

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 22-0407

STATE v. FULLEN

Appellate Case Information

Case Filed: 13-Sep-2022

Case Closed:

Dept/Composition

Department F

Hon. Maria Elena Cruz
Hon. James B Morse
Hon. Daniel J Kiley

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorney for: Appellee

Glen M Asay, Esq. (AZ Bar No. 34372)

Side 2. JOHN HOYT FULLEN, Appellant

(Litigant Group) JOHN HOYT FULLEN

- John Hoyt Fullen

Attorney for: Appellant

Stephen L Duncan, Esq. (AZ Bar No. 14403)

CASE STATUS

Apr 18, 2024.....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
YAV P1300CR201400199			Debra R Phelan, Judge on PC		
YAV P1300CR201400496	DISMISSED PER COA ORDER FILED 07/14/2023				

2 OPEN DUE DATES

Motion for Reconsideration Due

Due By:

Wednesday, May 8, 2024

Re: MEMORANDUM DECISION (Vacated, Remanded) Hon James B Morse Jr. - Author; Hon Maria Elena Cruz - Concur; Hon Daniel J Kiley - Concur

Petition for Review to ASC due

Due By:

Monday, May 20, 2024

Re: MEMORANDUM DECISION (Vacated, Remanded) Hon James B Morse Jr. - Author; Hon Maria Elena Cruz - Concur; Hon Daniel J Kiley - Concur

CASE DECISION

18-Apr-2024 MEMORANDUM DECISION

James Morse.....Author

Maria Cruz.....Concur

Daniel Kiley.....Concur

Filed: 18-Apr-2024

Mandate:

Decision Disposition

Vacated
Remanded

21 PROCEEDING ENTRIES

- 13-Sep-2022 FILED: Notice of Appeal from Yavapai County Superior Court filed 09/07/22. Notification sent to Court Reporters dated 09/06/2022.
- 13-Sep-2022 FILED: e-Record on Appeal: P1300CR201400199
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None sent with e-Record
- 15-Sep-2022 FILED: e-Record on Appeal: P1300CR201400496
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None sent with e-Record
- 21-Sep-2022 FILED: Appellate Clerk Notice (31.2(g))
- 3-Oct-2022 FILED: Motion for Enlargement of Time/Request for Appointment of Counsel (Appellant Pro Per)

Court of Appeals, Division One**Criminal - Anders Appeal****1 CA-CR 22-0407****STATE v. FULLEN****21 PROCEEDING ENTRIES**

6. 13-Oct-2022 ORDERED: Motion for Enlargement of Time/Request for Appointment of Counsel (Appellant Pro Per) = GRANTED. Staying this appeal until 11/21/2022 to permit appellant the opportunity to file a motion in the superior court to proceed as an indigent on appeal pursuant to Rule 31.5. Appellant shall file a courtesy copy of any such motion with the clerk of this court marked for filing in this appeal. FURTHER ORDERED: Revesting jurisdiction in the superior court to consider any motion appellant may file to proceed as an indigent on appeal. The court expresses no opinion regarding whether an appellant is entitled to appointed counsel in an appeal filed pursuant A.R.S. § 36-2862(F). FURTHER ORDERED: That if the superior court rules on a motion to proceed as an indigent on appeal, the superior court shall provide this court a copy of the ruling within five days of its entry. FURTHER ORDERED: That the stay will be automatically lifted on 11/22/2022 unless the court receives a motion to continue the stay or a notice that the superior court has ruled on a motion to proceed as an indigent on appeal. Benjamin A Armstrong ProTem Judge - Author
7. 29-Nov-2022 FILED: Notice of Completion of Record
8. 2-Dec-2022 FILED: Notice of Appearance; Certificate of Service (Appellant)
9. 12-Jan-2023 FILED: Motion for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
10. 17-Jan-2023 ORDERED: Motion for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 01-13-2023 to Monday, 02-13-2023. Benjamin A Armstrong ProTem Judge - Author
11. 13-Feb-2023 FILED: Appellant's Opening Brief (Anders Request); Certificate of Compliance; Certificate of Service (Appellant)
12. 14-Feb-2023 ORDERED: Allowing appellant to file supplemental brief in propria persona; FURTHER ORDERED: Counsel to send copy of record to appellant, and copy of transmittal letter to Clerk/AG; FURTHER ORDERED: Appellant may raise additional points on/before 03/27/2023; FURTHER ORDERED: Answering brief to await court order. Benjamin A Armstrong ProTem Judge - Author
13. 3-Mar-2023 FILED: Letter, dated 02/23/2023, to Appellant from Counsel re: Forwarding records on appeal (Appellant)
14. 4-Apr-2023 FILED: Assigning Anders appeal to Dept F for consideration and disposition. [Amy M. Wood, Clerk]
15. 14-Jul-2023 ORDERED: Dismissing this appeal as to Case No. P1300CR201400496 as untimely. FURTHER ORDERED: Pursuant to Person v. Ohio, 488 U.S. 75 (1988), counsel for the Appellant and Appellee shall simultaneously file briefs of no more than 7,000 words, due 30 days after the supreme court releases its decision in State v. Santillanes, CR-23-0042-PR. The briefs should address the following issues, (see order). Defense counsel shall also address any additional issues that may be presented as a result of the decision in Santillanes. Hon James B Morse Jr. - Author
16. 12-Feb-2024 FILED: Appellee's Answering/Person Brief; Certificate of Compliance; Certificate of Service (Appellee)
17. 22-Feb-2024 FILED: Appellant's Person Brief; Certificate of Compliance; Certificate of Service (Appellant)
18. 25-Mar-2024 FILED: Motion for Consolidation of Appeals (Appellant Pro Per)
19. 18-Apr-2024 ORDERED: Motion for Consolidation of Appeals (Appellant Pro Per) = DENIED. Hon James B Morse Jr. - Author
20. 18-Apr-2024 MEMORANDUM DECISION (Vacated, Remanded) Hon James B Morse Jr. - Author; Hon Maria Elena Cruz - Concur; Hon Daniel J Kiley - Concur
21. 18-Apr-2024 FILED: Decision Distribution Notification