

Court of Appeals, Division One

Criminal

1 CA-CR 22-0111

STATE v. PEREZ

Appellate Case Information

Case Filed: 11-Mar-2022

Case Closed:

Dept/Composition

Department B

Hon. Michael J Brown
Hon. Andrew M Jacobs
Hon. Angela K Paton

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Deborah Celeste Kinney, Esq. (AZ Bar No. 30741)

Side 2. ARTURO SANCHEZ PEREZ, JR., Appellant

(Litigant Group) ARTURO SANCHEZ PEREZ, JR.

- Arturo Sanchez Perez, Jr.

Attorneys for: Appellant

Aaron J Moskowitz, Esq. (AZ Bar No. 22246)

CASE STATUS

Mar 12, 2024....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2017-002742-001	Murder 1st Degree, Class 1; Murder 1st Degree, Class 1; Burglary, Class 2	Life; Life; 5 Years DOC	Timothy J Ryan, Sentencing	JURY	

DESCENDENT CASE(S)

ASC CR-24-0085-PR

OPEN DUE DATE

Petition for Review to ASC due

Due By:

Monday, May 13, 2024

[1 extension]

Re: MEMORANDUM DECISION (Convictions Affirmed, Remanded for Resentencing) Hon Angela K Paton - Author; Hon Michael J Brown - Concur; Hon Andrew M Jacobs - Concur

CASE DECISION

12-Mar-2024 MEMORANDUM DECISION

Angela Paton.....Author

Michael Brown.....Concur

Andrew Jacobs.....Concur

Filed: 12-Mar-2024

Mandate:

Decision Disposition

Convictions Affirmed
Remanded for Resentencing

99 PROCEEDING ENTRIES

- 11-Mar-2022 FILED: Notice of Appeal from Maricopa County Superior Court filed 03/04/22. Notification sent to Court Reporters dated 03/10/2022.
- 13-Mar-2022 FILED: Reporter's Transcript - 06/28/2021 - Trial Voir Dire - Not Concluded (Luz Franco)
- 14-Mar-2022 ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant for all remaining proceedings on appeal. FURTHER ORDERED: Court Reporters Luz Franco, Jeanne Kappedal, Treva Colwell, and Linda Lopez transcripts due by 04/25/2022 Benjamin A Armstrong ProTem Judge - Author
- 15-Mar-2022 FILED: Designation of Record for Appeal (Appellant)
- 15-Mar-2022 FILED: Amended Designation of Record for Appeal (Appellant)

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6. 16-Mar-2022 ORDERED: Court Reporter Luz E Franco transcripts dated 09/03/2021; 12/10/2021; 01/19/2022 due by 05/02/2022. FURTHER ORDERED: Reaffirming this previously set due date of 04/05/2022 for transcripts dated 06/29/2021; 06/30/2021; 07/01/2021; 07/07/2021; 07/08/2021; 07/12/2021; 07/20/2021; 07/22/2021; 07/27/2021; 03/04/2022 for Court Reporter Luz Franco. FURTHER ORDERED: Ken Crenshaw transcripts dated 06/15/2021; 06/08/2021; 03/15/2021; 02/12/2020; 12/11/2019; 05/20/2019; 04/17/2019; 03/06/2019; 12/18/2018; 10/17/2018 due by 05/02/2022. FURTHER ORDERED: Court Reporter Antoinette Salazar transcripts dated 08/17/2018; 07/25/2018; 03/22/2018; 02/12/2018; 01/31/2018 due by 05/02/2022. FURTHER ORDERED: Court Reporter Lori Thielmann transcript dated 05/22/2018 due by 05/02/2022. FURTHER ORDERED: Court Reporter Teri Veres transcript dated 09/28/2021 due by 05/02/2022. FURTHER ORDERED: Court Reporter Hope Yeager transcript dated 01/24/2022 due by 05/02/2022. FURTHER ORDERED: Court Reporter Robin Bobbie transcript dated 06/21/2021 due by 05/02/2022. FURTHER ORDERED: Court Reporter Gail Ferguson transcripts dated 05/28/2021; 04/19/2021 due by 05/02/2022. Hon David B Gass - Author
7. 3-Apr-2022 FILED: Reporter's Transcript - 06/29/2021 - Trial Voir Dire Continuing (Luz Franco)
8. 6-Apr-2022 FILED: Reporter's Transcript - 03/04/2022 - Sentencing (Luz Franco)
9. 7-Apr-2022 FILED: Reporter's Transcript - 06/21/2021 - Trial Procedures Conference (Robin Lawlor)
10. 11-Apr-2022 FILED: Reporter's Transcripts - 07/14/2021 - Trial - Day 9 (Treva B. Colwell)
11. 11-Apr-2022 FILED: Reporter's Transcripts - 07/19/2021 - Trial - Day 11 (Treva B. Colwell)
12. 11-Apr-2022 FILED: Reporter's Transcripts - 07/21/2021 - Trial - Day 13 (Treva B. Colwell)
13. 12-Apr-2022 FILED: Minute entry dated 03/22/2022 from Maricopa County Superior Court re: trial day 07/15/2021.
14. 12-Apr-2022 FILED: Minute entry dated 03/22/2022 from Maricopa County Superior Court re: trial day 07/20/2021.
15. 14-Apr-2022 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: 194
Exhibits: None sent with e-Record
16. 14-Apr-2022 FILED: Reporter's Transcript - 06/30/2021 - Trial Continuing (Luz Franco)
17. 15-Apr-2022 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 06/28/2021 List # 3 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 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 86 95 98 100 101 102 103 104 105 109 110 111 112 113 114 115 116 117 118 119 120 127 128 132 133 134 135 136 137 138 142 153 154 157 158 160 161 162 163 165 in manila envelope
Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope
18. 17-Apr-2022 FILED: Reporter's Transcript - 07/01/2021 - Trial Continuing (Luz Franco)
19. 17-Apr-2022 FILED: Reporter's Transcript - 07/07/2021 - Trial Continuing (Luz Franco)
20. 18-Apr-2022 FILED: Reporter's Transcript - 01/31/2018 - Complex Case Management Conference (Antoinette Salazar)
21. 18-Apr-2022 FILED: Reporter's Transcript - 07/12/2021 - Trial Continuing (Luz Franco)
22. 18-Apr-2022 FILED: Reporter's Transcript - 07/27/2021 - Trial Verdict (Luz Franco)
23. 20-Apr-2022 FILED: Reporter's Transcript - 06/28/2021 - Trial Day 1 (Linda Lopez)
24. 22-Apr-2022 FILED: Reporter's Transcript - 07/20/2021 - Trial Continuing (Luz Franco)
25. 24-Apr-2022 FILED: Reporter's Transcript - 07/22/2021 - Trial Continuing (Luz Franco)
26. 25-Apr-2022 FILED: Reporter's Transcript - 07/08/2021 - Trial Continuing (Luz Franco)
27. 26-Apr-2022 FILED: Reporter's Transcript - 09/03/2021 - Sentencing Continued (Luz Franco)
28. 26-Apr-2022 FILED: Reporter's Transcript - 12/10/2021 - Sentencing Continued (Luz Franco)
29. 26-Apr-2022 FILED: Reporter's Transcript - 01/19/2022 - Status Conference (Luz Franco)
30. 27-Apr-2022 FILED: Reporter's Transcript - 09/03/2021 - Final Trial Management Conference (Luz Franco)
31. 28-Apr-2022 FILED: Reporter's Transcript - 05/22/2018 - Trial Continuance Past Last Day AM (Lori Thielmann)

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32.	29-Apr-2022	ORDERED: Court Reporter Jeanne Kappedal set for OSC on 05/18/2022 for transcripts dated 07/06/2021; 07/15/2021; 07/23/2021. Hon David B Gass - Author
33.	2-May-2022	FILED: Reporter's Transcript - 05/20/2019 - Trial Continuance Past Last Day (Brenda Clark)
34.	2-May-2022	FILED: Reporter's Transcript - 12/11/2019 - Trial Continuance Past Last Day (Brenda Clark)
35.	2-May-2022	FILED: Reporter's Transcript - 02/12/2020 - Trial Continuance Past Last Day (Brenda Clark)
36.	2-May-2022	FILED: Reporter's Transcript - 06/08/2021 - Trial Assignment Calendar (Brenda Clark)
37.	2-May-2022	FILED: Reporter's Transcript - 06/15/2021 - Trial Assignment (Brenda Clark)
38.	2-May-2022	FILED: Reporter's Transcript - 10/17/2018 - Complex Case Management Conference (Brenda Clark)
39.	2-May-2022	FILED: Reporter's Transcript - 12/18/2018 - Trial Continuance Past Last Day (Brenda Clark)
40.	2-May-2022	FILED: Reporter's Transcript - 03/06/2019 - Complex Case Management Conference (Brenda Clark)
41.	2-May-2022	FILED: Reporter's Transcript - 04/17/2019 - Trial Continuance Past Last Day (Brenda Clark)
42.	2-May-2022	FILED: Reporter's Transcript - 09/28/2021 - Motion for New Trial (Teri Veres)
43.	2-May-2022	FILED: Reporter's Transcript - 01/24/2022 - Status Conference (Hope J Yeager)
44.	3-May-2022	FILED: Reporter's Transcript- 02/12/2018 - Complex Case Management Conference (Antoinette Salazar)
45.	3-May-2022	FILED: Reporter's Transcript- 03/22/2018 - Complex Case Management Conference (Antoinette Salazar)
46.	3-May-2022	FILED: Reporter's Transcript- 07/25/2018 - Complex Case Management Conference (Antoinette Salazar)
47.	3-May-2022	FILED: Reporter's Transcript- 08/17/2018 - Complex Case Management Conference (Antoinette Salazar)
48.	6-May-2022	ORDERED: Ken Crenshaw transcript dated 03/15/2021 due by 06/06/2022 or OSC set for 06/15/2022. Hon David B Gass - Author
49.	6-May-2022	ORDERED: Court Reporter Gail Ferguson set for OSC on 05/18/2022 for transcripts dated 04/19/2021; 05/28/2021. Hon David B Gass - Author
50.	18-May-2022	FILED: Request for Extension of Time to File Transcripts (Gail Ferguson)
51.	18-May-2022	ORDERED: Request for Extension of Time to File Transcripts (Gail Ferguson) = GRANTED. Due Dates EXTENDED to 06/01/2022 for Transcripts dated 05/28/2021, 04/19/2021 or OSC set for 06/15/2022. FURTHER ORDERED: That the due date will not be extended again, absent a timely showing of actual and substantial good cause. FURTHER ORDERED: Vacating the Order to Show Cause Hearing set for 05/18/2022. Hon David B Gass - Author
52.	18-May-2022	FILED: Request for Extension (Jeanne Kappedal)
53.	20-May-2022	ORDERED: Request for Extension (Jeanne Kappedal) = GRANTED. Due Dates EXTENDED to 05/31/2022 for Transcripts dated 07/23/2021, 07/15/2021, 07/06/2021 or OSC set for 06/01/2022. FURTHER ORDERED: Vacating the Order to Show Cause Hearing that was set for 05/18/2022 for Court Reporter Jeanne Kappedal. Hon David B Gass - Author
54.	31-May-2022	FILED: Reporter's Transcript - 07/23/2021 - Trial (Jeanne Kappedal)
55.	31-May-2022	FILED: Reporter's Transcript - 07/15/2021 - Trial (Jeanne Kappedal); Reporter's Transcript - 07/15/2021 - Trial (Jeanne Kappedal); Reporter's Transcript - 07/23/2021 - Trial (Jeanne Kappedal)
56.	31-May-2022	FILED: Reporter's Transcript - 07/06/2021 - Trial (Jeanne Kappedal)
57.	3-Jun-2022	FILED: Notice of Appearance; Certificate of Service (Appellant)
58.	3-Jun-2022	FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
59.	13-Jun-2022	FILED: Reporter's Transcript - 03/15/2021 - Trial Continuance Past Last Day (Amanda Orlando)
60.	15-Jun-2022	FILED: Reporter's Transcript - 04/19/2021 - Status Conference (Gail Ferguson)
61.	15-Jun-2022	FILED: Reporter's Transcript - 05/28/2021 - Final Pretrial Conference (Gail Ferguson)

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62. 16-Jun-2022 ORDERED: Upon presentation of this order, unsealing the confidential Court Information Sheet (I.O.R. 3); the Original Sealed Documents (I.O.R. 43, 44, 45, 46 and 49); the State's Response to Defendant's Motion to Remand (I.O.R. 74); the Random Jury List (I.O.R. 160) and the Presentence Supporting Documents Coversheet (I.O.R. 184) for parties/agents on this appeal only. Benjamin A Armstrong ProTem Judge - Author
63. 23-Jun-2022 FILED: Notice of Completion of Record
64. 27-Jun-2022 FILED: Reporter's Transcript - 07/27/2021 - Trial (Verdict) (Luz Franco)
65. 20-Jul-2022 FILED: Motion for Complex Case Designation; Certificate of Service (Appellant)
66. 25-Jul-2022 ORDERED: Motion for Complex Case Designation (Appellant) = GRANTED. Designating this matter a complex case. FURTHER ORDERED: Directing the parties to confer and to submit a joint proposed briefing schedule for the court's consideration. The proposed schedule shall include deadlines for appellant and appellee to file motions to supplement the record. The proposed schedule shall include firm dates for which no extensions will be granted absent unforeseeable circumstances. The parties shall submit the proposed schedule by 08/24/2022. FURTHER ORDERED: Vacating the current opening brief due date of 08/08/2022. Hon Kent E Cattani - Author
67. 24-Aug-2022 FILED: Notice of Filing of Joint Proposed Briefing Schedule; Certificate of Service (Appellant)
68. 4-Oct-2022 FILED: Motion to Supplement the Record, Vacate Proposed Briefing Deadlines, and Order the Submission of an Amended Joint Proposed Briefing Schedule; Certificate of Service (Appellant)
69. 7-Oct-2022 ORDERED: Motion to Supplement the Record, Vacate Proposed Briefing Deadlines, and Order the Submission of an Amended Joint Proposed Briefing Schedule (Appellant) = GRANTED. Jeanne Kappedal to prepare corrected originals and copies of the transcripts designated above and furnish one corrected copy to appellant's counsel, one corrected copy to appellee's counsel, and the corrected original to the clerk of this court by 11/07/2022, all marked as "Corrected" and all marked for filing in this appeal. FURTHER ORDERED: Directing the parties to confer and submit an amended joint proposed briefing schedule by 11/30/2022. The court has not implemented the deadlines contained in the initial joint proposed briefing schedule filed 08/24/2022 and will take no further action regarding the initial proposed schedule. Benjamin A Armstrong ProTem Judge - Author
70. 9-Nov-2022 FILED: Motion for Extension of Time (Time to File Transcripts)(Vanessa Gartner)
71. 15-Nov-2022 ORDERED: Motion for Extension of Time (Time to File Transcripts)(Vanessa Gartner) = GRANTED. Due Dates EXTENDED to 12/07/2022 for Transcripts dated 07/06/2021, 07/15/2021, 07/23/2021 or OSC set for 12/21/2022. Hon David B Gass - Author
72. 23-Nov-2022 FILED: Reporter's Transcript - 07/06/2021 - Trial Day 5 (Diane Donoho)
73. 4-Dec-2022 FILED: Reporter's Transcript - 07/15/2021 - Trial (Cindy Lineburg)
74. 6-Dec-2022 FILED: Reporter's Transcript - 07/23/2021 - Trial Day 15 (Diane Donoho on behalf of J Kappedal)
75. 9-Dec-2022 ORDERED: Directing the parties to confer and to submit an amended joint proposed briefing schedule for the court's consideration. The proposed schedule shall include deadlines for appellant and appellee to file motions to supplement the record. The parties shall submit the proposed schedule by 12/19/2022. Benjamin A Armstrong ProTem Judge - Author
76. 19-Dec-2022 FILED: Notice of Filing of Amended Joint Proposed Briefing Schedule; Certificate of Service (Appellant)
77. 30-Dec-2022 ORDERED: Notice of Filing of Amended Joint Proposed Briefing Schedule (Appellant) = GRANTED. Appellant's optional motion to supplement the record on appeal must be filed by 01/18/2023. FURTHER ORDERED: Appellant must file the opening brief by 04/18/2023. FURTHER ORDERED: Appellee's optional motion to supplement the record on appeal must be filed by 06/02/2023. FURTHER ORDERED: Appellee must file the answering brief by 08/28/2023. FURTHER ORDERED: Appellant must file the reply brief by 10/10/2023. Hon Kent E Cattani - Author
78. 2-Feb-2023 FILED: Notice of Appearance; Certificate of Service (Appellee)
79. 18-Apr-2023 FILED: Motion to Supplement the Record on Appeal; Certificate of Service; Affidavit of Ryan Tait (Appellant)
80. 18-Apr-2023 FILED: Appellant's Opening Brief; Certification of Compliance with Rule 32.12, ARCP; Certificate of Service (Appellant)
81. 25-Apr-2023 ORDERED: Motion to Supplement the Record on Appeal (Appellant) = GRANTED and supplementing the record with the "State's Response to Defendant's Motions in Limine" attached to the motion. Benjamin A Armstrong ProTem Judge - Author
82. 28-Aug-2023 FILED: Unopposed Motion for Procedural Order (Exceed Word Limit for Answering Brief); Certificate of Service (Appellee)
83. 28-Aug-2023 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
84. 6-Sep-2023 ORDERED: Unopposed Motion for Procedural Order (Exceed Word Limit for Answering Brief) (Appellee) = GRANTED and accepting the answering brief filed 08/28/2023. FURTHER ORDERED: Any reply brief remains due by 10/10/2023. Hon David B Gass - Author

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85.	27-Sep-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
86.	6-Oct-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
87.	10-Oct-2023	FILED: Appellant's Reply Brief; Certification Of Compliance With Rule 31.12, Arcp; Certificate of Service (Appellant)
88.	19-Oct-2023	FILED: Request for Oral Argument; Certificate of Service (Appellant)
89.	23-Oct-2023	ORDERED: Request for Oral Argument (Appellant) = GRANTED. Hon Randall M Howe - Author
90.	25-Oct-2023	CLNDR: CONFERENCE, Department B, 12-5-23, CONFERENCE ROOM.
91.	9-Nov-2023	FILED: Joint Notice of Proposed Dates for Oral Argument; Certificate of Service (Appellee)
92.	22-Nov-2023	ORDERED: Setting oral argument in this matter for Wednesday, 01/17/2023, at 10:15 a.m. in Courtroom 2. Absent a showing of extraordinary circumstances, any request for a continuance will be denied. Hon Michael J Brown - Author
93.	27-Nov-2023	FILED: Notice of Oral Argument
94.	29-Nov-2023	FILED: Return Receipt for Notice of Oral Argument (Appellant)
95.	15-Dec-2023	FILED: Return Receipt for Notice of Oral Argument, signed by Celeste Kinney on 11/27/2023 (Appellee)
96.	19-Jan-2024	FILED: Sign-in Sheet/Case is Under Advisement as of (01/19/2024)
97.	12-Mar-2024	MEMORANDUM DECISION (Convictions Affirmed, Remanded for Resentencing) Hon Angela K Paton - Author; Hon Michael J Brown - Concur; Hon Andrew M Jacobs - Concur
98.	12-Mar-2024	FILED: Decision Distribution Notification
99.	26-Mar-2024	FILED: ASC Order filed 03/26/2024 re: extending time for filing Petition for Review to 05/13/2024; matter subject to dismissal if a compliant motion for petition for review is not filed by 05/13/2024.