

Court of Appeals, Division One

Criminal

1 CA-CR 22-0302

STATE v. OSGOOD

Appellate Case Information

Case Filed: 6-Jul-2022

Case Closed:

Dept/Composition

Department D

Hon. David D Weinzweig
Hon. Michael S Catlett
Hon. Maria Elena Cruz

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Kevin M Morrow, Esq. (AZ Bar No. 34697)

Side 2. ETHAN FOGG OSGOOD, Appellant

(Litigant Group) ETHAN FOGG OSGOOD

- Ethan Fogg Osgood

Co-Counsel for: Appellant

Molly Patricia Brizgys, Esq. (AZ Bar No. 29216)

Rhonda Elaine Neff, Esq. (AZ Bar No. 29773)

CASE STATUS

Apr 9, 2024.....Pending Closure

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
YAV P1300CR201700035	See File	See File	John David Napper, Sentencing	JURY	

DESCENDENT CASE(S)

ASC CR-23-0283-PR

OPEN DUE DATE

Stay request (re: Writ of Certiorari) due

Due By:

Monday, April 29, 2024

Re: Minute Letter of ASC: Petition for Review DENIED

CASE DECISION

12-Oct-2023 MEMORANDUM DECISION

Michael Catlett.....Author

David Weinzweig.....Concur

Maria Cruz.....Concur

Filed: 12-Oct-2023

Mandate:

Decision Disposition

Affirmed

64 PROCEEDING ENTRIES

- 6-Jul-2022 FILED: Notice of Appeal from Yavapai County Superior Court filed 06/22/22. Notification sent to Court Reporters dated 06/27/2022.
- 6-Jul-2022 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: Hearing Date: 07/06/2018 List # 1 2 3 4 7 8 9 14 15 16 17 18 19
Hearing Date: 04/23/2019 List # 22 23 24 25 26 27
Hearing Date: 12/20/2019 List # 32
(Includes transcripts dated 01/26/2017, 07/06/2018, 05/13/2019, 12/20/2019, 09/27/2019, 08/06/2019)
- 7-Jul-2022 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 07/06/2018 List # 20 (CD) in manila envelope
Hearing Date: 04/23/2019 List # 28 29 (CD) in manila envelope
Sealed Exhibit:
Hearing Date: 09/27/2019 CD in Red Sealed Manila Envelope
Sealed Exhibit:
Hearing Date: 09/27/2019 CD in Red Sealed Manila Envelope
- 8-Jul-2022 FILED: Appellate Clerk Notice (31.2(g))

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5.	26-Jul-2022	FILED: Notice of Appearance; Certificate of Service (Appellant)
6.	5-Aug-2022	FILED: Reporter's Transcript - 06/07/2022 - Sentencing (Laura Ashbrook)
7.	10-Aug-2022	FILED: Notice of Completion of Record
8.	31-Aug-2022	FILED: Motion to Vacate Notice of Completion and Briefing Schedule; Certificate of Service; Proposed Order; Separate Appendix to Motion to Prepare Additional Transcripts (Appellant)
9.	7-Sep-2022	ORDERED: Motion to Vacate Notice of Completion and Briefing Schedule (Appellant) = GRANTED. Court Reporters Heidi Anderson, Mina Hunt, Debra Upham, Lisa Steinmeyer, Lisa Chaney, Ashlee Mangum, Susanne Nardozzi, Shayna Montgomery and Laura Ashbrook transcripts due by 10/6/2022. FURTHER ORDERED: Extending the time to file the opening brief from 09/26/2022 to 11/07/2022. Benjamin A Armstrong ProTem Judge - Author
10.	9-Sep-2022	FILED: Reporter's Transcript - 08/31/2017 - Pretrial Conference (Debra K Upham)
11.	19-Sep-2022	FILED: Reporter's Transcript - 04/02/2018 - Pretrial Conference (Lisa A Chaney)
12.	19-Sep-2022	FILED: Reporter's Transcript - 11/14/2018 - Status Conference (Lisa A Chaney)
13.	19-Sep-2022	FILED: Request for Extension of Time (Time to File Transcript)(Lisa A Chaney)
14.	19-Sep-2022	FILED: Request for Extension of Time (Time to File Transcript)(Lisa A Chaney)
15.	19-Sep-2022	FILED: Request for Extension of Time (Time to File Transcript)(Lisa A Chaney)
16.	20-Sep-2022	FILED: Reporter's Transcript - 04/18/2022 - Status Conference (Laura A Ashbrook)
17.	23-Sep-2022	ORDERED: Request for Extension of Time (Time to File Transcript)(Lisa A Chaney) = GRANTED. Due Dates EXTENDED to 11/07/2022 for Transcripts dated 03/07/2017, 02/27/2018, 05/20/2019, 05/29/2019, 08/14/2017. FURTHER ORDERED: Extending the time to file the opening brief to 12/07/2022. Benjamin A Armstrong ProTem Judge - Author
18.	26-Sep-2022	FILED: Request for Extension of Time (Time to File Transcript)(Susanne Nardozzi)
19.	28-Sep-2022	FILED: Reporter's Transcript - 05/02/2017 - Settlement Conference (Mina G Hunt)
20.	28-Sep-2022	FILED: Reporter's Transcript - 03/05/2020 - Hearing on Release Conditions (Mina G Hunt)
21.	28-Sep-2022	ORDERED: Request for Extension of Time (Time to File Transcript)(Susanne Nardozzi) = GRANTED. Due Dates EXTENDED to 11/07/2022 for Transcripts dated 04/23/2019, 03/20/2020. FURTHER ORDERED: The deadline to file the opening brief remains 12/07/2022. Benjamin A Armstrong ProTem Judge - Author
22.	6-Oct-2022	FILED: Reporter's Transcript - 08/14/2018 - Status Conference (Ashlee Mangum)
23.	18-Oct-2022	FILED: Reporter's Transcript - 08/14/2017 - Status Conference (Lisa Chaney)
24.	24-Oct-2022	FILED: Reporter's Transcript - 02/27/2018 - Oral Argument (Lisa A Chaney)
25.	27-Oct-2022	FILED: Request for Extension of Time (Time to File Transcript)(Lisa A Chaney)
26.	31-Oct-2022	ORDERED: Request for Extension of Time (Time to File Transcript)(Lisa A Chaney) = GRANTED. Due date EXTENDED from Monday, 11-07-2022 to Tuesday, 11-22-2022. FURTHER ORDERED: Extending the time to file the opening brief to 12/22/2022. Benjamin A Armstrong ProTem Judge - Author
27.	1-Nov-2022	FILED: Reporter's Transcript - 05/29/2019 - Oral Argument/Closing Arguments (Lisa A Chaney)
28.	1-Nov-2022	FILED: Reporter's Transcript - 05/20/2019 - Pretrial Conference (Lisa A Chaney)
29.	4-Nov-2022	FILED: Request for Second Extension of Time (Time to File Transcript)(Lisa Chaney on behalf of Susanne Nardozzi)
30.	8-Nov-2022	ORDERED: Request for Second Extension of Time (Time to File Transcript)(Lisa Chaney on behalf of Susanne Nardozzi) = GRANTED. Due Dates EXTENDED to 12/07/2022 for Transcripts dated 04/23/2019, 03/20/2020. FURTHER ORDERED: Extending the time to file the opening brief to 01/06/2023. Benjamin A Armstrong ProTem Judge - Author
31.	12-Nov-2022	FILED: Reporter's Transcript - 03/07/2017 - Pretrial Conference & Oral Argument (Lisa Chaney for Heidi Anderson)
32.	6-Dec-2022	FILED: Reporter's Transcript - 04/23/2019 - Evidentiary Hearing (Susanne Nardozzi)
33.	6-Dec-2022	FILED: Reporter's Transcript - 03/20/2020 - Hearing on Oral Argument (Susanne Nardozzi)
34.	22-Dec-2022	FILED: Motion to Continue the Deadline to File the Opening Brief; Certificate of Service; Proposed Order (Appellant)

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35.	22-Dec-2022	ORDERED: Motion to Continue the Deadline to File the Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 01-06-2023 to Monday, 02-06-2023. Benjamin A Armstrong ProTem Judge - Author
36.	5-Jan-2023	FILED: Motion to Review Sealed Exhibits; Certificate of Service (Appellant)
37.	5-Jan-2023	FILED: Notice of Appearance as Co-Counsel for Appellant; Certificate of Service (Appellant)
38.	9-Jan-2023	ORDERED: Upon presentation of this order, unsealing the confidential State's Submission of Exhibits for Bench Trial (I.O.R. 239) as well as the sealed envelope containing the original pleading; the Prior Record Addendum (I.O.R. 357); and the sealed envelope containing Exhibits 30 and 31 for parties/agents in this appeal only. Benjamin A Armstrong ProTem Judge - Author
39.	3-Feb-2023	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
40.	3-Feb-2023	FILED: Motion to Expand Record; Certificate of Service (Appellant)
41.	13-Feb-2023	ORDERED: Motion to Expand Record (Appellant) = GRANTED. Supplementing the record with the transcripts of Plaintiff's Exhibits 20 and 29, both of which are attached to the motion. Benjamin A Armstrong ProTem Judge - Author
42.	14-Feb-2023	FILED: Notice of Appearance; Certificate of Service (Appellee)
43.	2-Mar-2023	FILED: Appellee's Motion For Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
44.	7-Mar-2023	ORDERED: Appellee's Motion For Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Wednesday, 03/15/2023 to Friday, 04/14/2023. Benjamin A Armstrong ProTem Judge - Author
45.	14-Apr-2023	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
46.	4-May-2023	FILED: Defendant/Appellant Ethan Osgood [sic] Reply to the State's Answering Brief; Certificate of Compliance; Certificate of Service (Appellant) [Stricken per order filed 05/09/2023]
47.	9-May-2023	ORDERED: Striking the (unsigned) reply brief filed 05/04/2023. FURTHER ORDERED: Appellant may file a signed replacement reply brief by 05/18/2023. [sic]
48.	9-May-2023	AMENDED ORDER: Striking the (unsigned) reply brief filed 05/04/2023. FURTHER ORDERED: Appellant may file a signed replacement reply brief by 05/18/2023. Benjamin A Armstrong ProTem Judge - Author
49.	9-May-2023	FILED: Defendant/Appellant Ethan Osgood [sic] Reply to the State's Answering Brief; Certificate of Compliance; Certificate of Service (Appellant)
50.	30-May-2023	CLNDR: CONFERENCE, Department D, 8-16-23, COURTROOM 1.
51.	21-Jun-2023	ORDERED: Setting oral argument for Wednesday, 08/16/2023 at 10:15 a.m. Hon David D Weinzwieg - Author
52.	23-Jun-2023	AMENDED ORDER: Setting oral argument for Wednesday, 08/16/2023 at 9:30 a.m. Hon David D Weinzwieg - Author [VACATED per order filed 08/10/2023]
53.	17-Jul-2023	FILED: Return Receipt for Notice of Oral Argument (Appellee)
54.	21-Jul-2023	FILED: Return Receipt for Notice of Oral Argument (Appellant)
55.	10-Aug-2023	ORDERED: Vacating the oral argument scheduled for Wednesday, 08/16/2023 at 9:30 a.m. and rescheduling the oral argument for Wednesday, 08/16/2023 at 10:45 a.m. Hon David D Weinzwieg - Author
56.	10-Aug-2023	FILED: Return Receipt for Notice of Oral Argument (Appellant)
57.	10-Aug-2023	FILED: Return Receipt for Notice of Oral Argument (Appellee)
58.	10-Aug-2023	FILED: State of Arizona's Supplemental Citation of Authority; Certificate of Service (Appellee)
59.	17-Aug-2023	FILED: Sign-in Sheet/Case is Under Advisement as of 08/16/2023
60.	12-Oct-2023	MEMORANDUM DECISION (Affirmed) Hon Michael S Catlett - Author; Hon David D Weinzwieg - Concur; Hon Maria Elena Cruz - Concur
61.	12-Oct-2023	FILED: Memorandum Decision Distribution List
62.	13-Nov-2023	FILED: Email Notice from ASC re: Petition for Review filed 11/10/2023; request for partial record

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| 63. | 13-Nov-2023 | FILED: Letter forwarding partial record to Arizona Supreme Court |
| 64. | 9-Apr-2024 | FILED: Letter from ASC, 04/09/2024, re: Defendant/Petitioner Ethan Osgood's Petition for Review DENIED on 04/09/2024. |