

Court of Appeals, Division One**Criminal - Anders Appeal****1 CA-CR 22-0435****STATE v. NUNEZ****Appellate Case Information**

Case Filed: 29-Sep-2022

Case Closed:

Dept/Composition**Department B**Hon. Michael J Brown
Hon. Andrew M Jacobs
Hon. David B Gass**Side 1. STATE OF ARIZONA, Appellee****(Litigant Group) STATE OF ARIZONA**

- State of Arizona

Attorneys for: Appellee

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

Side 2. ANDRES ALEJANDRO NUNEZ, Appellant**(Litigant Group) ANDRES ALEJANDRO NUNEZ**

- Andres Alejandro Nunez

Attorneys for: Appellant

Amy E Bain, Esq. (AZ Bar No. 15092)

CASE STATUS

Oct 11, 2023.....Under Advisement

Oct 11, 2023.....Assigned

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2020-104251-002	See File	See File	Monica S Garfinkel, Sentencing	JURY	

2 OPEN DUE DATES**Simultaneous Supplemental Brief Due****Due By:**

Monday, May 20, 2024

Re: * ORDERED: That no later than 40 days after the date of this order the parties must coordinate to simultaneously file supplemental briefs of 1,500 words or less. The supplemental briefs need not include a statement of facts, see ARCAP 3(a), and shall add

Simultaneous Supplemental Brief Due**Due By:**

Monday, May 20, 2024

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58 PROCEEDING ENTRIES

- 29-Sep-2022 FILED: Notice of Appeal from Maricopa County Superior Court filed 09/26/22. Notification sent to Court Reporters dated 09/28/2022.
- 4-Oct-2022 FILED: Appellate Clerk Notice (31.2(g))
- 6-Oct-2022 ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Court Reporters Scott Kindle, Tara Kramer, Debra Carney, Kristyn Lobry, Jessica Wasdyke, Jovanna Roman and Ken Crenshaw transcripts due by 11/21/2022. Benjamin A Armstrong ProTem Judge - Author
- 19-Oct-2022 FILED: Designation of Record for Appeal (Appellant)
- 21-Oct-2022 ORDERED: Ken Crenshaw transcripts dated 07/29/2021; 10/08/2021; 09/26/2022 due by 12/05/2022. FURTHER ORDERED: Reaffirming this previously set due date of 11/21/2022 for transcript dated 07/19/2022 for Ken Crenshaw. FURTHER ORDERED: Court Reporter Lisa Bradley transcript dated 07/15/2022 due by 12/05/2022. FURTHER ORDERED: Court Reporter Michele Karley transcript dated 08/26/2021 due by 12/05/2022. FURTHER ORDERED: Court Reporter Scott Kindle transcript dated 01/04/2022 due by 12/05/2022. FURTHER ORDERED: Court Reporter Lauren Kuhnenn transcript dated 03/11/2022 due by 12/05/2022. FURTHER ORDERED: Court Reporter Marylynn LeMoine transcript dated 04/27/2022 due by 12/05/2022. FURTHER ORDERED: Court Reporter Kristyn Lobry transcript dated 07/25/2022 due by 12/05/2022. FURTHER ORDERED: Reaffirming this previously set due date of 11/21/2022 for transcripts dated 07/26/2022; 07/27/2022; 08/02/2022 for Court Reporter Kristyn Lobry. Hon David B Gass - Author
- 21-Oct-2022 FILED: Courtesy Copy - Amended Designation of Record for Appeal Filed in Superior Court (Appellant)
- 26-Oct-2022 FILED: Amended Designation of Record for Appeal (Lisa Bradley)
- 26-Oct-2022 FILED: Reporter's Transcript - 07/15/2020 (Lisa Bradley)
- 26-Oct-2022 FILED: Reporter's Transcript - 08/26/2021 - Motion to Continue (Michele Kaley)

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10. 31-Oct-2022 ORDERED: Ken Crenshaw transcripts dated 07/29/2021; 10/08/2021; 09/26/2022 due by 12/05/2022. FURTHER ORDERED: Reaffirming this previously set due date of 11/21/2022 for transcript dated 07/19/2022 for Ken Crenshaw. FURTHER ORDERED: Vacating the 12/05/2022 due date for Court Reporter Lisa Bradley for transcript dated 07/15/2020. FURTHER ORDERED: Court Reporter Michele Karley transcript dated 08/26/2021 due by 12/05/2022. FURTHER ORDERED: Court Reporter Scott Kindel transcript dated 01/04/2022 due by 12/05/2022. FURTHER ORDERED: Court Reporter Lauren Kuhnhehn transcript dated 03/11/2022 due by 12/05/2022. FURTHER ORDERED: Court Reporter Marylynn LeMoine transcript dated 04/27/2022 due by 12/05/2022. FURTHER ORDERED: Court Reporter Kristyn Lobry transcript dated 07/25/2022 due by 12/05/2022. FURTHER ORDERED: Reaffirming this previously set due date of 11/21/2022 for transcripts dated 07/26/2022; 07/27/2022; 08/02/2022 for Court Reporter Kristyn Lobry. Hon David B Gass - Author
11. 3-Nov-2022 FILED: Amended Designation of Record for Appeal (Appellant)
12. 6-Nov-2022 FILED: Reporter's Transcript - 04/27/2022 - Trial Mgt. Conference (Marylynn LeMoine)
13. 9-Nov-2022 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 07/25/2022 List # 7 8 9 10 11 12 23 27 28 29 30 34 in manila envelope
Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope
14. 9-Nov-2022 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: 162
Exhibits: None sent with e-Record
15. 16-Nov-2022 FILED: Reporter's Transcript - 09/06/2022 - State's Motion to Continue (Tara L. Kramer)
16. 17-Nov-2022 FILED: Reporter's Transcript - 07/26/2022 - Trial Day 2 (Kristyn Lobry)
17. 17-Nov-2022 FILED: Motion for Extension of Time (Time to File Transcripts)(Jessica Wasdyke)
18. 17-Nov-2022 ORDERED: Motion for Extension of Time (Time to File Transcripts)(Jessica Wasdyke) = GRANTED. Due Dates EXTENDED to 12/21/2022 for Transcripts dated 08/01/2022, 07/28/2022 or OSC set for 01/04/2023. Hon David B Gass - Author
19. 17-Nov-2022 FILED: Reporter's Transcript - 07/27/2022 - Trial Day 3 (Kristyn Lobry)
20. 17-Nov-2022 FILED: Reporter's Transcript - 06/28/2022 - Final Trial Management Conference (Jovanna Roman)
21. 18-Nov-2022 FILED: Reporter's Transcript - 08/03/2022 - Trial Day 7 (Debra Carney)
22. 18-Nov-2022 FILED: Reporter's Transcript - 08/04/2022 - Trial Day 8 (Debra Carney)
23. 18-Nov-2022 FILED: Reporter's Transcript - 09/26/2022 - Sentencing (Scott Kindel)
24. 18-Nov-2022 FILED: Reporter's Transcript - 01/04/2022 - Final Trial Management Conference (Scott Kindel)
25. 20-Nov-2022 FILED: Reporter's Transcript - 08/02/2022 - Trial Day 6 (Kristyn Lobry)
26. 25-Nov-2022 ORDERED: Ken Crenshaw transcript dated 07/19/2022 due by 12/27/2022 or OSC set for 01/04/2023. Hon David B Gass - Author
27. 3-Dec-2022 FILED: Reporter's Transcript - 07/25/2022 - Jury Trial Day 1 (Kristyn Lobry)
28. 6-Dec-2022 FILED: Reporter's Transcript - 03/11/2022 - Final Trial Management Conference (Lauren Kuhnhehn)
29. 9-Dec-2022 ORDERED: Ken Crenshaw transcripts dated 07/29/2021; 10/08/2021; 09/26/2022 due by 01/09/2023 or OSC set for 01/18/2023. Hon David B Gass - Author
30. 21-Dec-2022 FILED: Reporter's Transcript - 07/28/2022 - Jury Trial (Jessica Wasdyke)
31. 22-Dec-2022 FILED: Reporter's Transcripts - 08/01/2022 - Jury Trial (Jessica Wasdyke)
32. 2-Jan-2023 FILED: Motion to Extend Time to File Transcripts (Time to File Transcripts)(Ken Crenshaw)
33. 3-Jan-2023 ORDERED: Motion to Extend Time to File Transcripts (Time to File Transcripts)(Ken Crenshaw) = GRANTED. Due date EXTENDED from Tuesday, 12-27-2022 to Friday, 02-10-2023 for Transcript dated 07/19/2022 or OSC set for 02/15/2023. FURTHER ORDERED: Vacating the Order to Show Cause hearing on 01/04/2023 for Ken Crenshaw. Hon David B Gass - Author

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34. 17-Jan-2023 FILED: Motion for Extension of Time to File Transcripts (Ken Crenshaw)
35. 19-Jan-2023 ORDERED: Motion for Extension of Time to File Transcripts (Ken Crenshaw) = GRANTED. Due Dates EXTENDED to 02/08/2023 for Transcripts dated 09/26/2022, 10/08/2021, 07/29/2021 or OSC set for 02/15/2023. FURTHER ORDERED: Vacating the Order to Show Cause hearing on 01/18/2023 for Ken Crenshaw. Hon David B Gass - Author
36. 10-Feb-2023 FILED: Reporter's Transcript - 10/08/2021 - Settlement Conference Hearing (Alexander Reaves)
37. 27-Mar-2023 ORDERED: Ken Crenshaw due dates EXTENDED to 04/27/2023 for transcripts dated 07/19/2022, 09/26/2022, 07/29/2021 or OSC set on 05/03/2023. Hon David B Gass - Author
38. 28-Apr-2023 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
39. 2-May-2023 FILED: Motion to Extend Time to File Transcripts (Kenneth Crenshaw)
40. 3-May-2023 ORDERED: Motion to Extend Time to File Transcripts (Kenneth Crenshaw) = GRANTED. Due Dates EXTENDED to 06/01/2023 for Transcripts dated 07/19/2022, 09/26/2022, 07/29/2021 or OSC set on 06/07/2023. FURTHER ORDERED: To avoid these issues of the transcriber not receiving recordings in the future, the transcriber must confirm receipt of the recordings when they are sent. Hon David B Gass - Author
41. 8-May-2023 ORDERED: Motion to Unseal Documents (Appellant) = GRANTED. Upon presentation of this order, unsealing the Court Information Sheets (I.O.R. 4 and 9); the Medical Report of Dr. Jon Van Doren dated 12/22/2020 (I.O.R. 36); the Medical Report of Dr. Jason Frizzell dated 12/28/2020 (I.O.R. 37); the Random Jury List (I.O.R. 143); the Sealed Jury Questionnaires (I.O.R. 147 and 148); and the Presence Supporting Documents Coversheet (I.O.R. 154), for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
42. 23-May-2023 FILED: Reporter's Transcript - 07/29/2021 - Pre-trial Conference (Bailey Moreland)
43. 23-May-2023 FILED: Reporter's Transcript - 07/19/2022 - Trial Procedure Conference (Bailey Moreland)
44. 23-May-2023 FILED: Reporter's Transcript - 09/26/2022 - Sentencing Hearing (Bailey Moreland)
45. 23-May-2023 FILED: Notice of Completion of Record
46. 25-May-2023 FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
47. 31-May-2023 FILED: Notice of Appearance; Certificate of Service (Appellant)
48. 31-May-2023 ORDERED: Motion To Withdraw And Substitute New Counsel (Appellant) = GRANTED. FURTHER ORDERED: Appointing attorney Amy Bain as attorney for appellant in this appeal. FURTHER ORDERED: Maricopa County Public Defender must immediately forward all files, records, transcripts, and other documents that relate to this appeal to newly-appointed counsel. FURTHER ORDERED: Motion To Extend Opening Brief Due Date (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 07-12-2023 to Monday, 08-21-2023 Benjamin A Armstrong ProTem Judge - Author
49. 15-Aug-2023 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
50. 16-Aug-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 09/25/2023. FURTHER ORDERED: Answering brief to await court order. Geoffrey P Butzine ProTem Judge - Author
51. 21-Aug-2023 FILED: Letter, dated 08/21/2023, to Appellant from Counsel re: Forwarding records on appeal; Certificate of Service (Appellant)
52. 11-Oct-2023 FILED: Assigning Anders appeal to Dept B for consideration and disposition. [Amy M. Wood, Clerk]
53. 11-Oct-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
54. 20-Oct-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes ME: Restitution Hearing [11/14/2022], ME: Stipulation and Order [02/22/2023])
55. 9-Apr-2024 ORDERED: That no later than 40 days after the date of this order the parties must coordinate to simultaneously file supplemental briefs of 1,500 words or less. The supplemental briefs need not include a statement of facts, see ARCAP 3(a), and shall address the following issue: Whether the superior court's consideration during sentencing of Nunez's failure to admit guilt constitutes fundamental, prejudicial error requiring remand for resentencing. See, e.g., State v. Trujillo, 227 Ariz. 314 (App. 2011). FURTHER ORDERED: Motions for extension of time will not be granted absent extraordinary circumstances. Hon Michael J Brown - Author
56. 11-Apr-2024 FILED: Unopposed Motion for Procedural Order (Requesting Sequential Briefing); Certificate of Service (Appellee)
57. 11-Apr-2024 FILED: Notice of Appearance; Certificate of Service (Appellee)

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58. 15-Apr-2024 ORDERED: Unopposed Motion for Procedural Order (Requesting Sequential Briefing) (Appellee) = DENIED. Hon Michael J Brown - Author