Upon considering Appellant's Motion to Supplement the Record on Appeal and the State's Response,
IT IS ORDERED that the motion is granted.
IT IS FURTHER ORDERED that the Jury Commissioner and Jury Office of the Maricopa County Superior Court shall release the juror biographical information for the jury pool in State v. Hidalgo, case number CR2011-005473-001, as follows. The Jury Commissioner/Office shall place the juror biographical information in a sealed envelope or envelopes and give it to Matthew Stapley, an investigator for the Office of the Legal Advocate, on a date designated by the Jury Administrator. Mr. Stapley shall file the sealed envelope(s) at the counter of the Clerk of the Arizona Supreme Court.
IT IS FURTHER ORDERED that the Clerk of the Arizona Supreme Court shall accept and file under seal the juror biographical information as part of the record on appeal in this case.
IT IS FURTHER ORDERED that the Clerk shall allow Appellant's or State's counsel to review the juror biographical information 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. See also Rule 18.3, Ariz. R. Crim. P. (Hon. Robert M. Brutinel)
95. 12-Jan-2016 FILED: Response to Motion to Allow Appellant's Counsel to Obtain and View Sealed Documents (Re Sealed Transcript dated 7/18/2012) ; Certificate of Service (Appellee State)
96. 12-Jan-2016 FILED: Response to Appellant's Motion to Obtain and View Sealed Documents; Certificate of Service (Appellee State)
97. 13-Jan-2016 Upon considering the Motion to Allow Appellant's Counsel to Obtain and View Sealed Documents and Motion to Allow Appellant's Counsel to Obtain and View Sealed Transcript, and the State's Responses,
IT IS ORDERED that the motions are granted.
IT IS FURTHER ORDERED that court reporter Cindy Lineburg shall provide copies of the July 18, 2012 transcript to Appellant's counsel and the State's counsel.
IT IS FURTHER ORDERED that the Clerk of this Court shall provide copies of the sealed documents listed in the motion to Appellant's counsel and the State's counsel. The documents shall be copied to blank compact discs supplied by counsel pursuant to the Clerk's policies. (Hon. Robert M. Brutinel)
98. 14-Jan-2016 FILED: Record from MCSC - SEALED Juror Biographicals
99. 20-Jan-2016 Appellant has filed a Motion to Supplement the Record requesting to supplement the record on appeal with certain exhibits to a Motion to Dismiss (ROA Item 93) filed in the trial court on March 29, 2013. The exhibits are not in the record and the superior court clerk's office has advised this Court's staff that the exhibits cannot be located. Therefore,
IT IS ORDERED that Appellant may file with the Clerk of this Court true and correct copies of the following exhibits to the Motion to Dismiss (ROA Item 93): Exhibit 1, 15 discs containing the summaries of evidence from all counties in the State of Arizona for the year 2011 and for the years 2010 and 2011 for Maricopa County; Exhibit 4, Summary of Out of County First Degree Murder Cases; Exhibit 5, Summary of Maricopa County First Degree Murder Cases; Exhibit 6, Mohave Daily News Article re: Vandergriff and Mohave County Attorney's Pleadings. The exhibits shall be included as part of the record on appeal. (Hon. Robert M. Brutinel)
100. 19-Feb-2016 FILED: (Fourth) Motion to Extend Time to File Opening Brief; Certificate of Service- Motion to Extend Time (Appellant Hidalgo)
101. 24-Feb-2016 FILED: Response to Motion for Extension of Time to File Opening Brief; Certificate of Service (Appellee State)
102. 25-Feb-2016 On July 8, 2015, this Court issued the initial briefing order setting a due date of October 7, 2015 for the Opening Brief. Appellant, represented by Deputy Legal Advocates Consuelo Ohanesian and Xochitl Orozco, filed three motions for extension, which the Court granted to and including February 22, 2016. Appellant's motions to supplement the record and view sealed documents were filed and granted in January 2016. Deputy Legal Advocate Susan Corey filed a Notice of Appearance on January 6, 2016.
Appellant has now filed a fourth Motion to Extend Time to File Opening Brief requesting an extension of sixty days. The State has filed a Response.
IT IS ORDERED that the motion is granted. The Opening Brief shall be filed no later than April 22, 2016. No further extensions will be granted absent extraordinary circumstances. (Hon. John Pelander)
103. 17-Mar-2016 FILED: Motion to Supplement the Record; Certificate of Service (Appellant Hidalgo)

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104. 17-Mar-2016 FILED: Exhibit 1; Certificate of Service; Exhibits 2 - 7; Exhibits 8 - 10 (Appellant Hidalgo)
105. 18-Mar-2016 On March 17, 2016, Appellant Hidalgo filed a "Motion to Supplement the Record," requesting to supplement the record with a Motion to Dismiss the Death Penalty, and related documents, filed in State v Gittens, Maricopa County Superior Court No. CR2010-007912-002. Appellant indicates the State has no objection to this motion. Therefore, after consideration,

IT IS ORDERED granting the motion. The Motion to Dismiss the Death Penalty, and related documents, shall be incorporated in the record on appeal. (Hon. Ann A. Scott Timmer)
106. 28-Mar-2016 FILED: Exhibits to be Added to the Record on Appeal; Certificate of Service; Def Exh 1; 6; 7; 16 CDs (in File Pocket) filed in CR-2010-007912-002, State v Gittens (Appellant Hidalgo)
107. 22-Apr-2016 FILED: (Fifth) Motion to Extend Time to File Opening Brief; Certificate of Service (Appellant Hidalgo)
108. 26-Apr-2016 Appellant Hidalgo has filed a fifth Motion to Extend Time to File Opening Brief requesting an extension of thirty days. Appellant has not demonstrated the extraordinary circumstances required by the Court's prior order. Therefore,

IT IS ORDERED that the motion is denied.

IT IS FURTHER ORDERED that the Opening Brief shall be filed no later than Friday, May 6, 2016. (Hon. Clint Bolick)
109. 5-May-2016 FILED: Notice of Substitution of Counsel (Andrew Reilly substituted for Jim Nielsen as attorney for Appellee State); Certificate of Service (Appellee State)
110. 6-May-2016 FILED: Appellant's Opening Brief; Certificate of Service; Certificate of Compliance (Appellant Hidalgo)
111. 9-May-2016 FILED: Motion to Supplement the Record with the Expanded Study and the Expert's Report; Exhibit 2 (4 CDs); Certificate of Service (Appellant Hidalgo)
112. 11-May-2016 Appellant Hidalgo filed a "Motion to Supplement the Record with the Expanded Study and the Expert's Report," requesting to supplement the record with two additional documents related to the "Motion to Dismiss the Death Penalty" filed in State v Gittens, Maricopa County Superior Court No. CR2010-007912-002. Appellant indicates the State has no objection to this motion. Therefore, after consideration,

IT IS ORDERED granting the motion. Exhibits 1 and 2 to the motion to supplement the record shall be incorporated in the record on appeal. (Hon. Robert M. Brutinel)
113. 1-Jul-2016 FILED: Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee State)
114. 5-Jul-2016 A "Motion for Extension of Time to File Answering Brief" (Appellee State) having been filed on July 1, 2016,

IT IS ORDERED granting a first extension of time to file the Answering Brief on or before August 19, 2016. (Janet Johnson, Clerk)
115. 15-Aug-2016 FILED: Motion to Expand the Record and Request Time to File Answering Brief (Second Request); Certificate of Service; Attachment 1 (Reporter's Transcript - 12/14/2012 - Laura Ashbrook; Reporter's Transcript - 1/28/2013 - Laura Ashbrook) (Appellee State)
116. 17-Aug-2016 Appellee State has filed a "Motion to Expand the Record and Request Time to File Answering Brief (Second Request)," and transcripts of two proceedings in State v. Gittens, CR-2010-007912-002. The motion requests that the transcripts be included in the record on appeal, and seeks a 45 day extension to file the Answering Brief. After consideration,

IT IS ORDERED granting the motion. The transcripts submitted with the motion shall be included in the record on appeal.

IT IS FURTHER ORDERED granting a second extension of twenty days to file the Answering Brief, on or before September 8, 2016. (Hon. Clint Bolick)
117. 8-Sep-2016 FILED: Appellee's Answering Brief; Certificate of Service; Certificate of Compliance (Appellee State)
118. 14-Sep-2016 FILED: (Change of Counsel) Motion (Appellant Hidalgo, Pro Se)
119. 15-Sep-2016 Appellant Hidalgo having filed a Motion for Change of Counsel,

IT IS ORDERED that the Clerk of this Court shall transmit a copy of the motion to Appellant's counsel and the State's counsel.

IT IS FURTHER ORDERED that responses from Appellant's counsel and the State, if any, shall be filed no later than September 22, 2016. (Hon. Robert M. Brutinel)
120. 20-Sep-2016 FILED: Response to Motion for Change of Counsel; Certificate of Service (Consuelo M Ohanesian, Counsel for Appellant)
121. 26-Sep-2016 Upon considering Appellant's Motion for Change of Counsel and counsel's Response,

IT IS ORDERED that the Motion is denied. (Hon. Robert M. Brutinel)

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122. 5-Oct-2016 FILED: Motion to Extend Time to File Reply Brief; Certificate of Service (Appellant Hidalgo)
123. 5-Oct-2016 FILED: Motion to Add Evidence to Previous Motion for Change of Counsel (Appellant Hidalgo, Pro Se)
124. 6-Oct-2016 On October 5, 2016, Appellant Hidalgo, Pro Se, filed a "Motion to Add Evidence to Previous Motion for Change of Counsel," including several exhibits. After consideration,

IT IS ORDERED granting the motion. The materials are accepted for filing. (Janet Johnson, Clerk)
125. 6-Oct-2016 A "Motion to Extend Time to File Reply Brief" (Appellant Hidalgo) having been filed on October 5, 2016,

IT IS ORDERED granting an extension of time to file the Reply Brief on or before October 31, 2016. No further extensions of time shall be granted absent extraordinary circumstances. (Janet Johnson, Clerk)
126. 12-Oct-2016 FILED: Motion to Supplement the Record; Certificate of Service; Disclosure of Witnesses; Supplemental Disclosure of Witnesses (Appellant Hidalgo)
127. 19-Oct-2016 NOTICE OF ORAL ARGUMENT: Set for Tuesday, December 13, 2016 at 2:45 P.M. [twenty-five (25) minutes per side]
128. 24-Oct-2016 FILED: Notice of Filing Acknowledgement of Oral Argument (Andrew Reilly will argue) (Appellee State)
129. 28-Oct-2016 On October 12, 2016, Appellant Hidalgo filed a "Motion to Supplement the Record," requesting to supplement the record with a Disclosure of Witnesses and a Supplemental Disclosure of Witnesses filed in State v Gittens, Maricopa County Superior Court No. CR2010-007912-002. After consideration,

IT IS ORDERED granting the motion. The Disclosure of Witnesses and Supplemental Disclosure of Witnesses shall be incorporated in the record on appeal. (Hon. John Pelander)
130. 31-Oct-2016 FILED: Appellant's Reply Brief; Certificate Of Service; Certificate of Compliance (Appellant Hidalgo)
131. 31-Oct-2016 FILED: (Appendix to Reply Brief); Certificate of Service (Appellant Hidalgo)

AT ISSUE
132. 22-Nov-2016 FILED: Notice of Filing Acknowledgement of Oral Argument (Consuelo M. Ohanesian and Susan L. Corey will argue) (Appellant Hidalgo)
133. 29-Nov-2016 IT IS ORDERED that the parties may submit supplemental briefs, not to exceed five pages, by no later than December 6, 2016, discussing whether the following decisions are relevant in assessing whether the trial court abused its discretion in revoking Hidalgo's self-representation:

State v. Doss, 116 Ariz. 156, 160, 568 P.2d 1054, 1058 (1977)
United States v. Flewitt, 874 F.2d 669, 675-76 (9th Cir. 1989)
Savage v. Estelle, 924 F.2d 1459, 1464 (9th Cir. 1990)
(Hon. Ann A. Scott Timmer)
134. 6-Dec-2016 FILED: Appellee's Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellee State)
135. 6-Dec-2016 FILED: Appellant's Supplemental Brief; Certificate of Service; Certificate of Compliance (Appellant Hidalgo)
136. 6-Dec-2016 FILED: Motion to Expand the Record; Certificate of Service (Appellant Hidalgo)
137. 7-Dec-2016 On December 6, 2016, Appellant Hidalgo filed a "Motion to Expand the Record," requesting to supplement the record with two minute entries filed in State v Prince, Maricopa County Superior Court No. CR0000-151033. After consideration,

IT IS ORDERED granting the motion. The minute entries shall be incorporated in the record on appeal. (Hon. Clint Bolick)
138. 9-Dec-2016 FILED: Motion to Provide Supplemental Authority (Treated as Notice); Certificate of Service (Appellant Hidalgo)
139. 12-Dec-2016 FILED: Notice of Errata and Corrected Briefs; Certificate of Service (Appellant Hidalgo)
140. 12-Dec-2016 FILED: Appellant's Corrected Opening Brief; Certificate of Service; Certificate of Compliance (Appellant Hidalgo)
141. 12-Dec-2016 FILED: Appellant's Corrected Reply Brief; Certificate of Service; Certificate of Compliance (Appellant Hidalgo)
142. 13-Dec-2016 ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: Andrew Reilly; Consuelo M. Ohanesian; Susan L. Corey)