Arizona Supreme Court

Criminal Death Penalty Appeal

CR-15-0411-AP — **STATE OF ARIZONA v THOMAS MICHAEL RILEY**

Appellate Case Information

Case Filed: 1-Dec-2015

Case Closed:

Dept/Composition

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- **State of Arizona**

Attorneys for: Appellee

John R Lopez, IV, Esq. (AZ Bar No. 19182)

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Side 2. THOMAS MICHAEL RILEY, Appellant

(Litigant Group) THOMAS MICHAEL RILEY

- **Thomas Michael Riley**

Attorneys for: Appellant

Randall J Craig, Esq. (AZ Bar No. 14760)

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CASE STATUS

Dec 1, 2016.....Pending Aug 29, 2016....**Record Complete**

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CR2011-008004-002			Peter C Reinstein, Trial		
MAR	CR2013-002559-002	First Degree Murder	Death	Peter C Reinstein, Trial	JURY	

106 PROCEEDING ENTRIES

1.	1-Dec-2015	FILED: Notice of Appeal (Clerk, MCSC) (Judgment filed in MCSC on 11/17/2015)
2.	10-Dec-2015	FILED: Notice of Appearance; Certificate of Service (Appellee State)
3.	29-Dec-2015	FILED: Reporter's Transcript - 10/21/2015 - Jury Trial (Renee Mobley)
4.	29-Dec-2015	FILED: Reporter's Transcript - 10/22/2015 - Jury Trial (Renee Mobley)
5.	29-Dec-2015	FILED: Reporter's Transcript - 11/4/2015 - Telephonic Status Conference - Verdict (Renee Mobley)
6.	29-Dec-2015	FILED: Reporter's Transcript - 11/16/2015 - Aggravation Phase Verdict - Sentencing Count 2 (Renee Mobley)
7.	30-Dec-2015	FILED: Electronic Record from MCSC: Instruments and MEs (Combined) Env No. 1- HD: 6/13/2013 – (SEALED) GJ Transcript Box No. 1: SCANNED: HD: 10/19/2015 – Pltf Exh Nos. 1 - 47, 56, 58, 65, 66, 88 - 134, 136.001, 137 - 142 Def Exh No. 84 NOT SCANNED: Env No. 2 - HD: 10/19/2015 – Pltf Exh Nos. 71 (env), 72(env), 73(env), 75(env), 76(env), 77(env)
8.	30-Dec-2015	FILED: Reporter's Transcript - 10/20/2015 - Trial Day 9 (Lori Thielmann)
9.	30-Dec-2015	FILED: Reporter's Transcript - 10/27/2015 - Trial Day 12 (Lori Thielmann)
10.	31-Dec-2015	FILED: Reporter's Transcript - 8/7/2015 - Continuation of Chronis Hearing (Marylynn LeMoine)
11.	31-Dec-2015	FILED: Reporter's Transcript - 11/2/2015 - Trial Day 14 (Marylynn LeMoine)

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12.	31-Dec-2015	FILED: Transcript - 7/3/2013 - Not Guilty Arraignment (Kimberly McCright, Transcriptionist)
13.	1-Jan-2016	FILED: Reporter's Transcript - 1/23/2015 - Status Conference (Laura Ashbrook)
14.	5-Jan-2016	FILED: Motion for Extension of Time to File Transcript (Barbara Stockford, Court Reporter)
15.	7-Jan-2016	Barbara Stockford, Court Reporter, having filed a first request for extension of time to file transcripts, IT IS ORDERED granting Barbara Stockford, Court Reporter, a first extension of time to and including January 20, 2016, in which to file Reporter's Transcripts in the above-entitled matter. (Janet Johnson, Clerk)
16.	12-Jan-2016	FILED: Motion for Extension of Time to File Transcripts (Pamela Remus, Court Reporter)
17.	12-Jan-2016	FILED: Reporter's Transcript - 10/8/2015 - Trial (Barbara Stockford)
18.	13-Jan-2016	Pamela Remus, Court Reporter, having filed an untitled document (treated as a Motion for Extension of Time) to file 17 transcripts IT IS ORDERED granting Pamela Remus, Court Reporter, a first extension of time to and including February 1, 2016 in which to file 17 Reporter's Transcripts in the above-entitled matter. (Janet Johnson, Clerk)
19.	14-Jan-2016	FILED: Reporter's Transcript - 3/30/2015 - Hearing (Lydia Estrada-Gray)
20.	19-Jan-2016	FILED: Reporter's Transcript - 11/3/2015 - Trial Day 13 (Alisa Smith) (Incorrect date s/b 10/29/2015)
21.	19-Jan-2016	FILED: Reporter's Transcript - 11/3/2015 - Trial Day 15 PM (Alisa Smith)
22.	19-Jan-2016	FILED: Reporter's Transcript - 10/29/2015 - Trial Day 13 (Alisa Smith)
23.	22-Jan-2016	FILED: Request for Extension of Time for Filing Transcripts (Karen A Dawson)
24.	25-Jan-2016	Karen A. Dawson, Court Reporter, having filed a first request for extension of time to file transcripts, IT IS ORDERED granting Karen A. Dawson, Court Reporter, a first extension of time to and including March 21, 2016, in which to file Reporter's Transcripts in the above-entitled matter. (Janet Johnson, Clerk)
25.	27-Jan-2016	FILED: Reporter's Transcript - 8/29/2013 - Oral Argument Set (Pamela Remus)
26.	27-Jan-2016	FILED: Reporter's Transcript - 9/11/2013 - Hearing (Pamela Remus)
27.	27-Jan-2016	FILED: Reporter's Transcript - 10/31/2013 Hearing (Pamela Remus)
28.	27-Jan-2016	FILED: Reporter's Transcript - 12/17/2013 - Status Conference Set (Pamela Remus)
29.	27-Jan-2016	FILED: Reporter's Transcript - 2/20/2014 - Status Conference Set(Pamela Remus)
30.	27-Jan-2016	FILED: Reporter's Transcript - 4/17/2014 - Status Confence Set (Pamela Remus)
31.	27-Jan-2016	FILED: Reporter's Transcript - 5/29/2014 - Status Conference Set(Pamela Remus)
32.	27-Jan-2016	FILED: Reporter's Transcript - 7/17/2014 - Status Conference (Pamela Remus)
33.	28-Jan-2016	FILED: Reporter's Transcript - 11/12/2014 - Pretrial Conference (Pamela Remus)
34.	28-Jan-2016	FILED: Reporter's Transcript - 12/18/2014 - Status Conference Set (Pamela Remus)
35.	28-Jan-2016	FILED: Reporter's Transcript - 2/5/2015 - Hearing Set (Pamela Remus)
36.	29-Jan-2016	FILED: Reporter's Transcript - 9/29/2014 - Status Conference (Pamela Remus)
37.	29-Jan-2016	FILED: Reporter's Transcript - 4/10/2015 - Hearing Set (Pamela Remus)
38.	29-Jan-2016	FILED: Reporter's Transcript - 7/10/2015 - Status Conference (Pamela Remus)
39.	31-Jan-2016	FILED: Reporter's Transcript - 4/1/2015 - Hearing (Pamela Remus)
40.	31-Jan-2016	FILED: Reporter's Transcript - 4/29/2015 -Trial Vacated (Pamela Remus)

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41.	31-Jan-2016	FILED: Reporter's Transcript - 6/12/2015 - Chronis Hearing (Pamela Remus)
42.	12-Feb-2016	FILED: Notice of Appearance; Certificate of Service (Appellant Riley)
43.	28-Mar-2016	FILED: Second Extension Request for for (sic) Filing Transcripts (Karen A Dawson)
44.	29-Mar-2016	Karen A Dawson, Court Reporter, having filed a second request for extension of time to file transcripts, IT IS ORDERED granting Karen A Dawson, Court Reporter, a second extension of time to and including April 27, 2016, in which to file Reporter's Transcripts in the above-entitled matter. (Hon. Ann A. Scott Timmer)
45.	18-May-2016	Court reporter Karen Dawson was notified of the filing of a notice of appeal in this capital case and that Rule 31.8(d)(3), Ariz. R. Crim. P., required her to file the transcripts by December 31, 2015. This Court granted Ms. Dawson's motion requesting an extension to March 21, 2016. Ms. Dawson did not file the transcripts. After the Court's staff contacted Ms. Dawson, she filed another motion requesting an extension to April 27, 2016, which the Court granted. Ms. Dawson has not filed the transcripts or a motion for extension. In her prior motions, Ms. Dawson stated that she has health problems and numerous transcripts overdue in the Court of Appeals. Although the Court of Appeals has held hearings and imposed monetary sanctions, Ms. Dawson has not filed the transcripts required by that court. Therefore, IT IS ORDERED that no later than May 31, 2016, Karen Dawson shall deliver to Lori Dennison (Court Reporting Department Admin-istrator) any paper and electronic court reporter notes, dictionary, audio sync with name of software used, diskettes, CDs, and other relevant material pertaining to case number CR2013-002559-002, including the following proceedings: 8/14/15; 8/27/15; 9/2/15; 9/28/15; 9/29/15; 10/1/15; 10/5/15; 10/6/15; 10/7/15; 10/19/15; 11/3/15; 11/5/15; 11/9/15; 11/12/15. IT IS FURTHER ORDERED that upon receipt of the notes, Ms. Dennison shall immediately assign court reporters to prepare and file the transcripts. (Hon. Robert M. Brutinel)
46.	2-Jun-2016	FILED: Notice of Non-Compliance; Certificate of Service (Lori Dennison, Court Reporter)
47.	14-Jun-2016	FILED: Reporter's Transcript - 8/14/2015 - Status Conference (Prepared and Filed by Laurie R Yazwa on Behalf of Karen Dawson)
48.	29-Jun-2016	FILED: Reporter's Transcript - 9/29/2015 - Trial Day 2 - AM (Prepared and Filed by Lori L Thielmann on Behalf of Karen Dawson)
49.	1-Jul-2016	FILED: Second Notice of Non-Compliance; Certificate of Service (Lori Dennison, Court Reporter)
50.	7-Jul-2016	FILED: Reporter's Transcript - 10/19/2015 - Trial (Prepared and Filed by Laurie R. Yazwa on Behalf of Karen Dawson)
51.	7-Jul-2016	FILED: Reporter's Transcript - 11/12/2015 - Trial (Prepared and Filed by Laurie R. Yazwa on Behalf of Karen Dawson)
52.	8-Jul-2016	FILED: Reporter's Transcript - 8/27/2015 - Chronis Hearing (Prepared and Filed by Marylynn LeMoine on Behalf of Karen Dawson)
53.	11-Jul-2016	FILED: Reporter's Transcript - 9/2/2015 - Trial - (Prepared and Filed by Karen Bolton on Behalf of Karen Dawson)
54.	11-Jul-2016	FILED: Reporter's Transcript - 11/5/2015 - Trial - (Prepared and Filed by Karen Bolton on Behalf of Karen Dawson)
55.	13-Jul-2016	FILED: Reporter's Transcript - 10/1/2015 - Trial - (Prepared and Filed by Marylynn LeMoine on Behalf of Karen Dawson)
56.	18-Jul-2016	FILED: Reporter's Transcript - 10/6/2015 - Voir Dire (Karen A Dawson)
57.	18-Jul-2016	FILED: Reporter's Transcript - 11/9/2015 (Incorrectly Captioned as 10/6/2015) - Voir Dire (Karen A Dawson)
58.	19-Jul-2016	FILED: Reporter's Transcript - 10/5/2015 - Trial - (Prepared and Filed by Marylynn LeMoine on Behalf of Karen Dawson)
59.	20-Jul-2016	FILED: Third Notice Re: Compliance; Certificate of Service; Karen Dawson Transcripts Due as of 6/2/2016 (Lori Dennison, Court Reporter)
60.	2-Aug-2016	FILED: Fourth Notice Re: Compliance; Certificate of Service (Lori Dennison, Court Reporter)
61.	8-Aug-2016	FILED: Reporter's Transcript - 9/28/2015 (PM) (Karen A Dawson)
62.	8-Aug-2016	FILED: Reporter's Transcript - 11/9/2015 - Voir Dire (Karen A Dawson)
63.	16-Aug-2016	FILED: Fifth Notice Re: Complaince; Certificate of Service (Lori Dennison, Court Reporter)
64.	17-Aug-2016	FILED: Reporter's Transcript - 11/3/2015 AM - Trial Day Fifteen (Prepared and Filed by Jovanna Roman on Behalf of Karen Dawson)

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65.	29-Aug-2016	FILED: Reporter's Transcript - 10/7/2015 - Trial (Prepared and Filed by Marylynn LeMoine on Behalf of Karen Dawson) RECORD COMPLETE
66.	1-Sep-2016	FILED: Motion to Unseal Grand Jury Transcript; Certificate of Service (Appellant State)
67.	7-Sep-2016	Upon considering Appellant's Motion to Unseal Grand Jury Transcript, IT IS ORDERED that the motion is granted. The Clerk of this Court shall temporarily unseal the transcript of the grand jury proceedings held on June 13, 2013, and provide a copy to Appellant's counsel. The Clerk shall provide a copy to the State's counsel upon request. The transcript shall then be resealed. (Hon. Robert M. Brutinel)
68.	12-Sep-2016	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 December 12, 2016. 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)
69.	13-Sep-2016	FILED: Notice of Substitution of Counsel (Laura P Chiasson substituted for Lacey Stover Gard as attorney for Appellee State); Certificate of Service (Appellee State)
70.	26-Sep-2016	FILED: Notice of Substitution of Counsel (Terry J Reid substituted for Mikel Steinfeld as attorney for Appellant Riley); Certificate of Service (Appellant Riley)
71.	26-Sep-2016	FILED: (Copy of) ASC Order Temporarily Unsealing Grand Jury Transcript (Appellant Riley)
72.	6-Oct-2016	FILED: Notice of Substitution of Counsel (Lacey Stover Gard substituted for Laura P Chiasson as attorney for Appellee State); Certificate of Service (Appellee State)
73.	8-Dec-2016	FILED: Motion to Supplement Appellate Record with Additional Transcripts; Certificate of Service (Appellant Riley)
74.	8-Dec-2016	FILED: Motion to Supplement the Record with the Record in CR2011-008004-002 DT and Related Transcripts; Certificate of Service (Appellant Riley)
75.	8-Dec-2016	FILED: Motion to Unseal Motion and Jury List; Certificate of Service (Appellant Riley)
76.	8-Dec-2016	FILED: Motion to STAY Appeal; MOTION to Remand to Trial Court to Reconstruct Record; Certificate of Service (Appellant Riley)
77.	12-Dec-2016	Appellant Thomas Riley having filed a Motion to Unseal Motion and Jury List, Motion to Supplement Appellate Record with Additional Transcripts, Motion to Supplement the Record with the Record in CR2011-008004-002DT and Related Transcripts, and Motion to Stay Appeal; Motion to Remand to Trial Court to Reconstruct Record, IT IS ORDERED suspending the due date for the Opening Brief until further order of this Court. IT IS FURTHER ORDERED granting the Motion to Unseal Motion and Jury List as to the Record on Appeal (ROA) document numbers 46, 47, 48, and 207. Upon request by counsel for either party, the Clerk of this Court shall temporarily unseal these documents to permit inspection and/or copying for use by counsel for this appeal only. 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 that no later than December 28, 2016, the State shall file a combined response to the other motions, including a statement whether or not it has a copy of any of the missing items listed in the Motion to Stay/Motion to Remand. IT IS FURTHER ORDERED that no later than December 28, 2016, the Clerk of the Maricopa County Superior Court shall transmit to this Court the Juror Questionnaires for inclusion in the Record on Appeal. The Clerk of this Court shall maintain the Juror Questionnaires as sealed documents. (Hon. Clint Bolick)
78.	12-Dec-2016	FILED: Motion to Supplement Prior Motion to Stay Appeal; Motion to Remand to Trial Court to Reconstruct Record; Certificate of Service (Appellant Riley)
79.	15-Dec-2016	FILED: Supplemental Electronic Record from MCSC: Instruments and MEs
80.	20-Dec-2016	FILED: Supplement to Motion to Supplement the Record with the Record in CR2011-008004-002 DT and Related Transcripts; Certificate of Service (Appellant Riley)
81.	28-Dec-2016	FILED: Response to Motion to Supplement Appellate Record with Additional Transcripts; Motion to Supplement the Record with the Record in CR-2011-008004-002 DT and Related Transcripts; Motion to Stay Appeal; Motion to Remand to Trial Court to Reconstruct Record Certificate of Service; Riley Combined Response Attachment A; Riley Combined Response Attachment B (Appellee State)
82.	6-Jan-2017	FILED: Motion to Supplement Appellate Record With Additional Transcript; Certificate of Service (Appellant Riley)

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83.	9-Jan-2017	Upon considering Appellant's Motion to Supplement the Record With the Record in CR2011-008004-002 and Related Transcripts, Supplement to Motion, Motions to Supplement Appellate Record with Additional Transcripts, and the State's Response, IT IS ORDERED that the motions are granted. IT IS FURTHER ORDERED that no later than January 31, 2017, the Clerk of the Maricopa County Superior Court shall transmit the electronic record in CR2011-008004-002 to the Clerk of this Court as a supplement to the record on appeal. IT IS FURTHER ORDERED that no later than February 10, 2017, Karen Dawson, Cindy Lineburg, Pamela Remus, Laura Ashbrook, Jovanna Roman, and Ken Crenshaw shall file the following transcripts in this appeal: 9/28/15 (afternoon) (CR2013-002559-002) Karen Dawson 4/24/15 (CR2013-002559-002) Laura Ashbrook 5/8/15 (CR2013-002559-002) Laura Ashbrook 4/19/13 (CR2011-008004-002) Laura Ashbrook 5/3/13 (CR2011-008004-002) Laura Ashbrook 2/13/12 (CR2011-008004-002) Ken Crenshaw 2/23/12 (CR2011-008004-002) Cindy Lineburg 3/1/12 (CR2011-008004-002) Cindy Lineburg 3/13/12 (CR2011-008004-002) Pamela Remus 5/9/12 (CR2011-008004-002) Pamela Remus 7/11/12 (CR2011-008004-002) Pamela Remus 8/29/12 (CR2011-008004-002) Pamela Remus 10/25/12(CR2011-008004-002) Pamela Remus 1/24/13 (CR2011-008004-002) Pamela Remus 3/20/13 (CR2011-008004-002) Pamela Remus 5/2/13 (CR2011-008004-002) Pamela Remus 6/20/13 (CR2011-008004-002) Jovanna Roman (Hon. Robert M. Brutinel)
84.	9-Jan-2017	FILED: Reporter's Transcript - 9/28/2015 (PM) (Karen A Dawson)
85.	10-Jan-2017	FILED: Second Supplement to Motion to STAY Appeal; Motion to Remand to Trial Court to Reconstruct Record; Certificate of Service (Appellant Riley)
86.	13-Jan-2017	FILED: Motion to Unseal Listed Documents; Certificate of Service (Appellant Riley)
87.	19-Jan-2017	The Court has considered Appellant's Motion to Stay Appeal, Motion to Remand to Trial Court to Reconstruct Record, Supplement [to] Prior Motion, Second Supplement, Motion to Unseal Listed Documents, and the State's Response. Most of the documents identified by Appellant as missing have been located and included in the record on appeal. Regarding any documents still missing, if Appellant can locate the original or a copy of the document, Appellant may file a motion to include it in the record on appeal. Therefore, IT IS ORDERED that the Motion to Stay Appeal and Motion to Remand to Trial Court to Reconstruct Record are denied. The Exhibit Worksheet (Chronis Hearing) attached to the State's Response shall be included in the record on appeal. IT IS FURTHER ORDERED that the Motion to Unseal Listed Documents is granted. Upon request by counsel for either party, the Clerk of the Supreme Court shall temporarily unseal the documents listed in the motion and provide copies to counsel. The Clerk will provide electronic or paper copies pursuant to the Clerk's discretion and policies. The documents shall then be resealed. Pursuant to Rule 123(e)(10), Rules of the Supreme Court, counsel shall maintain the confidentiality of all information that personally identifies jurors. (Hon. Robert M. Brutinel)
88.	20-Jan-2017	FILED: Reporter's Transcript - 4/19/2013 - Oral Argument (Laura Ashbrook)
89.	20-Jan-2017	FILED: Reporter's Transcript - 5/3/2013 - Oral Argument (Laura Ashbrook)
90.	20-Jan-2017	FILED: Reporter's Transcript - 4/24/2015 - Oral Argument (Laura Ashbrook)
91.	20-Jan-2017	FILED: Reporter's Transcript - 5/8/2015 - Oral Argument (Laura Ashbrook)
92.	30-Jan-2017	FILED: Supplemental Electronic Record from MCSC Case No CR2011-008004-002: Instruments and MEs (Combined)
93.	7-Feb-2017	FILED: Motion to Unseal Documents; Certificate of Service (Appellant Riley)

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94.	8-Feb-2017	Upon considering Appellant's Motion to Unseal Documents, IT IS ORDERED that the Clerk of this Court shall provide Appellant's counsel with a copy of the following sealed documents: Appellant's Ex parte Motion for Order of Release of Records, the Order Releasing Records, Appellant's Ex parte Motion for Order of Release of Records, and the Order for Release of Records for Mitigation Investigation; Maricopa County Superior Court No CR2011-008004-002 Record on Appeal Items 39, 40, 41, 67, 68, and 69. Counsel shall provide discs if required by the Clerk. The Clerk shall provide copies of the same sealed documents to the State's counsel upon request. (Hon. John Pelander)
95.	9-Feb-2017	Sealed Records Released to Counsel for Appellant Riley (See Docket No 95)
96.	10-Feb-2017	FILED: Reporter's Transcript - 3/13/2012 - Status Conference (Pamela Remus)
97.	10-Feb-2017	FILED: Reporter's Transcript - 5/9/2012 - Status Conference (Pamela Remus)
98.	10-Feb-2017	FILED: Reporter's Transcript - 7/11/2012 - Management Conference (Pamela Remus)
99.	10-Feb-2017	FILED: Reporter's Transcript - 8/29/2012 - Status Conference (Pamela Remus)
100.	10-Feb-2017	FILED: Reporter's Transcript - 10/25/2012 - Status Conference (Pamela Remus)
101.	10-Feb-2017	FILED: Reporter's Transcript - 6/20/2013 - Complex Case Management Conference (Jovanna Roman)
102.	11-Feb-2017	FILED: Reporter's Transcript - 2/23/2012 - Conference (Cindy Lineburg)
103.	11-Feb-2017	FILED: Reporter's Transcript - 3/1/2012 - Conference Continued (Cindy Lineburg)
104.	15-Feb-2017	FILED: Reporter Transcript - 1/24/2013 - Status Conference (Pamela Remus)
105.	15-Feb-2017	FILED: Reporter Transcript - 3/20/2013 - Status Conference (Pamela Remus)
106.	15-Feb-2017	FILED: Reporter Transcript - 5/2/2013 - Status Conference (Pamela Remus)

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