

Court of Appeals, Division One

Criminal

1 CA-CR 22-0601

STATE v. ESPADA

Appellate Case Information

Case Filed: 22-Dec-2022

Case Closed:

Dept/Composition

Department A

Hon. Randall M Howe
Hon. Jennifer M Perkins
Hon. Daniel J Kiley

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Diane L Hunt, Esq. (AZ Bar No. 16566)

Side 2. FRANCISCO ESPADA, Appellant

(Litigant Group) FRANCISCO ESPADA

- Francisco Espada

Attorneys for: Appellant

Aaron J Moskowitz, Esq. (AZ Bar No. 22246)

CASE STATUS

Jan 23, 2024.....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2021-116801-001	Theft-Means of Transportation, Class 3; Endangerment, Class 1	9 Years, ADOC; 6 Months, ADOC	Joseph Shayne Kiefer, Sentencing	JURY	

DESCENDENT CASE(S)

ASC CR-23-0316-PR

CASE DECISION

21-Nov-2023 MEMORANDUM DECISION

Randall Howe.....Author

Jennifer Perkins.....Concur

Daniel Kiley.....Concur

Filed: 21-Nov-2023

Mandate:

Decision Disposition

Affirmed

44 PROCEEDING ENTRIES

- 22-Dec-2022 FILED: Notice of Appeal from Maricopa County Superior Court filed 12/15/22. Notification sent to Court Reporters dated 12/21/2022.
- 28-Dec-2022 FILED: Appellate Clerk Notice (31.2(g))
- 5-Jan-2023 FILED: Designation of Record for Appeal (Appellant)
- 11-Jan-2023 ORDERED: Ken Crenshaw transcripts dated 11/09/2021; 06/10/2022; 06/30/2022; 09/15/2022; 10/10/2022 due by 02/27/2023. FURTHER ORDERED: Reaffirming this previously set due date of 01/30/2023 for transcript dated 12/02/2022 for Ken Crenshaw. FURTHER ORDERED: Court Reporter Michael Babicky transcript dated 10/05/2022 due by 02/27/2023. FURTHER ORDERED: Court Reporter Catherine Turner transcript dated 10/11/2022 due by 02/27/2023. FURTHER ORDERED: Court Reporter Hope Yeager transcript dated 09/19/2022 due by 02/27/2023. Hon David B Gass - Author
- 22-Jan-2023 FILED: Reporter's Transcript - 10/17/2022 (Lisa Bradley)
- 26-Jan-2023 FILED: Reporter's Transcript - 10/20/2022 - Trial Day 4 (Lori Reinhardt)
- 27-Jan-2023 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: 104
Exhibits: None sent with e-Record

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8. 27-Jan-2023 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 10/17/2022 List # 1 2 4 5 12 13 14 21 24 27 28 in manila envelope
Hearing Date: 12/02/2022 List # 1 2 3 4 in manila envelope
Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope
9. 30-Jan-2023 FILED: Reporter's Transcript - 10/18/2022 - Trial Day 2 (Scott Kindle)
10. 30-Jan-2023 FILED: Reporter's Transcript - 10/19/2022 - Trial Day 3 (Scott Kindle)
11. 1-Feb-2023 ORDERED: Ken Crenshaw transcript dated 12/02/2022 due by 03/03/2023 or OSC set for 03/15/2023. Hon David B Gass - Author
12. 13-Feb-2023 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
13. 13-Feb-2023 FILED: Reporter's Transcript - 10/11/2022 - Trial Procedure Conference (Catherine Turner)
14. 21-Feb-2023 ORDERED: Upon presentation of this order, unsealing the confidential Court Information Sheet (I.O.R. 3); the Random Jury List (I.O.R. 77); and the Sealed Jury Questionnaires (I.O.R. 79 and 80) for parties/agents on this appeal only. Benjamin A Armstrong ProTem Judge - Author
15. 26-Feb-2023 FILED: Reporter's Transcript - 9/19/2022 - Trial (Hope Yeager)
16. 28-Feb-2023 FILED: Reporter's Transcript - 12/02/2022 - Sentencing (Kimberly McCright)
17. 28-Feb-2023 FILED: Reporter's Transcript - 11/09/2021 - Initial Appearance (Kimberly McCright)
18. 28-Feb-2023 FILED: Reporter's Transcript - 06/30/2022 - Status Conference (Kimberly McCright)
19. 28-Feb-2023 FILED: Reporter's Transcript - 09/15/2022 - Trial Procedure Conference (Kimberly McCright)
20. 28-Feb-2023 FILED: Reporter's Transcript - 10/10/2022 - Trial Assignment (Kimberly McCright)
21. 6-Mar-2023 ORDERED: Court Reporter Michael A. Babicky to appear for OSC on 03/15/2023 for failure to file transcript dated 10/05/2022. Hon David B Gass - Author
22. 6-Mar-2023 ORDERED: Ken Crenshaw transcript dated 06/10/2022 EXTENDED to 04/05/2023 or OSC set on 04/19/2023. Hon David B Gass - Author
23. 8-Mar-2023 FILED: Reporter's Transcripts - 10/05/2022 - Hearing - (Michael Babicky)
24. 18-Apr-2023 FILED: Motion to Extend Time to File Transcripts (Ken Crenshaw)
25. 20-Apr-2023 ORDERED: Motion for Second Extension of Time to File Transcript (Ken Crenshaw) = GRANTED. Due date EXTENDED from 04/05/2023 to 05/05/2023 for transcript dated 06/10/2022 or OSC set on 05/17/2023. FURTHER ORDERED: Vacating the OSC previously set on 04/19/2023. Hon David B Gass - Author
26. 1-May-2023 FILED: Reporter's Transcript - 06/10/2022 - Settlement Conference (Kimberly McCright)
27. 2-May-2023 FILED: Notice of Completion of Record
28. 2-May-2023 FILED: Notice of Appearance; Certificate of Service (Appellant)
29. 25-May-2023 FILED: Motion to Supplement the Record on Appeal; Certificate of Service (Appellant)
30. 30-May-2023 ORDERED: Motion to Supplement the Record on Appeal (Appellant) = GRANTED and supplementing the record with the documents designated above (Order of Confinement, filed on 02/07/2023; Amended Order of Confinement, filed on 02/07/2023; Minute Entry-Ruling, dated 02/07/2023, e-filed 02/09/2023; Amended Sentencing Order filed 02/10/2023; and Court Disposition Report Supplemental, filed 02/16/2023) attached to the motion as Exhibits A, B, C, D, and E, respectively. Benjamin A Armstrong ProTem Judge - Author
31. 16-Jun-2023 FILED: Appellant's Opening Brief; Certification Of Compliance With Rule 31.12, Arcp; Certificate of Service (Appellant)
32. 20-Jun-2023 FILED: Notice of Appearance; Certificate of Service (Appellee)
33. 29-Jun-2023 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
34. 17-Jul-2023 FILED: Motion for Extension of Time to File Appellant's Reply Brief; Certificate of Service (Appellant)

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| 35. | 18-Jul-2023 | ORDERED: Motion for Extension of Time to File Appellant's Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 07-19-2023 to Friday, 08-11-2023. Benjamin A Armstrong ProTem Judge - Author |
| 36. | 31-Jul-2023 | FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days |
| 37. | 8-Aug-2023 | FILED: Appellant's Reply Brief; Certification of Compliance With Rule 31.12, Arcp; Certificate of Service (Appellant) |
| 38. | 10-Aug-2023 | FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Amended Sentencing Order - Imprisonment for 02/10/2023) |
| 39. | 25-Aug-2023 | CLNDR: CONFERENCE, Department A, 10-17-23, CONFERENCE ROOM. |
| 40. | 21-Nov-2023 | MEMORANDUM DECISION (Affirmed) Hon Randall M Howe - Author; Hon Jennifer M Perkins - Concur; Hon Daniel J Kiley - Concur |
| 41. | 21-Nov-2023 | FILED: Memorandum Decision Distribution List |
| 42. | 19-Dec-2023 | FILED: ASC Order filed 12/19/2023 re: extending time for filing Petition for Review to 01/22/2024; matter subject to dismissal if the petition for review is not filed by 01/22/2024. |
| 43. | 23-Jan-2024 | FILED: Email Notice from ASC re: Petition for Review filed 01/22/2024; request for partial record |
| 44. | 23-Jan-2024 | FILED: Letter forwarding partial record to Arizona Supreme Court |