

# Court of Appeals, Division One

Criminal

**1 CA-CR 21-0454**

**STATE v. MCNULTY**

## Appellate Case Information

Case Filed: 22-Oct-2021

Case Closed:

## Dept/Composition

### Side 1. STATE OF ARIZONA, Appellee/Cross-Appellant

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee/Cross-Appellant

Casey Ball, Esq. (AZ Bar No. 34987)

### Side 2. JAMES ALLEN MCNULTY, Appellant/Cross-Appellee

(Litigant Group) JAMES ALLEN MCNULTY

- James Allen McNulty

Attorneys for: Appellant/Cross-Appellee

Janelle A McEachern, Esq. (AZ Bar No. 16652)

## CASE STATUS

Jul 17, 2023.....Stayed (until 7/23/24)

Jan 4, 2022.....Record Complete-Notice Completion Sent

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MOH S8015CR202000308	See File	See File	Billy K Sipe, Sentencing	JURY	

## OPEN DUE DATE

Opening Brief Due

Due By:

Thursday, August 22, 2024

Re: FILED: Notice of Completion of Record

[4 extensions]

## CALENDAR

Friday

MOTION CALENDAR

19-Apr-2024

Department M;

File date: 4/18/2024.....Motion for Procedural Order to Stay Appeal and Cross-Appeal for 90 Days (Tenth Request); Certificate of Service (Appellee/Cross-Appellant)

**DECISION RENDERED: See proceeding entry for ORDER dated 22-Apr-2024 for more information...**

## 40 PROCEEDING ENTRIES

- 22-Oct-2021 FILED: Notice of Appeal from Mohave County Superior Court filed 10/14/21. Notification Sent to Court Reporters dated 10/20/2021. Notification sent to Court Reporters dated 10/19/2021 for Cross Appeal.
- 22-Oct-2021 FILED: e-Record on Appeal:  
Instruments/Minute Entries: Combined  
Disposition Report: None  
Exhibits: Hearing date: 03/22/2021 List # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29  
Hearing date: 03/24/2021 List # 30 31  
Hearing date: 03/25/2021 List # 32 33 34 35 36 37 38 39 40 41 42 43 44
- 28-Oct-2021 FILED: Notice of Appearance; Certificate of Service (Appellee)
- 28-Oct-2021 FILED: Additional Record on Appeal  
Physical Exhibits:  
Hearing Date: 10/21/2021 List # 27 (CD)
- 29-Oct-2021 FILED: Amended Certificate of Service (Appellee)
- 29-Oct-2021 FILED: Courtesy copy, Notice of Assignment from Mohave County Indigent Defense Services, dated 10/29/2021 re: appellant James McNulty.
- 23-Nov-2021 FILED: Reporter's Transcript - 10/16/2020 - Evidentiary Hearing on Motion to Dismiss Day 1 (Linda Cantrell)
- 23-Nov-2021 FILED: Reporter's Transcript - 10/22/2020 - Evidentiary Hearing on Motion to Dismiss Day 2 (Linda Cantrell)
- 23-Nov-2021 FILED: Reporter's Transcript - 03/19/2021 - Oral Argument on Pending Motions (Linda Cantrell)
- 23-Nov-2021 FILED: Reporter's Transcript - 03/23/2021 - Jury Trial Day 1 (Linda Cantrell)

[167722]

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Information presented in this document may not reflect all case activity and is subject to change without notice.

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11.	23-Nov-2021	FILED: Reporter's Transcript - 03/24/2021 - Jury Trial Day 2 (Linda Cantrell)
12.	23-Nov-2021	FILED: Reporter's Transcript - 03/26/2021 - Jury Trial Day 4 (Linda Cantrell)
13.	23-Nov-2021	FILED: Reporter's Transcript - 10/12/2021 - Judgment and Sentencing (Linda Cantrell)
14.	26-Nov-2021	FILED: Extension Request (Time to File Transcripts)(Kimberly M Faehn)
15.	29-Nov-2021	ORDERED: Extension Request (Time to File Transcripts)(Kimberly M Faehn) = GRANTED. Due date EXTENDED from Monday, 11-29-2021 to Wednesday, 12-29-2021 or OSC set for 01/05/2022. Hon David B Gass - Author
16.	4-Jan-2022	FILED: Reporter's Transcripts - 03/25/2021 - Jury Trial - Day 3 (Kimberly Faehn)
17.	4-Jan-2022	FILED: Notice of Completion of Record
18.	7-Jan-2022	FILED: Motion for Procedural Order to Stay Appeal and Cross-Appeal for 90 Days (Unopposed); Certificate of Service (Appellee/Cross-Appellant)
19.	7-Jan-2022	FILED: Amended Certificate of Service (Appellee/Cross-Appellant)
20.	10-Jan-2022	ORDERED: Motion for Procedural Order to Stay Appeal and Cross-Appeal for 90 Days (Unopposed) (Appellee/Cross-Appellant) = GRANTING the motion and staying this appeal until 04/11/2022. On 04/12/2022, the stay will be automatically lifted unless one of the parties files a motion to continue the stay. FURTHER ORDERED: Extending the time to file the opening brief to 05/12/2022. Benjamin A Armstrong ProTem Judge - Author
21.	7-Apr-2022	FILED: Motion for Procedural Order to Stay Appeal and Cross-Appeal for 90 Days (Unopposed) (Second Request); Amended Certificate of Service (Appellee/Cross-Appellant)
22.	11-Apr-2022	ORDERED: Motion for Procedural Order to Stay Appeal and Cross-Appeal for 90 Days (Unopposed) (Second Request) (Appellee/Cross-Appellant) = GRANTED. Extending the stay of this appeal to 07/11/2022. On 07/12/2022, the stay will be automatically lifted unless one of the parties files a motion to continue the stay. FURTHER ORDERED: Extending the time to file the opening brief to 08/11/2022. Benjamin A Armstrong ProTem Judge - Author
23.	6-Jul-2022	FILED: Motion for Procedural Order to Stay Appeal and Cross-Appeal for 90 Days (Unopposed) (Third Request); Amended Certificate of Service (Appellee)
24.	11-Jul-2022	ORDERED: Motion for Procedural Order to Stay Appeal and Cross-Appeal for 90 Days (Unopposed) (Third Request) (Appellee) = GRANTED. Extending the stay of this appeal to 10/11/2022. On 10/12/2022, the stay will be automatically lifted unless one of the parties files a motion to continue the stay. FURTHER ORDERED: Extending the time to file the opening brief to 11/14/2022. Benjamin A Armstrong ProTem Judge - Author
25.	29-Aug-2022	FILED: Motion for Procedural Order to Stay Appeal and Cross-Appeal Until Resolution of State v. Moninger (Unopposed); Certificate of Service (Appellee/Cross-Appellant)
26.	6-Sep-2022	ORDERED: Motion for Procedural Order to Stay Appeal and Cross-Appeal Until Resolution of State v. Moninger (Unopposed) (Appellee/Cross-Appellant) = GRANTED. Extending the stay of this appeal to 01/09/2023. On 01/10/2023, the stay will be automatically lifted unless one of the parties files a motion to continue the stay. FURTHER ORDERED: Extending the time to file the opening brief to 02/09/2023. Benjamin A Armstrong ProTem Judge - Author
27.	3-Jan-2023	FILED: Motion for Procedural Order to Stay Appeal and Cross-Appeal for Another 90 Days; Certificate of Service (Appellee)
28.	10-Jan-2023	ORDERED: Motion for Procedural Order to Stay Appeal and Cross-Appeal for Another 90 Days (Appellee) = GRANTED. Extending the stay of this appeal to 04/10/2023. On 04/11/2023, the stay will be automatically lifted unless one of the parties files a motion to continue the stay. FURTHER ORDERED: Extending the time to file the opening brief to 05/11/2023. Benjamin A Armstrong ProTem Judge - Author
29.	28-Mar-2023	FILED: Notice Of Decision, Motion To Remand Direct Appeal For Hearing, And Motion To Stay Cross-Appeal Another 90 Days; Certificate of Service (Appellee/Cross-Appellant)
30.	5-Apr-2023	ORDERED: Notice of Decision, Motion to Remand Direct Appeal for Hearing, and Motion to Stay Cross-Appeal Another 90 Days(Appellee/Cross-Appellant) = GRANTED/extending stay of this appeal and cross-appeal to 07/10/2023. On 07/11/2023, the stay will be automatically lifted unless one of the parties files a motion to continue the stay. FURTHER ORDERED: Remanding the direct appeal back to the superior court for proceedings consistent with the supreme court's decision in Brearcliffe. FURTHER ORDERED: extending time for filing opening brief to 08/10/2023. Deadline will be extended if the stay is extended. Benjamin A Armstrong ProTem Judge - Author
31.	9-Jun-2023	FILED: Courtsey copy of Mohave County Superior Court ME dated 06/05/2023 re: Evidentiary Hearing
32.	3-Jul-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record

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| 33. | 10-Jul-2023 | FILED: Motion For Procedural Order To Stay Appeal And Cross-Appeal Until The Arizona Supreme Court Issues Its Decision In State V. Moninger; Certificate of Service (Appellee)   |
| 34. | 17-Jul-2023 | ORDERED: Motion For Procedural Order To Stay Appeal And Cross-Appeal Until The Arizona Supreme Court Issues Its Decision In State V. Moninger (Appellee) = GRANTED and extending the stay of this appeal and cross-appeal to 10/16/2023. On 10/17/2023, the stay will be automatically lifted unless one of the parties files a motion to continue the stay. FURTHER ORDERED: Opening brief is due by 11/16/2023. This deadline will be extended if the stay is extended. Benjamin A Armstrong ProTem Judge - Author |
| 35. | 12-Oct-2023 | FILED: Motion for Procedural Order to Stay Appeal and Cross-appeal for 90 Days (Eighth Request); Certificate of Service (Appellee/Cross-Appellant)   |
| 36. | 16-Oct-2023 | ORDERED: Granting the motion and extending the stay of this appeal and cross-appeal to 01/16/2024. On 01/17/2024, the stay will be automatically lifted unless one of the parties files a motion to continue the stay. FURTHER ORDERED: The opening brief is due by 02/16/2024. This deadline will be extended if the stay is extended. Benjamin A Armstrong ProTem Judge - Author   |
| 37. | 14-Jan-2024 | FILED: Motion for Procedural Order to Stay Appeal and Cross-Appeal for 90 Days (Ninth Request); Certificate of Service (Appellee/Cross-Appellant)  |
| 38. | 22-Jan-2024 | ORDERED: Granting the motion and extending the stay of this appeal and cross-appeal to 04/22/2024. On 04/23/2024, the stay will be automatically lifted unless one of the parties files a motion to continue the stay. FURTHER ORDERED: The Opening Brief is due by 05/23/2024. This deadline will be extended if the stay is extended. Benjamin A Armstrong ProTem Judge - Author   |
| 39. | 18-Apr-2024 | FILED: Motion for Procedural Order to Stay Appeal and Cross-Appeal for 90 Days (Tenth Request); Certificate of Service (Appellee/Cross-Appellant)  |
| 40. | 22-Apr-2024 | ORDERED: Motion for Procedural Order to Stay Appeal and Cross-Appeal for 90 Days (Tenth Request); Certificate of Service(Appellee/Cross-Appellant) = GRANTED and continuing the stay of this appeal and cross-appeal to 07/22/2024. On 07/23/2024, the stay will be automatically lifted unless one of the parties files a motion to continue the stay. FURTHER ORDERED: Opening brief is due by 08/22/2024. This deadline will be extended if the stay is extended. Benjamin A Armstrong ProTem Judge - Author      |