

Court of Appeals, Division One

Criminal

1 CA-CR 23-0026

STATE v. ROBERTSON

Appellate Case Information

Case Filed: 20-Jan-2023

Case Closed:

Dept/Composition

Department E

Hon. Anni Hill Foster
Hon. Brian Y Furuya
Hon. Randall M Howe

Side 1. STATE OF ARIZONA, Appellant

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellant

James H Baumann, Esq. (AZ Bar No. 32980)

Robert A Walsh, Esq. (AZ Bar No. 16071)

Side 2. GLEN RAY ROBERTSON, Appellee

(Litigant Group) GLEN RAY ROBERTSON

- Glen Ray Robertson

Attorneys for: Appellee

Jesse Finn Turner, Esq. (AZ Bar No. 24011)

CASE STATUS

Jun 11, 2024....Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2021-001295-001, Michael C Blair, Authoring Judge of Order.

OPEN DUE DATE

Petition for Review to ASC due

Due By:

Thursday, July 11, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Anni Hill Foster - Author; Hon Brian Y Furuya - Concur; Hon Randall M Howe - Concur

CASE DECISION

11-Jun-2024 MEMORANDUM DECISION

Anni Foster.....Author

Brian Furuya.....Concur

Randall Howe.....Concur

Filed: 11-Jun-2024

Mandate:

Decision Disposition

Affirmed

36 PROCEEDING ENTRIES

- 1. 20-Jan-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 01/06/23. Notification sent to Court Reporters dated 01/19/2023.
2. 27-Jan-2023 FILED: Appellate Clerk Notice (31.2(g))
3. 17-Feb-2023 FILED: Additional Record on Appeal Physical Exhibits: Hearing Date: 02/25/2022 List # 2 (CD) in manila envelope Hearing Date: 12/19/2022 List # 1 2 3 in manila envelope
4. 17-Feb-2023 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: None Exhibits: None sent with e-Record
5. 27-Feb-2023 ORDERED: Ken Crenshaw transcripts dated 12/19/2022 and 01/04/2023 EXTENDED to 03/29/2023 or OSC set on 04/05/2023. Hon David B Gass - Author
6. 4-Apr-2023 FILED: Motion to Extend Time to File Transcript (Ken Crenshaw)

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7. 5-Apr-2023 ORDERED: Motion to Extend Time to File Transcript (Ken Crenshaw) = GRANTED. Due Dates EXTENDED to 04/28/2023 for Transcripts dated 12/19/2022, 01/04/2023 or OSC set on 05/03/2023. FURTHER ORDERED: Vacating the show cause hearing scheduled for 04/05/2023. Hon David B Gass - Author
8. 24-Apr-2023 FILED: Reporter's Transcript - 12/19/2022 - Evidentiary Hearing (Beth Goral)
9. 24-Apr-2023 FILED: Reporter's Transcript - 01/04/2023 - Final Trial Management Conference (Beth Goral)
10. 26-Apr-2023 FILED: Notice of Completion of Record
11. 9-Jun-2023 FILED: State's Motion for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
12. 12-Jun-2023 ORDERED: State's Motion for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 06-12-2023 to Wednesday, 07-12-2023 Benjamin A Armstrong ProTem Judge - Author
13. 11-Jul-2023 FILED: State's Motions To Stay the Appeal, Remand To Superior Court To Settle the Record Regarding the Missing DVD Admitted At Suppression Hearing And Reset the Opening Briefs Deadline; Certificate of Service For State's Motions To Stay the Appeal, Remand To Superior Court To Settle the Record Regarding the Missing DVD Admitted At Suppression Hearing And Reset the Opening Briefs Deadline (Appellant)
14. 19-Jul-2023 ORDERED: State's Motions To Stay The Appeal, Remand To Superior Court To Settle The Record Regarding The Missing Dvd Admitted At Suppression Hearing (Appellant) = GRANTED and staying this appeal until 08/17/2023, and revesting jurisdiction in the Maricopa County Superior Court to permit that court and the parties to reconstruct/settle the record. FURTHER ORDERED: Authorizing the superior court to rule on and settle the record in furtherance of this appeal. FURTHER ORDERED: Directing the clerk of the superior court to transmit to this court by 08/21/2023, a certified copy of the written findings and/or the reconstructed materials, marked for filing in this appeal. FURTHER ORDERED: Stay will be automatically lifted on 08/18/2023, unless the court grants a motion to continue the stay. FURTHER ORDERED: Reset The Opening Briefs Deadline = GRANTED. Opening Brief due 09/20/2023. This deadline will be extended if the stay is continued. Benjamin A Armstrong ProTem Judge - Author
15. 25-Aug-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
16. 28-Aug-2023 FILED: Additional Record on Appeal  
Physical Exhibits:  
Hearing Date: 08/15/2023 List # 1 in manila envelope
17. 6-Sep-2023 FILED: Motion to Extend Opening Brief's Deadline; Certificate of Service (Appellant)
18. 6-Sep-2023 ORDERED: Motion to Extend Opening Brief's Deadline (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 09-20-2023 to Friday, 10-20-2023. Benjamin A Armstrong ProTem Judge - Author
19. 6-Sep-2023 ORDERED: Appointing attorney Jesse Finn Turner as counsel for appellee for all remaining proceedings on appeal. Benjamin A Armstrong ProTem Judge - Author
20. 12-Sep-2023 FILED: Notice of Appearance; Certificate of Service (Appellee)
21. 28-Sep-2023 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
22. 5-Oct-2023 ORDERED: Motion to Unseal Documents (Appellant) = GRANTED. Upon presentation of this order, unsealing the Court Information Sheet (I.O.R. 3), for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
23. 19-Oct-2023 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
24. 27-Nov-2023 FILED: Motion for Extension of Time to File Appellee's Answering Brief; Certificate of Service (Appellee)
25. 27-Nov-2023 ORDERED: Motion for Extension of Time to File Appellee's Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 12-04-2023 to Wednesday, 01-03-2024. Benjamin A Armstrong ProTem Judge - Author
26. 3-Jan-2024 FILED: Appellee's Answering Brief; Appellee's Certificate of Compliance with Rule 31.12, ARCP; Certificate of Service (Appellee)
27. 4-Jan-2024 ORDERED: Directing appellee to file an amended certificate of service that complies with Arizona Rule of Criminal Procedure 1.7(c) and includes service of the answering brief on appellant's counsel. FURTHER ORDERED: Directing appellee to file the amended certificate of service by 01/11/2024. FURTHER ORDERED: Any reply brief must be filed by 01/31/2024. Benjamin A Armstrong ProTem Judge - Author
28. 4-Jan-2024 FILED: Amended Certificate of Service (Appellee)
29. 24-Jan-2024 FILED: Motion to Extend Reply Brief's Deadline; Certificate of Service (Appellant)
30. 26-Jan-2024 ORDERED: Motion to Extend Reply Brief's Deadline (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 01-31-2024 to Tuesday, 02-20-2024 Benjamin A Armstrong ProTem Judge - Author

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**Criminal**

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- 31. 30-Jan-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
- 32. 9-Feb-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
- 33. 15-Feb-2024 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
- 34. 26-Feb-2024 CLNDR: CONFERENCE, Department E, 4-18-24, CONFERENCE ROOM.
- 35. 11-Jun-2024 MEMORANDUM DECISION (Affirmed) Hon Anni Hill Foster - Author; Hon Brian Y Furuya - Concur; Hon Randall M Howe - Concu
- 36. 11-Jun-2024 FILED: Decision Distribution Notification