

Court of Appeals, Division One

Criminal

1 CA-CR 22-0472

STATE v. BROWN

Appellate Case Information

Case Filed: 12-Oct-2022

Case Closed:

Dept/Composition

Department C

Hon. Paul J McMurdie
Hon. Maria Elena Cruz
Hon. Cynthia J Bailey

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorney for: Appellee

Amy Thorson, Esq. (AZ Bar No. 20705)

Side 2. DOMINIQUE DISHAWN BROWN, Appellant

(Litigant Group) DOMINIQUE DISHAWN BROWN

- Dominique Dishawn Brown

PRO SE

Advisory Counsel for: Appellant

Mikel Steinfeld, Esq. (AZ Bar No. 24996)

CASE STATUS

Apr 22, 2024.....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2021-001216-001	Dangerous Drug Poss/Use, Class 5; Drug Paraphernalia Poss/use, Class 6	10 years; 3.75 years, concurrent	Geoffrey H Fish, Authoring Judge of Order		

DESCENDENT CASE(S)

ASC CR-24-0105-PR

CASE DECISION

28-Mar-2024 MEMORANDUM DECISION

Maria Cruz.....Author
Paul McMurdie.....Concur
Cynthia Bailey.....Concur

Filed: 28-Mar-2024

Mandate:

Decision Disposition

Affirmed

82 PROCEEDING ENTRIES

- 12-Oct-2022 FILED: Notice of Appeal from Maricopa County Superior Court filed 10/07/22 - Notification to Court Reporters Dated 10/11/22
- 18-Oct-2022 FILED: Appellate Clerk Notice (31.2(g))
- 20-Oct-2022 ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Court Reporter Michael Babicky transcripts due by 12/05/2022. Benjamin A Armstrong ProTem Judge - Author
- 27-Oct-2022 FILED: Designation of Record for Appeal (Appellant)
- 7-Nov-2022 ORDERED: Court Reporter Monica S Hill-Morrisette transcripts dated 08/06/2021; 08/23/2021; 08/25/2021; 11/04/2021; 02/28/2022; 03/15/2022; 03/29/2022; 04/13/2022; 05/02/2022 due by 12/22/2022. FURTHER ORDERED: Court Reporter Michele Kaley transcript dated 06/15/2022 due by 12/22/2022. FURTHER ORDERED: Court Reporter Hope Yeager transcript dated 11/22/2021 due by 12/22/2022. FURTHER ORDERED: Ken Crenshaw transcripts dated 02/25/2022; 05/17/2021 due by 12/22/2022. FURTHER ORDERED: Court Reporter Michael Babicky transcripts dated 09/22/2022; 08/22/2022; 07/18/2022; 07/14/2022; 07/05/2022; 06/30/2022; 10/18/2021 due by 12/22/2022. FURTHER ORDERED: Reaffirming this previously set due date of 12/05/2022 for transcripts dated 10/04/2022; 07/21/2022; 07/20/2022, for Court Reporter Michael Babicky. Hon David B Gass - Author
- 7-Nov-2022 FILED: Returned US Mail, Appellate Clerk Notice filed 10/18/22, addressed to Appellant Pro Per; Insufficient Address/Unable to Forward

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7. 18-Nov-2022 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 07/18/2022 List # 2 3 4 5 6 9 10 11 13 14 15 16 in manila envelope
Hearing Date: 10/04/2022 List # 1 in manila envelope
Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope
8. 18-Nov-2022 FILED: Record on Appeal:
Combined Instruments/Minute Entries
Disposition Report: #153, Filed 10/19/22
9. 2-Dec-2022 FILED: Motion for Extension of Time (Time to File Transcripts)(Michael A Babicky)
10. 5-Dec-2022 FILED: Motion Requesting to Represent Self, by Appellate, Appellant did not Request Appellate Counsel (Appellant Pro Per)
11. 6-Dec-2022 ORDERED: Motion for Extension of Time (Time to File Transcripts)(Michael A Babicky) = GRANTED. Due Dates EXTENDED to 01/04/2023 for Transcripts dated 10/04/2022, 07/21/2022, 07/20/2022, 09/22/2022, 08/22/2022, 07/18/2022, 07/14/2022, 07/05/2022, 06/30/2022, 10/18/2021 or OSC set for 01/18/2023. Hon David B Gass - Author
12. 12-Dec-2022 ORDERED: Motion Requesting to Represent Self, by Appellate, Appellant did not Request Appellate Counsel (Appellant Pro Per) = GRANTED. FURTHER ORDERED: That the Maricopa County Public Defender shall remain as advisory counsel for appellant in this matter. FURTHER ORDERED: That upon completion of the record, advisory counsel must transmit to appellant a paper copy of the record on appeal, including transcripts, and file a copy of the transmittal letter with this court within 5 days. Benjamin A Armstrong ProTem Judge - Author
13. 21-Dec-2022 FILED: Reporter's Transcript - 11/22/2021 - Status Conference (Hope J Yeager)
14. 24-Dec-2022 FILED: Reporter's Transcript - 08/06/2021 - Status Conference (Monica S Hill-Morrisette)
15. 24-Dec-2022 FILED: Reporter's Transcript - 02/28/2022 - Status Conference (Monica S Hill-Morrisette)
16. 24-Dec-2022 FILED: Reporter's Transcript - 11/04/2021 - Status Conference (Monica S Hill-Morrisette)
17. 24-Dec-2022 FILED: Reporter's Transcript - 08/25/2021 - Status Conference (Monica S Hill-Morrisette)
18. 24-Dec-2022 FILED: Reporter's Transcript - 08/23/2021 - Status Conference (Monica S Hill-Morrisette)
19. 24-Dec-2022 FILED: Reporter's Transcript - 05/02/2022 - Status Conference (Monica S Hill-Morrisette)
20. 24-Dec-2022 FILED: Reporter's Transcript - 04/13/2022 - Status Conference (Monica S Hill-Morrisette)
21. 24-Dec-2022 FILED: Reporter's Transcript - 03/29/2022 - Status Conference (Monica S Hill-Morrisette)
22. 24-Dec-2022 FILED: Reporter's Transcript - 03/15/2022 - Status Conference (Monica S Hill-Morrisette)
23. 26-Dec-2022 FILED: Reporter's Transcript - 06/15/2022 - Final Trial Management Conference (Michele Kaley)
24. 30-Dec-2022 ORDERED: Ken Crenshaw transcripts dated 05/17/2021; 02/25/2022 due by 01/30/2023 or OSC set for 02/01/2023. Hon David B Gass - Author
25. 3-Jan-2023 FILED: Reporter's Transcript - 06/30/2022 (Michael Babicky)
26. 3-Jan-2023 FILED: Reporter's Transcript - 07/05/2022 (Michael Babicky)
27. 3-Jan-2023 FILED: Reporter's Transcript - 07/14/2022 (Michael Babicky)
28. 3-Jan-2023 FILED: Motion for Extension of Time (Time to File Transcripts)(Michael A Babicky)
29. 4-Jan-2023 FILED: Reporter's Transcript - 08/06/2021 - Status Conference (Monica S Hill-Morrisette)
30. 4-Jan-2023 FILED: Reporter's Transcript - 08/25/2021 - Status Conference (Monica S Hill-Morrisette)
31. 6-Jan-2023 ORDERED: Motion for Extension of Time (Time to File Transcripts)(Michael A Babicky) = GRANTED. Due Dates EXTENDED to 02/03/2023 for Transcripts dated 10/04/2022, 07/21/2022, 07/20/2022, 09/22/2022, 08/22/2022, 07/18/2022, 10/18/2021 or OSC set for 02/15/2023. FURTHER ORDERED: That, if Court Reporter Michael A Babicky cannot complete the above listed transcript(s) by 02/03/2023, he/she will find an alternate Court Reporter to finish the above listed transcript(s). Hon David B Gass - Author
32. 21-Jan-2023 FILED: Reporter's Transcript - 08/22/2022 (Michael Babicky)

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33.	21-Jan-2023	FILED: Reporter's Transcript - 09/22/2022 (Michael Babicky)
34.	21-Jan-2023	FILED: Reporter's Transcript - 07/20/2022 (Michael Babicky)
35.	21-Jan-2023	FILED: Reporter's Transcript - 07/21/2022 (Michael Babicky)
36.	21-Jan-2023	FILED: Reporter's Transcript - 10/04/2022 (Michael Babicky)
37.	22-Jan-2023	FILED: Reporter's Transcript - 10/18/2021 (Michael Babicky)
38.	28-Jan-2023	FILED: Reporter's Transcript - 07/18/2022 (Michael Babicky)
39.	31-Jan-2023	FILED: Motion for Extension of Time to File Transcripts (Ken Crenshaw)
40.	1-Feb-2023	ORDERED: Motion for Extension of Time to File Transcripts (Ken Crenshaw) = GRANTED. Due Dates EXTENDED to 03/03/2023 for Transcripts dated 02/25/2022, 05/17/2021 or OSC set for 03/15/2023. FURTHER ORDERED: Vacating the Order to Show Cause hearing on 02/01/2023 for Ken Crenshaw. Hon David B Gass - Author
41.	3-Mar-2023	FILED: Reporter's Transcript - 02/25/2022 - Settlement Conference (Kimberly McCright)
42.	15-Mar-2023	FILED: Affidavit - 03/15/2023 - Re: Ordered Transcripts (Ken Crenshaw)
43.	13-Apr-2023	FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
44.	18-Apr-2023	ORDERED: Motion to Unseal Documents (Appellant) = GRANTED. Upon presentation of this order, unsealing Court Information Sheet (I.O.R. 3); Random Jury List (I.O.R. 115); and Sealed Jury Questionnaires (I.O.R. 130 and 131), for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
45.	26-Apr-2023	FILED: Motion Requesting Court to Issue the Due Date to File Opening Brief (Appellant Pro Per)
46.	3-May-2023	ORDERED: Motion Requesting Court to Issue the Due Date to File Opening Brief (Appellant Pro Per) = Advising appellant as indicated above. (Brief due date will be set when notice of completion is issued.) The court will take no further action regarding the motion. Benjamin A Armstrong ProTem Judge - Author
47.	4-May-2023	ORDERED: Vacating the 02/01/2023 order directing Ken Crenshaw to arrange for the preparation of the transcript (05/17/2021). Benjamin A Armstrong ProTem Judge - Author
48.	22-May-2023	FILED: Returned US Mail, Order Regarding Transcript for Proceeding of May 17, 2021 dated 05/04/2023, addressed to Dominique Dishawn Brown, No Longer in Custody
49.	5-Jul-2023	FILED: Motion to Set Dates and Start Appeal (Appellant Pro Per)
50.	7-Jul-2023	FILED: Notice of Completion of Record
51.	10-Jul-2023	ORDERED: Motion to Set Dates and Start Appeal (Appellant Pro Per) and advising appellant the court will issue a notice of completion of the record that includes the deadline to file the opening brief in due course. Benjamin A Armstrong ProTem Judge - Author
52.	2-Aug-2023	FILED: Notice of Change of Address (Appellant Pro Per)
53.	9-Aug-2023	FILED: Opening Brief (Appellant Pro Per) [STRICKEN per order filed 08/16/2023]
54.	16-Aug-2023	ORDERED: Striking the opening brief. FURTHER ORDERED: An opening brief complying with the Rules shall be filed on or before 09/14/2023. If a compliant opening brief is not timely filed, the court will dismiss this matter. FURTHER ORDERED: Vacating the due date of 09/18/2023, for the answering brief. Upon receipt of a compliant opening brief, the court will assign a new due date for filing the answering brief. Geoffrey P Butzine ProTem Judge - Author
55.	24-Aug-2023	FILED: Motion to Modify Deadline for Filing Compliant Opening Brief (Appellant Pro Per)
56.	25-Aug-2023	ORDERED: Motion to Modify Deadline for Filing Compliant Opening Brief (Appellant Pro Per) = GRANTED in part. Due date EXTENDED from Thursday, 09-14-2023 to Monday, 10-16-2023. FURTHER ORDERED: Directing the clerk of this court to return the two paper-filed photocopies of the noncompliant opening brief to Appellant personally. If Appellant requires an additional photocopy of the noncompliant opening brief from the court, he must submit a written request accompanied by a photocopying payment of \$.50 per page. Geoffrey P Butzine ProTem Judge - Author
57.	18-Sep-2023	FILED: Opening Brief (Appellant Pro Per)
58.	28-Sep-2023	FILED: Notice of Appearance; Certificate of Service (Appellee)

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59.	10-Oct-2023	FILED: Motion to Notify Defendant that Court Received Defendants [sic] Appeal/Opening Brief (Appellant Pro Per)
60.	23-Oct-2023	FILED: Motion to Supplement the Record (Extension of Time to File Answering Brief); Certificate of Service (Appellee)
61.	26-Oct-2023	FILED: Motion Requesting this Court to Notify Appellant that Court Received Appellants [sic] Opening Brief (Appellant Pro Per)
62.	30-Oct-2023	FILED: Letter, 10/30/23, from Court to Appellant, enclosing copy of docket
63.	30-Oct-2023	ORDERED: Motion to Supplement the Record (Appellee) = GRANTED and supplementing the record on appeal by including the Initial Pretrial Conference Statement appellant filed in Superior Court No. CR2021-106431-001 on 05/06/2023 [sic]. FURTHER ORDERED: Directing the Clerk of the Maricopa County Superior Court to forward to this court by 11/13/2023, a certified copy of the Initial Pretrial Conference Statement appellant filed in Superior Court No. CR2021-106431-001 on 05/06/2023 [sic], marked for filing in this appeal. FURTHER ORDERED: Extension of Time to File Answering Brief = GRANTED. Due date EXTENDED from Monday, 10-30-2023 to Wednesday, 12-13-2023. Benjamin A Armstrong ProTem Judge - Author [AMENDED per order filed 11/01/2023]
64.	30-Oct-2023	ORDERED: Advising appellant the court received the opening brief on 09/18/2023. Benjamin A Armstrong ProTem Judge - Author
65.	31-Oct-2023	FILED: Motion to Amend Order Supplementing Record to Correct Typographical Error; Certificate of Service (Appellee)
66.	1-Nov-2023	AMENDED ORDER: Motion to Supplement the Record (Appellee) = GRANTED and supplementing the record on appeal by including the Initial Pretrial Conference Statement appellant filed in Superior Court No. CR2021-106431-001 on 05/06/2021. FURTHER ORDERED: Directing the Clerk of the Maricopa County Superior Court to forward to this court by 11/13/2023, a certified copy of the Initial Pretrial Conference Statement appellant filed in Superior Court No. CR2021-106431-001 on 05/06/2021, marked for filing in this appeal. FURTHER ORDERED: Extension of Time to File Answering Brief = GRANTED. Due date EXTENDED from Monday, 10-30-2023 to Wednesday, 12-13-2023. Benjamin A Armstrong ProTem Judge - Author
67.	6-Nov-2023	FILED: Physical Exhibits: Hearing Date: 05/06/2021 - Initial Pretrial Conference Statement
68.	13-Dec-2023	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
69.	29-Dec-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
70.	2-Jan-2024	FILED: Motion to Exceed Page Limit (Appellant Pro Per)
71.	2-Jan-2024	FILED: Appellant's Reply Brief (Certificate of Service)(Certificate of Compliance)(Appellant)
72.	8-Jan-2024	Motion to Exceed Page Limit (Appellant Pro Per) = DENIED as unnecessary. FURTHER ORDERED: Accepting the reply brief filed 01/02/2024. Benjamin A Armstrong ProTem Judge - Author
73.	8-Jan-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record (Order denying Motion to Correct Sentence)
74.	26-Jan-2024	CLNDR: CONFERENCE, Department C, 3-20-24, CONFERENCE ROOM.
75.	7-Mar-2024	FILED: Notice of Change of Address (Petitioner Pro Per)
76.	28-Mar-2024	MEMORANDUM DECISION (Affirmed) Hon Maria Elena Cruz - Author; Hon Paul J McMurdie - Concur; Hon Cynthia J Bailey - Concur
77.	1-Apr-2024	FILED: Decision Distribution Notification
78.	4-Apr-2024	FILED: Returned US Mail, Memorandum Decision dated 03/28/2024, addressed to Dominique Dishawn Brown, No longer in custody (Resent 04/04/2024)
79.	12-Apr-2024	FILED: Motion requesting an update on this Appeal (Change of Address) (Petitioner Pro Per)
80.	17-Apr-2024	FILED: Letter, 4/17/24, from Court to Appellant, enclosing copy of docket
81.	23-Apr-2024	FILED: Email Notice from ASC re: Petition for Review filed 4/22/24; request for partial record
82.	23-Apr-2024	FILED: Letter forwarding partial record to Arizona Supreme Court