

Court of Appeals, Division One

Criminal

1 CA-CR 22-0493

STATE v. GAYLES

Appellate Case Information

Case Filed: 31-Oct-2022
Case Closed:

Dept/Composition

Department F
Hon. Daniel J Kiley
Hon. Kent E Cattani
Hon. D Steven Williams

Side 1. STATE OF ARIZONA, Appellee
(Litigant Group) STATE OF ARIZONA

State of Arizona

Attorneys for: Appellee

Michael O'Toole, Esq. (AZ Bar No. 19555)

Side 2. JOHN FITZGERALD GAYLES, Appellant
(Litigant Group) JOHN FITZGERALD GAYLES

John Fitzgerald Gayles

Attorneys for: Appellant

Sheri M Lauritano, Esq. (AZ Bar No. 16087)

CASE STATUS

Jun 24, 2024....Pending in ASC

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2021-136388-001, See file, See file, Michael W Kemp, Sentencing, JURY.

DESCENDENT CASE(S)

ASC CR-24-0140-PR

CASE DECISION

07-Mar-2024 MEMORANDUM DECISION

D Williams.....Author
Daniel Kiley.....Concur
Kent Cattani.....Concur

Filed: 07-Mar-2024 Mandate:

Decision Disposition

Affirmed

65 PROCEEDING ENTRIES

- 1. 31-Oct-2022 FILED: Notice of Appeal from Maricopa County Superior Court filed 10/26/22. Notification to court reporters sent on 10/28/2022.
2. 8-Nov-2022 ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Court Reporters Hope Yeager, Scott Coniam, Diane Donoho, and Lauren Kuhnhenh transcripts due by 12/22/2022. Benjamin A Armstrong ProTem Judge - Author
3. 14-Nov-2022 FILED: Designation of Record for Appeal (Appellant)
4. 18-Nov-2022 ORDERED: Court Reporter Scott M Coniam transcripts dated 07/06/2022; 08/02/2022; 08/03/2022; 09/28/2022 due by 01/03/2023. FURTHER ORDERED: Reaffirming this previously set due date of 12/22/2022 for transcripts dated 08/04/2022; 08/09/2022; 08/16/2022; 08/17/2022; 08/24/2022 for Court Reporter Scott M Coniam. FURTHER ORDERED: Ken Crenshaw transcript dated 06/07/2022 due by 01/03/2023. FURTHER ORDERED: Court Reporter Andres Anaya transcripts dated 03/11/2022; 03/03/2022; 01/20/2022 due by 01/03/2023. FURTHER ORDERED: Jeanne Kappedal transcript dated 05/25/2022 due by 01/03/2023. Hon David B Gass - Author
5. 8-Dec-2022 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 08/03/2022 List # 2 3 4 5 6 in manila envelope
Hearing Date: 08/04/2022 List # 4 5 7 8 10 11 12 13 16 17 18 19 20 21 22 23 24 25 26 27 28 30 32 36 37 38 39 40 48 51 52 53
54 55 56 57 58 59 60 in manila envelope
Hearing Date: 10/26/2022 List # 2 in manila envelope
Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope
6. 12-Dec-2022 FILED: Request for Extension of Time (Time to File Transcript)(Scott Coniam)

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7. 13-Dec-2022 ORDERED: Request for Extension of Time (Time to File Transcript)(Scott Coniam) = GRANTED. Due Dates EXTENDED to 01/23/2023 for Transcripts dated 08/24/2022, 08/17/2022, 08/16/2022, 08/09/2022, 08/04/2022, 09/28/2022, 08/03/2022, 08/02/2022, 07/06/2022 or OSC set for 02/01/2023. Hon David B Gass - Author
8. 15-Dec-2022 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: 260
Exhibits: None sent with e-Record
9. 21-Dec-2022 FILED: Request for Extension of Time (Time to File Transcript)(Diane Donoho)
10. 21-Dec-2022 FILED: Motion for Extension of Time to File Transcripts (Hope Yeager)
11. 22-Dec-2022 ORDERED: Request for Extension of Time (Time to File Transcript)(Diane Donoho) = GRANTED. Due Dates EXTENDED to 01/23/2023 for transcripts dated 08/23/2022, 08/22/2022 or OSC set for 02/01/2023. Hon David B Gass - Author
12. 23-Dec-2022 ORDERED: Motion for Extension of Time to File Transcripts (Hope Yeager) = GRANTED. Due Dates EXTENDED to 01/23/2023 for Transcripts dated 10/26/2022, 08/15/2022, 08/10/2022 or OSC set for 02/01/2023. Hon David B Gass - Author
13. 24-Dec-2022 FILED: Reporter's Transcript - 08/15/2022- Jury Trial (Lauren Kuhnhenh)
14. 30-Dec-2022 FILED: Motion for Extension of Time (Time to File Transcripts)(Vanessa Gartner)
15. 5-Jan-2023 FILED: Reporter's Transcript - 01/20/2022 - Complex Case Scheduling Conference (Andres E Anaya)
16. 5-Jan-2023 FILED: Reporter's Transcript - 03/03/2022 - Status Conference (Andres E Anaya)
17. 5-Jan-2023 FILED: Reporter's Transcript - 03/11/2022 [sic] (03/03/2022) - Evidentiary Hearing (Andres E Anaya)
18. 6-Jan-2023 ORDERED: Motion for Extension of Time (Time to File Transcripts)(Vanessa Gartner on behalf of Jeanne Kappedal) = GRANTED. Due date EXTENDED from Tuesday, 01-03-2023 to Thursday, 02-02-2023 or OSC set for 02/15/2023. Hon David B Gass - Author
19. 6-Jan-2023 FILED: Reporter's Transcript - 05/25/2022 - Final Trial Management Conference (Diane Donoho on behalf of J Kappedal)
20. 17-Jan-2023 FILED: Reporter's Transcript - 08/22/2022 - Trial Day 7 (Diane Donoho)
21. 17-Jan-2023 FILED: Reporter's Transcript - 08/23/2022 - Trial Day 8 (Diane Donoho)
22. 17-Jan-2023 FILED: Reporter's Transcript - 09/28/2022 - (Scott Coniam)
23. 17-Jan-2023 FILED: Reporter's Transcript - 08/02/2022 - Pretrial Hearing (Scott Coniam)
24. 17-Jan-2023 FILED: Reporter's Transcript - 08/03/2022 - Motion Hearing (Scott Coniam)
25. 17-Jan-2023 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
26. 20-Jan-2023 FILED: Reporter's Transcript - 08/09/2022 - Jury Trial (Scott Coniam)
27. 20-Jan-2023 FILED: Reporter's Transcript - 08/24/2022 - Verdict (Scott Coniam)
28. 22-Jan-2023 FILED: Reporter's Transcript - 08/16/2022 - Jury Trial (Scott Coniam)
29. 22-Jan-2023 FILED: Reporter's Transcript - 08/17/2022 - Jury Trial (Scott Coniam)
30. 23-Jan-2023 ORDERED: Upon presentation of this order, unsealing the confidential Court Information Sheets (I.O.R. 3 and 21); the IA Packet (I.O.R. 5); the Rule 2.3 Victim Identifier Information Form (I.O.R. 10); the Unredacted Form IV (I.O.R. 11); the Motions for Pretrial Rulings on Admissibility of Evidence (I.O.R. 116, 118, 119, and 122); the Motion to Quash (I.O.R. 126); the Defendant's Response to the State's Motion in Limine (I.O.R. 133); the Motion to Suppress (I.O.R. 134); the Motion for Return of Seized Property (I.O.R. 135); the Random Jury List (I.O.R. 202); and the Motion for Judgment of Acquittal (I.O.R. 213) for parties/agents on this appeal only. Benjamin A Armstrong ProTem Judge - Author
31. 23-Jan-2023 FILED: Motion for Extension of Time (Time to File Transcripts)(Hope Yeager)
32. 24-Jan-2023 FILED: Reporter's Transcript - 08/04/2022 - Voir Dire (Scott Coniam)
33. 25-Jan-2023 FILED: Reporter's Transcript - 07/06/2022 (Scott Coniam)

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34. 26-Jan-2023 ORDERED: Motion for Extension of Time (Time to File Transcripts)(Hope Yeager) = GRANTED. Due Dates EXTENDED to 02/22/2023 for Transcripts dated 10/26/2022, 08/15/2022, 08/10/2022 or OSC set for 03/01/2023.FURTHER ORDERED: Vacating the Order to Show cause hearing scheduled on 02/01/2023 for Court Reporter Hope Yeager. Hon David B Gass - Author
35. 22-Feb-2023 FILED: Reporter's Transcript - 06/07/2022 - Trial Assignment (Selena Hatfield)
36. 23-Feb-2023 FILED: Reporter's Transcript - 08/10/2022 - Trial Day 3 (Hope J Yeager)
37. 23-Feb-2023 FILED: Reporter's Transcript - 10/26/2022 - Trial on Priors/Sentencing (Hope J Yeager)
38. 25-Feb-2023 FILED: Reporter's Transcript - 08/15/2022 - Trial Day 4 (Hope Yeager)
39. 23-Mar-2023 FILED: Notice of Completion of Record
40. 24-Mar-2023 FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
41. 4-Apr-2023 ORDERED: Motion to Withdraw and Substitute New Counsel (Appellant) = GRANTED. FURTHER ORDERED: Appointing attorney Sheri Lauritano 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 Monday, 05-08-2023 to Wednesday, 06-07-2023 Benjamin A Armstrong ProTem Judge - Author
42. 1-Jun-2023 FILED: Appellant's Motion To Extend Time to File Opening Brief; Appellant's Certificate of Service for Motion to Extend Time to File Opening Brief (Appellant)
43. 5-Jun-2023 ORDERED: Appellant's Motion To Extend Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 06-07-2023 to Friday, 07-07-2023 Benjamin A Armstrong ProTem Judge - Author
44. 29-Jun-2023 FILED: Appellant's Motion To Extend Time to File Opening Brief; Appellant's Certificate of Service for Motion to Extend Time to File Opening Brief (Appellant)
45. 30-Jun-2023 ORDERED: Appellant's Motion To Extend Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 07-07-2023 to Monday, 08-07-2023. Benjamin A Armstrong ProTem Judge - Author
46. 7-Aug-2023 FILED: Appellant's Opening Brief; Appellant's Opening Brief Certificate of Compliance; Appellant's Opening Brief Certificate of Service (Appellant)
47. 18-Sep-2023 FILED: Motion for Procedural Order (First Extension for Answering Brief); Certificate of Service (Appellee)
48. 19-Sep-2023 ORDERED: Motion for Procedural Order (First Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Monday, 09-18-2023 to Monday, 10-30-2023. Benjamin A Armstrong ProTem Judge - Author
49. 19-Sep-2023 FILED: Notice of Appearance; Certificate of Service (Appellee)
50. 30-Oct-2023 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
51. 28-Nov-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
52. 8-Dec-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Defendant' Response to Sentencing; State's Response to Defendant's Objection; Motion to Quash Warrant)
53. 21-Dec-2023 CLNDR: CONFERENCE, Department F, 2-15-24, CONFERENCE ROOM.
54. 7-Mar-2024 MEMORANDUM DECISION (Affirmed) Hon D Steven Williams - Author; Hon Daniel J Kiley - Concur; Hon Kent E Cattani - Concu
55. 7-Mar-2024 FILED: Decision Distribution Notification
56. 25-Mar-2024 FILED: Appellant's Rule 31.20 (c) Motion for Fifteen (15) Day Time Extension to File Rule 31.20 Motion for Reconsideration (Appellant Pro Per)
57. 5-Apr-2024 ORDERED: Appellant's Rule 31.20 (c) Motion for Fifteen (15) Day Time Extension to File Rule 31.20 Motion for Reconsideration (Appellant Pro Per) = GRANTED and extending the time for Appellant to file a motion for reconsideration to 15 days from the date of this order. Hon D Steven Williams - Author
58. 11-Apr-2024 FILED: Appellants Rule-31/20 "Motion for Reconsideration" of 03-07-2024 Appeals Court Memorandum Decision "Attached" (Appellant Pro Per)

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- 59. 11-Apr-2024 FILED: Appendix of Exhibits (to Appellants Rule-31/20 "Motion for Reconsideration" of 03-07-2024 Appeals Court Memorandum Decision "Attached") (Appellant Pro Per)
- 60. 11-Apr-2024 FILED: Motion to Exceed Page Limit by Ten (10) Pages (Appellant Pro Per)
- 61. 18-Apr-2024 ORDERED: Motion to Exceed Page Limit by Ten (10) Pages (Appellant Pro Per) = GRANTED. Hon D Steven Williams - Author
- 62. 23-May-2024 ORDERED: Appellants Rule-31/20 "Motion for Reconsideration" of 03-07-2024 Appeals Court Memorandum Decision "Attached" (Appellant Pro Per) = DENIED. Hon David B Gass - Author
- 63. 7-Jun-2024 FILED: ASC Order filed 06/07/2024 re: Motion is denied without prejudice to Appellant's ability to file a motion in compliance; this matter is subject to dismissal if a compliant motion or petition for review is not filed by 06/24/2024.
- 64. 24-Jun-2024 FILED: Email Notice from ASC re: Petition for Review filed 06/24/24; request for partial record
- 65. 24-Jun-2024 FILED: Letter forwarding partial record to Arizona Supreme Court