

Arizona Supreme Court
Criminal Death Penalty Appeal

CR-20-0031-AP

STATE OF ARIZONA v EDWARD LITTLETON MCCAULEY

Appellate Case Information

Case Filed: 22-Jan-2020
Case Closed:

Dept/Composition

Side 1. STATE OF ARIZONA, Appellee
(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Kristin K. Mayes, Esq. (AZ Bar No. 022584)
Laura P Chiasson, Esq. (AZ Bar No. 19025)
Andrew Reilly, Esq. (AZ Bar No. 29138)

Side 2. EDWARD LITTLETON MCCAULEY, Appellant
(Litigant Group) EDWARD LITTLETON MCCAULEY

- Edward Littleton McCauley

Attorneys for: Appellant

Jamie Sparks, Esq. (AZ Bar No. 22288)
Herman Alcantar, Jr, Esq. (AZ Bar No. 6656)
Steve B Koestner, Esq. (AZ Bar No. 11566)
Colin F Stearns, Esq. (AZ Bar No. 27845)
Grace M Guisewite, Esq. (AZ Bar No. 29536)

CASE STATUS

Jan 22, 2020....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2014-155906-001 DT	First Degree Murder	Death	Frank W Moskowitz, Trial	JURY	

177 PROCEEDING ENTRIES

1.	22-Jan-2020	FILED: Notice of Appeal (Clerk, MCSC) (Judgment filed in MCSC on 01/09/2020)
2.	3-Feb-2020	FILED: Reporter's Transcript - 04/23/2019 - Capital Case Management Conference (Tara L. Kramer)
3.	3-Feb-2020	FILED: Reporter's Transcript - 05/22/2019 - Capital Case Management Conference (Tara L. Kramer)
4.	3-Feb-2020	FILED: Reporter's Transcript - 08/06/2019 - Capital Case Management Conference (Tara L. Kramer)
5.	3-Feb-2020	FILED: Reporter's Transcript - 07/23/2018 - Capital Case Management Conference (Tara L. Kramer)
6.	3-Feb-2020	FILED: Reporter's Transcript - 09/13/2018 - Capital Case Management Conference (Tara L. Kramer)
7.	3-Feb-2020	FILED: Reporter's Transcript - 01/22/2019 - Capital Case Management Conference (Tara L. Kramer)
8.	3-Feb-2020	FILED: Reporter's Transcript - 02/26/2019 - Capital Case Management Conference (Tara L. Kramer)
9.	7-Feb-2020	FILED: Reporter's Transcript - 3/30/2018 - Capital Case Management Conference (Tanya D. McCowan)
10.	7-Feb-2020	FILED: Reporter's Transcript - 4/30/2018 - Capital Case Management Conference (Tanya D. McCowan)
11.	7-Feb-2020	FILED: Reporter's Transcript - 11/25/2019 a.m. - Trial (Tanya D. McCowan)
12.	11-Feb-2020	FILED: Reporter's Transcript - 5/21/2018 - Oral Argument (Barbara Stockford)
13.	12-Feb-2020	FILED: Reporter's Transcript - 5/10/2019 - Oral Argument (Barbara Stockford)
14.	18-Feb-2020	FILED: Reporter's Transcript - 03/25/2015 - Scheduling Conference (Luz Franco)
15.	18-Feb-2020	FILED: Reporter's Transcript - 10/12/2015 - Rule 6.2/Rule 6.8 Conference (Laurie R. Yazwa)
16.	18-Feb-2020	FILED: Reporter's Transcript - 11/12/2015 - Rule 6.2/Rule 6.8 Conference (Laurie R. Yazwa)
17.	18-Feb-2020	FILED: Reporter's Transcript - 08/31/2017 - Oral Argument (Laurie R. Yazwa)

Arizona Supreme Court
Criminal Death Penalty Appeal

CR-20-0031-AP

STATE OF ARIZONA v EDWARD LITTLETON MCCAULEY

177 PROCEEDING ENTRIES

18. 19-Feb-2020 FILED: Reporter's Transcript - 09/26/2019 - Trial (Catherine Turner)
19. 19-Feb-2020 FILED: (First) Motion for Extension of Time to File Transcripts (RT Hearing October 1, 2019) (Catherine Turner)
20. 19-Feb-2020 FILED: (First) Motion for Extension of Time to File Transcripts (RT Hearing November 7, 2018) (Catherine Turner)
21. 19-Feb-2020 FILED: (First) Motion for Extension of Time to File Transcripts (RT Hearing October 24, 2019) (Catherine Turner)
22. 19-Feb-2020 FILED: (First) Motion for Extension of Time to File Transcripts (RT Hearing October 23, 2019) (Catherine Turner)
23. 20-Feb-2020 FILED: Reporter's Transcript - 12/10/2014 - Not Guilty Arraignment (Kimberly C. McCright)
24. 20-Feb-2020 FILED: Reporter's Transcript - 01/27/2015 - Initial Pretrial Conference(Kimberly C. McCright)
25. 21-Feb-2020 Catherine L. Turner, Court Reporter, having filed a first request for extension of time to file transcripts,

IT IS ORDERED granting Catherine L. Turner, Court Reporter, a first extension of time to and including March 20, 2020, in which to file Reporter's Transcripts in the above-entitled matter. (Janet Johnson, Clerk)
26. 21-Feb-2020 FILED: Notice of Appearance (Sharmila Roy Attorney for McCauley); Certificate of Service (Appellant McCauley)
27. 21-Feb-2020 FILED: (Copy of) Office on Contract Counsel Case Assignment (Filed in MCSC on 01/29/2020) (Appellant McCauley)
28. 21-Feb-2020 FILED: Electronic Record on Appeal - MCSC - ME and Instruments
29. 21-Feb-2020 FILED: Exhibit Worksheet

1 - Brown Box Containing:

Envelope: RT GJ- 12/02/2014 (Lydia Estrada-Gray)

Envelope: HD 07/28/2017 Pltf Exh Nos 1-6, 8-27

Envelope: HD 09/23/2019 Exhibit Worksheet; Pltf Exh Nos 1-2

Envelope: HD 09/27/2019 Exhibit Worksheet; Pltf Exh No 1 (Contains CD)

Exhibit Worksheet: Pltf Exh Nos 17 (Brown Paper Bag Labeled Documents/Misc Papers Entry Date 11/25/2014); [SEALED] 25 (Manila Envelope); [SEALED] 26 (Manila Envelope); [SEALED] 39 (Manila Envelope); 43-80; 82-129; 131-136; 138-148; 155-156; 158; 161-198; 203-213; 218-220; 222-231; 233-235; 238-259; 279-282; 292-294; 304-307; 355-358; 360; 367; 369; 370-399; 413-422;443-444; 449-453

Pltf Exh Nos 339-347 Pictures

Pltf Exh Nos 285-290; 350-351; 400-401; 403-409; 457-459; 461-462 CD's

Def Exh Nos 297-303; 308-311; 317; 321-322; 324; 327; 330; 332; 359; 362-363; 410-411; 423-424; 432; 434-437; 448

Def Exh Nos 439; 454; 456; 465-466 CD's
30. 24-Feb-2020 FILED: Reporter's Transcript - 01/04/2018 - Oral Argument - Motion to Continue (Hope J. Yeager)
31. 25-Feb-2020 FILED: Reporter's Transcripts - 11/18/2019 - Jury Trial - Penalty Phase (Nicole Bulldis)
32. 25-Feb-2020 FILED: Reporter's Transcripts - 11/19/2019 - Jury Trial - Penalty Phase (Nicole Bulldis)
33. 25-Feb-2020 FILED: Reporter's Transcripts - 11/20/2019 - Jury Trial - Penalty Phase (Nicole Bulldis)
34. 25-Feb-2020 FILED: Reporter's Transcripts - 11/21/2019 - Jury Trial - Penalty Phase (Nicole Bulldis)
35. 25-Feb-2020 FILED: Reporter's Transcripts - 11/26/2019 - Jury Trial - Penalty Phase (Nicole Bulldis)
36. 25-Feb-2020 FILED: Reporter's Transcripts - 12/02/2019 - Jury Trial - Penalty Phase (Nicole Bulldis)
37. 25-Feb-2020 FILED: Reporter's Transcripts - 12/03/2019 - Jury Trial - Penalty Phase(Nicole Bulldis)
38. 25-Feb-2020 FILED: Reporter's Transcripts - 12/04/2019 - Jury Trial - Penalty Phase (Nicole Bulldis)
39. 25-Feb-2020 FILED: Reporter's Transcripts - 12/09/2019 - Jury Trial - Penalty Phase (Nicole Bulldis)

Arizona Supreme Court
Criminal Death Penalty Appeal

CR-20-0031-AP

STATE OF ARIZONA v EDWARD LITTLETON MCCAULEY

177 PROCEEDING ENTRIES

40. 25-Feb-2020 FILED: Reporter's Transcripts - 12/10/2019 - Jury Trial - Penalty Phase (Nicole Bulldis)
41. 25-Feb-2020 FILED: Reporter's Transcripts - 12/11/2019 - Jury Trial - Penalty Phase (Nicole Bulldis)
42. 27-Feb-2020 FILED: Motion for Extension of Time (to File Transcripts) (Nicole Bulldis)
43. 28-Feb-2020 FILED: Reporter's Transcript - 11/07/18 - Oral Argument - (Catherine Turner)
44. 28-Feb-2020 FILED: Reporter's Transcript - 10/01/19 - Trial - (Catherine Turner)
45. 28-Feb-2020 Nicole A. Bulldis, Court Reporter, having filed a first request for extension of time to file transcripts,
IT IS ORDERED granting Nicole A. Bulldis, Court Reporter, a first extension of time to and including April 1, 2020, in which to file Reporter's Transcripts in the above-entitled matter. (Janet Johnson, Clerk)
46. 2-Mar-2020 FILED: Reporter's Transcript - 06/23/2015 - Capital Case Management Conference (Rochelle L Dobbins)
47. 2-Mar-2020 FILED: Reporter's Transcript - 08/06/2015 - Capital Case Management Conference (Rochelle L Dobbins)
48. 2-Mar-2020 FILED: Reporter's Transcript - 09/23/2015 - Capital Case Management Conference (Rochelle L Dobbins)
49. 2-Mar-2020 FILED: (Incorrect Date; See Event No. 116)
Reporter's Transcript - 11/23/2015 - Capital Case Management Conference (Rochelle L Dobbins)
50. 2-Mar-2020 FILED: Reporter's Transcript - 01/19/2016 - Capital Case Management Conference (Rochelle L Dobbins)
51. 2-Mar-2020 FILED: Reporter's Transcript - 03/21/2016 - Capital Case Management Conference (Rochelle L Dobbins)
52. 2-Mar-2020 FILED: Reporter's Transcript - 05/23/2016 - Capital Case Management Conference (Rochelle L Dobbins)
53. 2-Mar-2020 FILED: Reporter's Transcript - 07/25/2016 - Capital Case Management Conference (Rochelle L Dobbins)
54. 2-Mar-2020 FILED: Reporter's Transcript - 03/03/2017 - Capital Case Management Conference (Rochelle L Dobbins)
55. 2-Mar-2020 FILED: Reporter's Transcript - 01/17/2017 - Capital Case Management Conference (Rochelle L Dobbins)
56. 2-Mar-2020 FILED: Reporter's Transcript - 11/02/2016 - Capital Case Management Conference (Rochelle L Dobbins)
57. 3-Mar-2020 FILED: Reporter's Transcript - 04/15/2015 - Capital Case Management Conference (Jovanna Roman)
58. 4-Mar-2020 FILED: Reporter's Transcript - 04/03/2017 - Capital Case Management Conference (Rochelle L Dobbins)
59. 4-Mar-2020 FILED: Reporter's Transcript - 06/09/2017 - Capital Case Management (Rochelle L Dobbins)
60. 4-Mar-2020 FILED: Reporter's Transcript - 08/22/2017 - Capital Case Management Conference (Rochelle L Dobbins)
61. 4-Mar-2020 FILED: Reporter's Transcript - 05/14/2018 - Capital Case Management Conference (Rochelle L Dobbins)
62. 4-Mar-2020 FILED: First Motion for Extension of Time to File Transcripts (Rochelle L Dobbins)
63. 4-Mar-2020 FILED: Reporter's Transcript - 11/25/2019 - Trial p.m. - (Marylynn LeMoine)
64. 4-Mar-2020 FILED: Reporter's Transcripts - 03/27/2017 - Trial Continuance Past Last Day (Janell Rose)
65. 5-Mar-2020 On March 4, 2020, Court Reporter Rochelle L. Dobbins filed a "First Motion for Extension of Time to File Transcripts."
IT IS ORDERED granting Rochelle L. Dobbins, Court Reporter, a first extension of time to and including April 2, 2020, in which to file Reporter's Transcripts in the above-entitled matter. (Janet Johnson, Clerk)
66. 5-Mar-2020 FILED: Reporter's Transcript - 04/16/2015 - Status Hearing (Lydia Estrada-Gray)
67. 6-Mar-2020 FILED: Motion for Extension (Jeanne A Kappedal)
68. 7-Mar-2020 FILED: Reporter's Transcript - 10/23/2019 - Trial - (Catherine Turner)
69. 7-Mar-2020 FILED: Reporter's Transcript - 10/24/2019 - Trial - (Catherine Turner)

Arizona Supreme Court
Criminal Death Penalty Appeal

CR-20-0031-AP

STATE OF ARIZONA v EDWARD LITTLETON MCCAULEY

177 PROCEEDING ENTRIES

70. 9-Mar-2020 FILED: Reporter's Transcript - 08-08-2019 - Status Hearing (Antoinette Salazar)
71. 9-Mar-2020 FILED: Reporter's Transcript - 09-24-2019- Jury Voir Dire (Antoinette Salazar)
72. 10-Mar-2020 On March 6, 2020, Court Reporter Jeanne A. Kappedal filed a "Motion for Extension" to file transcripts.

IT IS ORDERED granting Jeanne A. Kappedal, Court Reporter, a first extension of time to and including March 23, 2020, in which to file Reporter's Transcripts in the above-entitled matter. (Janet Johnson, Clerk)
73. 23-Mar-2020 FILED: Reporter's Transcript - 09/05/2017 - Capital Case Management Conference (Rochelle L. Dobbins)
74. 23-Mar-2020 FILED: Reporter's Transcript - 09/19/2017 - Capital Case Management Conference (Rochelle L. Dobbins)
75. 23-Mar-2020 FILED: Reporter's Transcript - 10/05/2017 - Capital Case Management Conference (Rochelle L. Dobbins)
76. 23-Mar-2020 FILED: Reporter's Transcript - 11/08/2017 - Capital Case Management Conference (Rochelle L. Dobbins)
77. 23-Mar-2020 FILED: Reporter's Transcript - 12/12/2017 - Capital Case Management Conference (Rochelle L. Dobbins)
78. 23-Mar-2020 FILED: Reporter's Transcript - 02/09/2018 - Capital Case Management Conference (Rochelle L. Dobbins)
79. 24-Mar-2020 FILED: Reporter's Transcript - 05/16/2018 - Status Conference (Jeanne Kappedal)
80. 24-Mar-2020 FILED: Reporter's Transcript - 09/26/2016 - Status Conference (Jeanne Kappedal)
81. 24-Mar-2020 FILED: Reporter's Transcript - 12/18/2019 - Settlement of Jury Instructions (Jeanne Kappedal)
82. 30-Mar-2020 FILED: Reporter's Transcript - 09/24/2019 - Jury Trial - Day 1 - A.M. (Nicole Buldis)
83. 30-Mar-2020 FILED: Reporter's Transcript - 11/07/2019 - Jury Trial - Aggravation Phase - Verdict (Nicole Buldis)
84. 31-Mar-2020 FILED: Second Request for Extension of Time (to File Transcripts) (Nicole Buldis)
85. 31-Mar-2020 On March 31, 2020, Court Reporter Nicole Buldis filed a "Second Request for Extension of Time" to file transcripts.

IT IS ORDERED granting Nicole Buldis, Court Reporter, a second extension of time to and including April 30, 2020, in which to file Reporter's Transcripts in the above-entitled matter (Janet Johnson, Clerk)
86. 3-Apr-2020 FILED: Reporter's Transcript - 10/8/18 - Oral Argument (Crystal Hereford)
87. 7-Apr-2020 FILED: Notice of Appearance (Attorney Lacey Stover Gard for Appellee); Certificate of Service (Appellee State)
88. 23-Apr-2020 FILED: Reporter's Transcript - 09/03/2019 - CCMC (Nicole Buldis)
89. 23-Apr-2020 FILED: Reporter's Transcript - 10/02/2019 - Voir Dire (Nicole Buldis)
90. 23-Apr-2020 FILED: Reporter's Transcript - 10/17/2019 - Jury Trial (Nicole Buldis)
91. 23-Apr-2020 FILED: Reporter's Transcript - 10/21/2019 - Jury Trial (Nicole Buldis)
92. 26-Apr-2020 FILED: Reporter's Transcripts - 07/28/2017 - Evidentiary Hearing (Rochelle L Dobbins)
93. 26-Apr-2020 FILED: Reporter's Transcript - 08/03/2017 - Evidentiary Hearing (Rochelle L Dobbins)
94. 27-Apr-2020 FILED: Reporter's Transcript - 10/22/2019 - Jury Trial (Nicole Buldis)
95. 27-Apr-2020 FILED: Reporter's Transcript - 11/04/2019 - Jury Trial (Nicole Buldis)
96. 27-Apr-2020 FILED: Reporter's Transcript - 01/09/2020 - Penalty Phase Verdict (Nicole Buldis)
97. 27-Apr-2020 FILED: Reporter's Transcript - 10/22/2019 - Jury Trial (Nicole Buldis)
98. 27-Apr-2020 FILED: Reporter's Transcript - 11/04/2019 - Jury Trial (Nicole Buldis)
99. 27-Apr-2020 FILED: Reporter's Transcript - 01/09/2020 - Penalty Phase Verdict (Nicole Buldis)
100. 27-Apr-2020 FILED: Third Request for Extension of Time (to File Transcripts) - Nicole Buldis
101. 28-Apr-2020 FILED: Reporter's Transcript - 11/05/2019 - Jury Trial (Nicole Buldis)

Arizona Supreme Court
Criminal Death Penalty Appeal

CR-20-0031-AP

STATE OF ARIZONA v EDWARD LITTLETON MCCAULEY

177 PROCEEDING ENTRIES

102. 29-Apr-2020 On April 27, 2020, Court Reporter Nicole Buldis filed a "Third Request for Extension of Time" to file transcripts.

IT IS ORDERED granting Nicole Buldis, Court Reporter, a third extension of time to and including June 1, 2020, in which to file Reporter's Transcripts in the above-entitled matter. (Hon. Clint Bolick)
103. 30-Apr-2020 FILED: Reporter's Transcripts - 09/13/2019 - CCMC (Nicole Buldis)
104. 30-Apr-2020 FILED: Reporter's Transcript - 01/07/2020 - Jury Trial Penalty Phase (Nicole Buldis)
105. 30-Apr-2020 FILED: Reporter's Transcript - 01/08/2020 - Jury Trial Penalty Phase (Nicole Buldis)
106. 12-May-2020 FILED: Notice; Certificate of Service (Appellee State)
107. 27-May-2020 FILED: Reporter's Transcript - 09/25/2019 - Voir Dire (Nicole Buldis)
108. 30-May-2020 FILED: Reporter's Transcript - 10/03/2019 - Jury Trial - Motions and Voir Dire (Nicole Buldis)
109. 30-May-2020 FILED: Reporter's Transcript - 10/15/2019 - Jury Trial - Oral Argument (Nicole Buldis)
110. 30-May-2020 FILED: Reporter's Transcript - 10/16/2019 - Jury Trial (Nicole Buldis)
111. 30-May-2020 FILED: Reporter's Transcript - 12/05/2019 - Jury Trial - Oral Argument (Nicole Buldis)
112. 1-Jun-2020 FILED: Reporter's Transcript - 09/23/2019 - Oral Argument Re: Motions in Limine (Nicole Buldis)
113. 1-Jun-2020 FILED: Reporter's Transcript - 11/06/2019 - Jury Trial - Aggravation Phase (Nicole Buldis)
114. 1-Jun-2020 FILED: Reporter's Transcript - 11/14/2019 - Jury Trial - Oral Argument (Nicole Buldis)
115. 1-Jun-2020 FILED: Reporter's Transcript - 01/06/2020 - Jury Trial - Penalty Phase (Nicole Buldis)
- RECORD COMPLETE-----
116. 9-Jun-2020 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 September 8, 2020. 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. John R. Lopez IV)
117. 22-Jun-2020 FILED: Affidavit of Errata (Transcript should be dated November 23, 2015 instead of November 23, 2016; see Event No. 48)
118. 22-Jun-2020 FILED: (Corrected) Reporter's Transcript - 11/23/2015 - Capital Case Management Conference (Rochelle L. Dobbins)
119. 3-Sep-2020 FILED: First Motion for extension of Time to File Appellant's Opening Brief; Certificate of Service (Appellant McCauley)
120. 8-Sep-2020 A "First Motion for Extension of Time to File Appellant's Opening Brief" (Appellant McCauley) having been filed on September 3, 2020,

IT IS ORDERED granting a first extension of time to file the opening brief on or before December 8, 2020. (Janet Johnson, Clerk)
121. 24-Nov-2020 FILED: Second Motion for Extension of Time to File Appellant's Opening Brief; Certificate of Service (Appellant McCauley)
122. 27-Nov-2020 Upon considering the Second Motion for Extension of Time to File Appellant's Opening Brief,

IT IS ORDERED granting the motion. The Opening Brief shall be filed no later than March 9, 2021. (Hon James P. Beene)
123. 3-Dec-2020 FILED: Notice of Appearance (Attorney David E. Ahl as the State's Attorney of Record); Certificate of Service (Appellee State)
124. 2-Mar-2021 FILED: Third Motion for Extension of Time to File Appellant's Opening Brief; Certificate of Service (Appellant McCauley)
125. 4-Mar-2021 A "Third Motion for Extension of Time to File Appellant's Opening Brief" (Appellant McCauley) having been filed on March 2, 2021,

IT IS ORDERED granting the motion. The Opening Brief shall be filed no later than April 20, 2021. (Hon. Ann A. Scott Timmer)

Arizona Supreme Court
Criminal Death Penalty Appeal

CR-20-0031-AP

STATE OF ARIZONA v EDWARD LITTLETON MCCAULEY

177 PROCEEDING ENTRIES

126. 15-Apr-2021 FILED: Fourth Motion for Extension of Time to File Appellant's Opening Brief, Or, In the Alternative, Motion for Leave to Withdraw; Certificate of Service (Appellant McCauley)
127. 20-Apr-2021 FILED: Response to Fourth Motion for Extension of Time to File Appellant's Opening Brief, or, in the Alternative, Motion for Leave to Withdraw; Certificate of Service (Appellee State)
128. 21-Apr-2021 Upon considering Appellant's Fourth Motion for Extension of Time to File Appellant's Opening Brief, or, In the Alternative, Motion for Leave to Withdraw, and the State's Response,
- IT IS ORDERED that the Motion for Extension of Time is granted. The Opening Brief shall be filed no later than June 30, 2021. No further extensions will be allowed absent extraordinary circumstances. (Hon. Clint Bolick)
129. 28-Jun-2021 FILED: Motion for Leave to Withdraw as Counsel for Appellant; Certificate of Service (Appellant McCauley)
130. 30-Jun-2021 On June 28, 2021, Attorney Sharmila Roy filed a "Motion for Leave to Withdraw as Counsel for Appellant."
- Upon review and consideration, and GOOD CAUSE APPEARING,
- IT IS ORDERED the motion to withdraw as counsel for Appellant Edward Littleton McCauley is granted.
- IT IS FURTHER ORDERED pursuant to Rule 31.5(e), Ariz. R. Crim. P., that the Superior Court in Maricopa County shall appoint qualified counsel to represent Appellant, Edward Littleton McCauley, in these proceedings, and inform the Court of the appointment.
- IT IS FURTHER ORDERED that newly appointed counsel shall file a Notice of Appearance in this Court within 10 days of being appointed by the superior court.
- IT IS FURTHER ORDERED that Attorney Sharmila Roy remain available, as advisory counsel, to assist Appellant's new counsel, as appropriate, to expedite the filing of Appellant's Opening Brief, pursuant to the below briefing schedule.
- IT IS FURTHER ORDERED that Attorney Sharmila Roy shall transfer the complete case files, including the record on appeal, reporter's transcripts, and counsel's notes and comments to Appellant's new counsel upon appointment by the superior court and shall file a notice with this Court, within 20 days of the superior court's appointment of new counsel, indicating when she has transferred the record and case files to Appellant's new counsel.
- IT IS FURTHER ORDERED that A.R.S. § 13-4042 be complied with to the extent required by law.
- IT IS FURTHER ORDERED that the briefing schedule is hereby amended as follows:
- IT IS FURTHER ORDERED that Appellant's Opening Brief, pursuant to Rule 31.14(b), shall be filed no later than 90 days after appointment of new counsel by the superior court and new counsel's receipt of the complete record/file from Ms. Roy. 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. James P. Beene)
131. 26-Jul-2021 FILED: (Copy of) Appointment of Counsel/Capital Case on Appeal (Minute Letter filed in MCSC on 07/21/2021)
132. 26-Jul-2021 FILED: Notice of Appearance (Attorneys Colin F. Stearns and Andrew C. Marcy Representing Appellant McCauley); Certificate of Service (Appellant McCauley)
133. 26-Jul-2021 FILED: (Duplicate Copy of) Appointment of Counsel/Capital Case on Appeal (Minute Letter filed in MCSC on 07/21/2021)
134. 28-Aug-2021 FILED: Notice of Transfer of Record and Transcripts to Successor Counsel; Certificate of Service 8-28-2021 (Attorney Sharmila Roy)
135. 27-Sep-2021 FILED: Notice of Substitution; Certificate of Service (Appellant McCauley)
136. 12-Oct-2021 FILED: Motion to Set Opening Brief Due Date; Certificate of Service (Appellant McCauley)
137. 12-Oct-2021 FILED: Motion to Unseal Records, Exhibits and Transcripts; Certificate of Service (Appellant McCauley)

Arizona Supreme Court
Criminal Death Penalty Appeal

CR-20-0031-AP

STATE OF ARIZONA v EDWARD LITTLETON MCCAULEY

177 PROCEEDING ENTRIES

138. 26-Oct-2021 On October 12, 2021, Appellant filed a "Motion to Unseal Records, Exhibits, and Transcripts."
- Upon review and consideration, and GOOD CAUSE APPEARING,
- IT IS ORDERED the motion to unseal is granted, as stated herein.
- IT IS FURTHER ORDERED that upon request by counsel for either party, the Clerk of the Supreme Court and the Clerk of the Maricopa County Superior Court, as appropriate, shall temporarily unseal for review by counsel the grand jury transcript, the juror list and questionnaires, criminal history report, records, exhibits, transcripts, or other sealed documents as identified by Appellant in his motion. The Clerks shall provide copies of any documents selected by counsel and then reseal the documents.
- IT IS FURTHER ORDERED counsels shall not include any information from sealed items in the briefs, other filings in this or any matter, or otherwise disclose such information to the public or other unauthorized parties without prior order from this Court.
- IT IS FURTHER ORDERED pursuant to Rule 18.3, Ariz. R. Crim. P. and Rule 123(e)(10), Rules of the Supreme Court, counsel shall maintain the confidentiality of all juror information, including all information that personally identifies jurors, juror's home and work telephone numbers and addresses, and may not disclose such information unless good cause is shown and without prior order from this Court. (Hon. Clint Bolick)
139. 26-Oct-2021 On June 3, 2021, the Court ordered that "Appellant's Opening Brief, pursuant to Rule 31.14(b), shall be filed no later than 90 days after appointment of new counsel by the superior court and new counsel's receipt of the complete record/file from Ms. Roy."
- On October 12, 2021, Appellant filed a "Motion to Set Opening Brief Due Date." Upon review and consideration, and GOOD CAUSE APPEARING,
- IT IS ORDERED the motion to set opening brief due date is granted.
- IT IS FURTHER ORDERED that Appellant's Opening Brief, upon consideration of Appellant's motion and the requirements pursuant to Rule 31.14(c)(1), shall be filed no later than January 10, 2022.
- IT IS FURTHER ORDERED pursuant to Rule 31.14(b) 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.
- IT IS FURTHER ORDERED that A.R.S. § 13-4042 and Rule 31.14(c)(2) be complied with to the extent required by law. (Hon. Clint Bolick)
140. 10-Jan-2022 FILED: Unopposed First Motion to Extend Time to File Opening Brief; Certificate of Service (Appellant McCauley)

Arizona Supreme Court
Criminal Death Penalty Appeal

CR-20-0031-AP

STATE OF ARIZONA v EDWARD LITTLETON MCCAULEY

177 PROCEEDING ENTRIES

141. 11-Jan-2022 Appellant McCauley has filed a motion he titled "Unopposed First Motion to Extend Time to File Opening Brief" on January 10, 2022. The motion states that the State does not oppose the motion.
- The Court's original order for briefing was issued June 9, 2020 and set September 8, 2020 as the due date for the opening brief. Appellant received four prior extensions of the opening brief due date due to prior counsel's significant health issues. Subsequently, Appellant's prior counsel filed a motion to withdraw based on those same ongoing health issues. The Court granted the motion to withdraw on June 30, 2021.
- In the Court's June 30, 2021 order, it also issued additional orders related to the appointment of substitute counsel, the transfer of the case file from prior counsel to new counsel, and the new due date for Appellant's Opening Brief. On July 21, 2021, the superior court appointed new counsel to represent Appellant, and counsel with the Maricopa County Office of Legal Advocate filed a Notice of Appearance, as assigned counsel within the Legal Advocate's office, on July 26, 2021.
- On October 26, 2021, on motion by Appellant, the Court ordered that Appellant's Opening Brief be filed no later than January 10, 2022.
- Appellant's current motion asks for 90 days, until April 10, 2022, for what effectively will be the sixth extension of the due date, to file the opening brief. Counsel cites that additional time is needed to complete review of the record, complete the appellate investigation into this case and complete the opening brief.
- The Court understands the prior extensions of the due date to file the opening brief were requested by prior counsel. Nevertheless, in light of the multiple extensions already received and the amount of time that has passed since the Court's initial briefing order, the Court notes, in the strongest possible terms, that this case must proceed.
- Therefore, upon review and consideration, and GOOD CAUSE APPEARING,
- IT IS ORDERED the motion to extend time to file opening brief is granted.
- IT IS FURTHER ORDERED that Appellant's Opening Brief, upon consideration of Appellant's motion and the requirements pursuant to Rule 31.14(c)(1), shall be filed no later than April 10, 2022.
- IT IS FURTHER ORDERED pursuant to Rule 31.14(b) 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.
- IT IS FURTHER ORDERED that A.R.S. § 13-4042 and Rule 31.14(c)(2) be complied with to the extent required by law. (Hon. John R. Lopez IV)
142. 26-Jan-2022 FILED: Envelope addressed to Edward Littleton McCauley returned marked "Refused by Inmate". (See Dkt No 140)
143. 5-Apr-2022 FILED: Unopposed Final Motion to Extend Time to File Opening Brief (Motion for Procedural Order); Certificate of Service (Appellant McCauley)

Arizona Supreme Court
Criminal Death Penalty Appeal

CR-20-0031-AP

STATE OF ARIZONA v EDWARD LITTLETON MCCAULEY

177 PROCEEDING ENTRIES

144. 6-Apr-2022 Appellant McCauley has filed a motion he titled "Unopposed Final Motion to Extend Time to File Opening Brief" on April 6, 2022. The motion states that the State does not oppose the motion.

In the Court's January 11, 2022 order on Appellant's prior motion to extend time to file opening brief, the Court outlined the protracted history of extensions to file the opening brief obtained by Appellant's prior and current counsel.

Appellant's current motion asks for 45 days, until May 25, 2022, for what effectively will be the seventh extension of the due date to file the opening brief. Counsel advises that, among other factors, they have completed review of the matter and drafted arguments for the brief that require editing to meet the Court's word count. Appellant cites that additional time is needed for counsel to finalize arguments, edit, and complete the brief, and secure remaining items necessary to supplement the record. Finally, counsel advises the Court that "[a]bsent unforeseen circumstances, this is the final extension request."

The Court understands the several prior extensions of the due date to file the opening brief were requested by prior counsel. Nevertheless, considering the multiple extensions already received and the amount of time that has passed since the Court's initial briefing order, the Court notes, in the strongest possible terms, this case must proceed, and it takes counsel at their word that absent unforeseen circumstances this is the final request for an extension to file the opening brief.

Therefore, upon review and consideration, and GOOD CAUSE APPEARING,

IT IS ORDERED that Appellant's Final Motion to Extend Time to File Opening Brief is granted.

IT IS FURTHER ORDERED that Appellant's Opening Brief, upon consideration of Appellant's motion and the requirements pursuant to Rule 31.14(c)(1), shall be filed no later than May 25, 2022.

IT IS FURTHER ORDERED that should counsel seek an additional extension, any motion must be accompanied by a detailed description of the efforts taken by counsel to comply with this order and the reasons why such efforts were unavailing, including a detailed timeline. Counsel are admonished that it is unlikely that the Court will grant any additional extension, and that they are to act with diligence and alacrity to comply with this order.

IT IS FURTHER ORDERED pursuant to Rule 31.14(b) 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.

IT IS FURTHER ORDERED that A.R.S. § 13-4042 and Rule 31.14(c)(2) be complied with to the extent required by law. (Hon. Clint Bolick)

145. 27-Apr-2022 FILED: Motion to Supplement the Record on Appeal (Penalty Phase Defense Exhibit); Certificate of Service (Appellant McCauley)

146. 27-Apr-2022 FILED: Motion to Supplement The Record on Appeal (January 7, 2020 FTR Clip); Certificate of Service (Appellant Mccauley)

147. 17-May-2022 FILED: Motion for Procedural Order: Motion to Exceed Word Limit for The Opening Brief (State Objects)); Certificate of Service (Appellant McCauley)

148. 17-May-2022 FILED: Response to Motion to Exceed Word Limit for the Opening Brief; Certificate of Service (Appellee State)

149. 18-May-2022 FILED: Reply to State's Response to Appellant's Motion for Procedural Oder: Motion to Exceed Word Limit for Opening Brief; Certificate of Service (Appellant McCauley)

Arizona Supreme Court
Criminal Death Penalty Appeal

CR-20-0031-AP

STATE OF ARIZONA v EDWARD LITTLETON MCCAULEY

177 PROCEEDING ENTRIES

150. 20-May-2022 On April 27, 2022, Appellant, Edward Littleton McCauley, filed two separate motions to supplement the record on appeal. The Appellee, State of Arizona, has not filed a response to either motion.
- The first motion to supplement requests “that this Court supplement the record on appeal with the video played by the defense during the penalty phase opening statements... because the[] video [is] necessary for the Court to consider the mitigation presented on [Appellant’s] behalf.” Appellant advises that “[t]he video was marked and published to the jury by both parties, but was never admitted.” Motion (citing R.T. 11/18/2019 at 37).
- Based on the foregoing, and good cause appearing,
- IT IS ORDERED that the Motion to Supplement the Record on Appeal (Penalty Phase Defense Exhibit) is granted.
- IT IS FURTHER ORDERED that Appellant shall file the original and one copy of the disk containing the video clips, as indicated in the motion, with the Clerk of the Court, and provide a duplicate copy of the disk to the State simultaneously to filing the original and one copy of the disk with the Clerk of the Court.
- IT IS FURTHER ORDERED that the Clerk shall file the original exhibit (the disk) under seal and the exhibit shall not be unsealed without further order of the Court.
- FURTHER The second motion to supplement requests “that this Court supplement the record on appeal with the For the Record recording of the trial proceedings that occurred on January 7, 2020, specifically from 2:58:40 p.m. through 2:59:07 p.m.” Appellant contends that “[t]he video of the proceedings is the best evidence of the prosecutor’s demeanor[,]” that Appellant intends to argue “...constituted prosecutorial misconduct.”
- Based on the foregoing, and good cause appearing,
- IT IS ORDERED that the Motion to Supplement the Record on Appeal (January 7, 2020 FTR Clip) is granted.
- IT IS FURTHER ORDERED that Appellant shall file the original and one copy of the disk containing the video clip, as indicated in the motion, with the Clerk of the Court, and provide a duplicate copy of the disk to the State simultaneously to filing the original and one copy of the disk with the Clerk of the Court.
- IT IS FURTHER ORDERED that the Clerk shall file the original exhibit (the disk) under seal and the exhibit shall not be unsealed without further order of the Court. (Hon. John R. Lopez IV)
151. 20-May-2022 On May 17, 2022, Appellant, Edward Littleton McCauley, filed a Motion for Procedural Order: Motion to Exceed Word Limit for the Opening Brief (State Objects). The motion states that the State objects to the motion. The State filed a response on May 17, 2022. Appellant filed a reply on May 18, 2022.
- Appellant requests to exceed the word limit in Ariz. R. Crim. P. 31.14(a) and presents several arguments why a brief of 41,000-words (nearly one and one-half times the word limit outlined in the Rule) is warranted in the case. Appellant avers that since the April 5, 2022, filing of his final motion to extend time to file the opening brief counsel has, as explained therein, used the additional time to edit the opening brief, including shortening the brief that, at that time, exceeded 45,000 words. Finally, Appellant avers that “additional winnowing will likely run the risk of waiving issues, thereby violating [Appellant]’s right to be meaningfully heard.” Motion at 3.
- In its Response, the State opposes Appellant’s request arguing that “[i]n the context of capital cases, there is nothing exceptional about this case that warrants an expanded word limit[.]” and “the word limit for capital cases is sufficient in light of the record in this case.” Response at 1. The State argues that “[t]his Court’s willingness to grant extensions beyond the 28,000 words allotted to capital cases should be reserved for uniquely complex cases and not become the new standard.” Response at 2.
- In his Reply, Appellant avers that he “is not asking the Court to establish a ‘new standard,’” and seeks an expanded word limit here “because of the complex factual and legal issues identified in [Appellant]’s case.” Reply at 1-2. Appellant requests, “if this Court is hesitant to grant [his] request to exceed the word limit before seeing the opening brief, [Appellant] seeks permission to re-file the Motion to Exceed with his opening brief on May 25, 2022.” Reply at 3.
- Based on the foregoing, and good cause appearing,
- IT IS ORDERED that Appellant’s motion to exceed the word limit, based on the specific circumstances in this matter, is granted in part. Appellant shall file an opening Brief that shall not exceed 37,500 words on or before the current May 25, 2022 due date.
- IT IS FURTHER ORDERED that the State shall be allowed to file an answering brief not to exceed 37,500 words and it shall be filed no later than sixty days after service of the opening brief. The reply brief shall not exceed the word limit outlined in Ariz. R. Crim. P. 31.14(a) and shall be filed no later than thirty days after service of the answering brief.
- No further expansion of the word limits ordered herein will be granted in this matter absent extraordinary circumstances.
- IT IS FURTHER ORDERED that the parties comply with A.R.S. § 13-4042 and § 13-4437(D) and Ariz. R. Crim. P. 31.14(c)(2) and 39 to the extent required by law. (Hon. John R. Lopez IV)

Arizona Supreme Court
Criminal Death Penalty Appeal

CR-20-0031-AP

STATE OF ARIZONA v EDWARD LITTLETON MCCAULEY

177 PROCEEDING ENTRIES

152. 19-May-2022 FILED: Motion to Supplement the Record on Appeal (Sealed Juror Questionnaires); Certificate of Service (Appellant McCauley)
153. 24-May-2022 FILED: [SEALED] CD- January 7, 2020 FTR Clip (Appellant McCauley)
154. 24-May-2022 FILED: [SEALED] CD- November 18, 2019 FTR Clip
155. 25-May-2022 FILED: Appellant's Opening Brief; Certificate of Service; Certificate of Compliance (Appellant McCauley)
156. 26-May-2022 On May 26, 2022, the Court received Motion to Supplement the Record on Appeal (Sealed Juror Questionnaires) filed by Appellant, Edward Littleton McCauley, on May 19, 2022. The Court does not require a response from the Appellee, State of Arizona, on this motion.
- Appellant's motion requests "that this Court supplement the record on appeal with the sealed juror questionnaires" that "were filed with the Maricopa County Clerk of the Court but were not transmitted to this Court with the record on appeal." Appellant advises that "the juror questionnaires are essential to this Court's review and consideration of the arguments presented in [Appellant]'s opening brief" because Appellant's brief "addresses issues related to jury selection and statements made in the juror questionnaires."
- Based on the foregoing, and good cause appearing,
- IT IS ORDERED that the Motion to Supplement the Record on Appeal (Sealed Juror Questionnaires) is granted.
- IT IS FURTHER ORDERED that Appellant shall file the original, official digital copy and one copy of the sealed juror questionnaires Appellant's counsel received from the Maricopa County Superior Court Clerk's Office, and provide a duplicate copy of the disk to the State simultaneously to filing the original, official digital copy and one copy of the disk with the Clerk of the Court.
- IT IS FURTHER ORDERED that the Clerk shall file the original, official digital copy under seal and the exhibit shall not be unsealed without further order of the Court.
Hon. John R. Lopez IV
157. 8-Jun-2022 FILED: [Per ASC Order- See Dkt 156] - Sealed Juror Questionnaires - 1 Manila Env Marked Original Contains CD. 1 CD Marked Copy.
158. 19-Jul-2022 FILED: Unopposed Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
159. 21-Jul-2022 A non-compliant "Unopposed Motion for Extension of Time to File Answering Brief" (Appellee State) was filed on July 19, 2022. Pursuant to Rule 31.6(e), Rules of Criminal Procedure, the caption of a motion for procedural order must include the words, "Motion for Procedural Order." Therefore,
- IT IS ORDERED that the motion for extension of time is denied without prejudice. Appellee State shall have five days from the date of this order within which to file a motion that complies with Rule 31.6(e). (Tracie K. Lindeman Clerk)
160. 25-Jul-2022 FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee State)
161. 26-Jul-2022 An "Unopposed Motion for Procedural Order (Extension for Answering Brief)" (Appellee State) having been filed on July 25, 2022,
- IT IS ORDERED granting a first extension of time to file an answering brief on or before September 23, 2022. No further extensions of time shall be granted absent extraordinary circumstances. (Tracie K. Lindeman Clerk)
162. 19-Sep-2022 FILED: Second Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
163. 20-Sep-2022 A "Second Unopposed Motion for Procedural Order (Extension for Answering Brief)" (Appellee State) having been filed on September 19, 2022,
- IT IS ORDERED granting a second extension of time to file an answering brief on or before November 22, 2022. No further extensions of time shall be granted absent extraordinary circumstances. (Tracie K. Lindeman Clerk)
164. 14-Nov-2022 FILED: Third Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee State)
165. 15-Nov-2022 A "Third Unopposed Motion for Procedural Order (Extension for Answering Brief)" (Appellee State) having been filed on November 14, 2022,
- IT IS ORDERED granting a third extension of time to file an answering brief on or before January 23, 2023. No further extensions of time shall be granted absent extraordinary circumstances. (Hon. Kathryn H. King)

Arizona Supreme Court
Criminal Death Penalty Appeal

CR-20-0031-AP

STATE OF ARIZONA v EDWARD LITTLETON MCCAULEY

177 PROCEEDING ENTRIES

166. 13-Jan-2023 FILED: Fourth Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee State)
167. 13-Jan-2023 Appellee has filed a "Fourth Unopposed Motion for Procedural Order (Extension for Answering Brief)" on January 13, 2023, requesting that the Court grant a 30-day extension of the due date for the answering brief. The motion states that the Appellant does not oppose the motion.
- The Court's original order for briefing was issued June 9, 2020, and set September 8, 2020, as the due date for the opening brief. Appellant's opening brief, after what was essentially seven extensions of the due date, was filed on May 25, 2022. Appellee has received three prior extensions of the answering brief due date.
- The Court understands that multiple extensions of the due date to file the opening brief were requested by Appellant's counsel and granted by this Court. Nevertheless, considering the multiple extensions already received by Appellee to file the Answering Brief, and the amount of time that has passed since the Court's initial briefing order in this case, the Court notes, in the strongest possible terms, this case must proceed, and no further extensions of time shall be granted absent extraordinary circumstances.
- Therefore, upon review and consideration, and GOOD CAUSE APPEARING,
- IT IS ORDERED the motion to extend time to file answering brief is granted.
- IT IS FURTHER ORDERED that Appellee's Answering Brief, upon consideration of Appellee's motion and the requirements pursuant to Rule 31.14(c)(1), shall be filed no later than February 22, 2023.
- IT IS FURTHER ORDERED pursuant to Rule 31.14(b) the Reply Brief shall be filed no later than thirty (30) days after service of the Answering Brief.
- IT IS FURTHER ORDERED that A.R.S. § 13-4042 and Rule 31.14(c)(2) be complied with to the extent required by law. (Hon. John R. Lopez IV)
168. 17-Feb-2023 FILED: Unopposed Motion for Procedural Order (2-Day Extension for Answering Brief); Certificate of Service (Appellee State)
169. 17-Feb-2023 Appellee State of Arizona has filed a fifth motion for extension of the due date for the answering brief titled "Unopposed Motion for Procedural Order (2-Day Extension for Answering Brief)" on February 17, 2023. The motion states that the Appellant does not object to the motion.
- The Court notes Appellee's avowals in its motion and that Appellee "is mindful" the Court noted in its last order that "this case must proceed." Nevertheless, due to the amount of time that has passed since the Court's initial briefing order in this case, the Court notes here, in the strongest possible terms, it will hold Appellee to its statement, through assigned counsel, that "[n]o further extensions will be requested."
- Therefore, upon review and consideration, and GOOD CAUSE APPEARING,
- IT IS ORDERED the motion to extend time to file answering brief is granted.
- IT IS FURTHER ORDERED that Appellee's Answering Brief, upon consideration of Appellee's motion and the requirements pursuant to Rule 31.14(c)(1), shall be filed no later than February 24, 2023.
- IT IS FURTHER ORDERED pursuant to Rule 31.14(b) the Reply Brief shall be filed no later than thirty (30) days after service of the Answering Brief.
- IT IS FURTHER ORDERED that A.R.S. § 13-4042 and Rule 31.14(c)(2) be complied with to the extent required by law. (Hon. Ann A. Scott Timmer)
170. 24-Feb-2023 FILED: The State of Arizona's Answering Brief; Certificate of Service; Certificate of Compliance (Appellee State)
171. 22-Mar-2023 FILED: Unopposed First Motion to Extend Time to File Reply Brief (Motion for Procedural Order); Certificate of Service (Appellant McCauley)
172. 24-Mar-2023 An "Unopposed First Motion to Extend Time to File Reply Brief" (Appellant McCauley) having been filed on March 22, 2023,
- IT IS ORDERED granting a first extension of time to file the reply brief on or before May 26, 2023. No further extensions of time shall be granted absent extraordinary circumstances. (Tracie K. Lindeman Clerk)
173. 19-May-2023 FILED: Unopposed Final Motion to Extend Time To File Reply Brief; Certificate of Service (Appellant)
174. 19-May-2023 FILED: Unopposed Motion to Exceed Word Limit for The Reply Brief; Certificate of Service (Appellant)

Arizona Supreme Court
Criminal Death Penalty Appeal

CR-20-0031-AP

STATE OF ARIZONA v EDWARD LITTLETON MCCAULEY

177 PROCEEDING ENTRIES

175. 24-May-2023 On May 19, 2023, Appellant Edward McCauley, filed two Motions for Procedural Order with the Court: (1) an Unopposed Motion to Exceed Word Limit for the Reply Brief; and (2) an Unopposed Final Motion to Extend Time to File Reply Brief. Both motions indicate that Appellant's counsel has contacted counsel for the State who does not object to either motion. The State has not filed a response to either motion.

Appellant's request to exceed the word limit in Ariz. R. Crim. P. 31.14(a) argues that extraordinary circumstances necessitate exceeding the word limit outlined in Rule 31.14(a). Appellant contends that "[t]he issues presented in [Appellant's] Opening Brief were lengthy and fact intensive," the State's Answering Brief used 37,494 words of the 37,500 words allowed by the Court's May 20, 2022, order, and "responding to the Answering Brief's challenges to the appropriate standards of review and contested factual issues requires considerable briefing." Motion at 2. Counsel further avers that "[t]he issues presented in this matter are significant, and ethically require counsel to file a Reply Brief in excess of [] 14,000 words." Id. (citing Ariz. R. Crim. P. 6.8(a)(5); American Bar Association Guidelines for the Appointment and Performance of Counsel in Death Penalty Cases, Guideline 10.15.1.C and commentary (2003)).

Appellant's request to extend the time to file a reply brief seeks a twenty-one day extension from the current due date of May 26, 2023, to on or before June 16, 2023. Counsel for Appellant aver they have "completed a draft reply[] [b]ut the current draft is just under 19,000 words," and "responding to the [] challenges to the appropriate standards of review and contested factual issues requires considerable briefing." Therefore, counsel states that "[a]dditional time is needed to finish editing the Reply Brief and reduce the length to a word limit authorized by this Court." Motion at 3. Finally, counsel states that "[a]bsent unforeseen circumstances, this is the final request to extend time to file the Reply Brief." Id.

The Court's original order for briefing was issued June 9, 2020, and set September 8, 2020, as the due date for the opening brief. Appellant's opening brief, after what was essentially seven extensions of the due date, was filed on May 25, 2022. Appellee's answering brief, after receiving four extensions of the due date, was filed on February 24, 2023.

The Court understands that multiple extensions of the due dates to file the opening brief and answering brief were requested and granted by this Court. Nevertheless, considering the multiple extensions already received by both parties to file their briefs and the resultant amount of time that has passed since the Court's initial briefing order in this case, the Court notes, in the strongest possible terms, this case must proceed.

Therefore, the Court takes Appellant's counsel at their word and no further extensions of time to file the reply brief will be granted absent unforeseen and extraordinary circumstances.

Based upon review and consideration of the foregoing, and good cause appearing,

IT IS ORDERED that Appellant's Motion to Exceed Word Limit for the Reply Brief, based on the specific circumstances in this matter, is granted in part. Appellant shall file a reply brief that shall not exceed 17,000 words.

IT IS FURTHER ORDERED that Appellant's Motion to Extend the Time to File Reply Brief, based on the specific circumstances in this matter, is granted.

IT IS FURTHER ORDERED that Appellant's reply brief, upon consideration of Appellant's motion and the requirements pursuant to Rule 31.14(c)(1), shall be filed no later than June 16, 2023.

IT IS FURTHER ORDERED that A.R.S. § 13-4042 and Rule 31.14(c)(2) be complied with to the extent required by law. (Hon. John R. Lopez IV)

176. 16-Jun-2023 FILED: Appellant's Reply Brief; Certificate of Service; Certificate of Compliance (Appellant McCauley)

177. 10-Aug-2023 FILED: Notice of Substitution of Counsel (Capital Case)[Andrew Riley Attorney of Record]; Certificate of Service (Appellee State)