

Court of Appeals, Division One**Criminal - Anders Appeal****1 CA-CR 23-0032****STATE v. DANIELS****Appellate Case Information**

Case Filed: 31-Jan-2023

Case Closed:

Dept/Composition**Department C**Hon. D Steven Williams
Hon. Samuel A Thumma
Hon. Paul J McMurdie**Side 1. STATE OF ARIZONA, Appellee****(Litigant Group) STATE OF ARIZONA**

- State of Arizona

Attorney for: Appellee

Alice Jones, Esq. (AZ Bar No. 28062)

Side 2. MARVIN RAY DANIELS, JR., Appellant**(Litigant Group) MARVIN RAY DANIELS, JR.**

- Marvin Ray Daniels, Jr.

Attorney for: Appellant

Stephen N Mercer, Esq. (AZ Bar No. 20242)

CASE STATUS

Apr 11, 2024.....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2019-007244-001	Murder 1st Deg-Premeditated, Class 1; Agg Aslt-Deadly Wpn/Dang Inst, Class 3	Life; 7.50 Years	Joseph C Kreamer, Sentencing	JURY	

2 OPEN DUE DATES**Motion for Reconsideration Due****Due By:**

Monday, May 13, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon D Steven Williams - Author; Hon Samuel A Thumma - Concur;
Hon Paul J McMurdie - Concur (Motion for reconsideration extended thirty days from date of this decision.)**Petition for Review to ASC due****Due By:**

Monday, May 13, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon D Steven Williams - Author; Hon Samuel A Thumma - Concur;
Hon Paul J McMurdie - Concur (Motion for reconsideration extended thirty days from date of this decision.)**CASE DECISION****11-Apr-2024 MEMORANDUM DECISION**

D Williams.....Author

Samuel Thumma.....Concur

Paul McMurdie.....Concur

Filed: 11-Apr-2024

Mandate:

Decision Disposition

Affirmed**60 PROCEEDING ENTRIES**

- 31-Jan-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 01/18/23 - Notification to Court Reporters Dated 1/30/23
- 1-Feb-2023 FILED: Appellate Clerk Notice (31.2(g))
- 9-Feb-2023 FILED: Designation of Record for Appeal (Appellant)
- 10-Feb-2023 ORDERED: Court Reporter Jessica Wasdyke transcript dated 03/02/2022 due by 03/27/2023. FURTHER ORDERED: Court Reporter Treva Colwell transcript dated 01/06/2022 due by 03/27/2023. FURTHER ORDERED: Court Reporter Wanda Bauer transcript dated 11/17/2021 due by 03/27/2023. FURTHER ORDERED: Ken Crenshaw transcripts dated 10/27/2022; 09/21/2022 due by 03/27/2023. FURTHER ORDERED: Reaffirming this previously set due date of 03/06/2023 for transcript dated 07/07/2022 for Court Reporter Michael Babicky. FURTHER ORDERED: Reaffirming this previously set due date of 03/06/2023 for transcript dated 10/18/2022 for Court Reporter Catherine Turner. FURTHER ORDERED: Reaffirming this previously set due date of 03/06/2023 for transcript dated 01/27/2022 for Court Reporter Hope Yeager. FURTHER ORDERED: Reaffirming this previously set due date of 03/06/2023 for transcript dated 10/26/2022 for Court Reporter Vanessa Gartner. FURTHER ORDERED: Reaffirming this previously set due date of 03/06/2023 for transcript dated 10/25/2022 for Court Reporter Tara Kramer. Hon David B Gass - Author
- 22-Feb-2023 FILED: Reporter's Transcript - 07/07/2022 (Michael Babicky)

Court of Appeals, Division One**Criminal - Anders Appeal****1 CA-CR 23-0032****STATE v. DANIELS****60 PROCEEDING ENTRIES**

6. 23-Feb-2023 FILED: Reporter's Transcript - 10/18/2022 - Trial Procedures Conference (Catherine Turner)
7. 23-Feb-2023 FILED: Reporter's Transcript - 11/22/2022 - Jury Trial (Catherine Turner)
8. 28-Feb-2023 FILED: Reporter's Transcript - 10/25/2022 - Motion to Preclude Evidence (Tara L. Kramer)
9. 28-Feb-2023 FILED: Reporter's Transcript - 10/27/2022 - Jury Trial (Tara L. Kramer)
10. 28-Feb-2023 FILED: Affidavit re 10-25-22 Proceedings - Tara L. Kramer; Copy of Order filed in Trial Court: 01/31/2023 Minute Entry
11. 2-Mar-2023 FILED: Motion for Extension of Time (Time to File Transcripts)(Debra Carney)
12. 3-Mar-2023 ORDERED: Motion for Extension of Time (Time to File Transcripts)(Debra Carney) = GRANTED. Due Dates EXTENDED to 04/05/2023 for transcripts dated 11/02/2022, 11/01/2022 or OSC set on 04/19/2023. Hon David B Gass - Author
13. 3-Mar-2023 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 10/26/2022 - List # 4 5 7 8 9 48 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 239 240 241 242 243 244 287 288 289 290 291 292 293 294 295 296 297 298 299 301 302 303 304 305 310 311 312 313 314 315 316 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 370 371 372 373 374 375 376 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 488 489 490 492 493 494 497 498 499 500 501 502 508 509 510 511 512 513 515 516 517 518 519 520 521 522 523 526 527 527.001 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 574 575 576 578 579 580 581 583 584 585 586 588 589 590 591 592 593 594 598 599 600 601 602 604 605 606 607 608 609 610 611 612 613 614 615 in a Box
14. 3-Mar-2023 FILED: Reporter's Transcript - 11/09/2022 - Trial (Cindy Lineburg)
15. 3-Mar-2023 FILED: Reporter's Transcript - 11/16/2022 - Trial (Cindy Lineburg)
16. 3-Mar-2023 FILED: Reporter's Transcript - 12/05/2022 - Verdict Aggravation Phase (Cindy Lineburg)
17. 3-Mar-2023 FILED: Motion for Extension of Time (Time to File Transcripts)(Cindy Lineburg)
18. 3-Mar-2023 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: 324
Exhibits: None sent with e-Record
19. 6-Mar-2023 FILED: Reporter's Transcript - 10/26/2022 - Trial Day 1 (Vanessa Gartner)
20. 6-Mar-2023 FILED: Reporter's Transcript - 10/31/2022 - Trial Day 3 (Vanessa Gartner)
21. 6-Mar-2023 FILED: Reporter's Transcript - 01/27/2022 - Final Trial Management Conference - Oral Argument (Hope J Yeager)
22. 6-Mar-2023 FILED: Reporter's Transcript - 11/22/2022 - Trial Day 13 (Hope J Yeager)
23. 7-Mar-2023 FILED: Motion for Extension of Time (Time to File Transcripts)(Marylynn LeMoine)
24. 7-Mar-2023 FILED: Reporter's Transcript - 11/28/2022 - Trial - (Marylynn LeMoine Cotton)
25. 7-Mar-2023 FILED: Reporter's Transcript - 11/14/2022 - Trial Day 9 (Kelly Rexroat)
26. 7-Mar-2023 FILED: Motion for Extension of Time (Time to File Transcripts)(Kelly Rexroat)
27. 8-Mar-2023 ORDERED: Motion for Extension of Time (Time to File Transcripts)(Cynthia L Lineburg) = GRANTED. Due dates EXTENDED to 04/05/2023 for transcripts dated 11/30/2022, 11/21/2022 or OSC set on 04/19/2023. Hon David B Gass - Author
28. 8-Mar-2023 FILED: Reporter's Transcript - 11/17/2021 (Wanda Bauer)
29. 8-Mar-2023 FILED: Reporter's Transcript - 09/21/2022 - Final Trial Management Conference (Tamara Bentzur)
30. 8-Mar-2023 FILED: Reporter's Transcript - 10/27/2022 - Trial Minute Entry Day 2 (Tamara Bentzur)

Court of Appeals, Division One**Criminal - Anders Appeal****1 CA-CR 23-0032****STATE v. DANIELS****60 PROCEEDING ENTRIES**

31.	8-Mar-2023	ORDERED: Motion for Extension of Time (Time to File Transcripts)(Marylynn LeMoine) = GRANTED. Due dates EXTENDED to 04/05/2023 for transcripts dated 11/29/2022, 11/08/2022, 11/07/2022 or OSC set on 04/19/2023. Hon David B Gass - Author
32.	8-Mar-2023	ORDERED: Motion for Extension of Time (Time to File Transcripts)(Kelly Rexroat) = GRANTED. Due date for transcript dated 11/15/2022 EXTENDED from 03/06/2023 to 04/05/2023 or OSC set on 04/19/2023. Hon David B Gass - Author
33.	9-Mar-2023	FILED: Reporter's Transcript - 01/06/2022 - Final Trial Management Conference (Treva Colwell)
34.	9-Mar-2023	FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
35.	12-Mar-2023	FILED: Reporter's Transcript - 01/18/2023 - Sentencing (Michael Babicky)
36.	13-Mar-2023	ORDERED: Motion to Unseal Documents (Appellant) = GRANTED. Upon presentation of this order, unsealing the Court Information Sheet (I.O.R 3), the Random Jury List (I.O.R. 292), and the Sealed Jury Questionnaires (I.O.R. 304, 305, 306, 307, 308, and 309), for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
37.	25-Mar-2023	FILED: Reporter's Transcript - 11/15/2022 - Trial (Kelly Rexroat)
38.	27-Mar-2023	FILED: Reporter's Transcript - 03/02/2022 - Final Trial Management Conference (Jessica L. Wasdyke)
39.	3-Apr-2023	FILED: Reporter's Transcript - 11/07/2022 - Trial - (Marylynn LeMoine Cotton)
40.	3-Apr-2023	FILED: Reporter's Transcript - 11/08/2022 - Trial - (Marylynn LeMoine Cotton)
41.	3-Apr-2023	FILED: Reporter's Transcript - 11/29/2022 - Trial - (Marylynn LeMoine Cotton)
42.	4-Apr-2023	FILED: Motion for Second Extension of Time (Re: Transcripts) (Debra Carney)
43.	4-Apr-2023	FILED: Reporter's Transcript - 11/21/2022 - Trial (Cindy Lineburg)
44.	4-Apr-2023	FILED: Reporter's Transcript - 11/30/2022 - Trial (Cindy Lineburg)
45.	5-Apr-2023	ORDERED: Motion for Second Extension of Time (Re: Transcripts) (Debra Carney) = GRANTED. Due Dates EXTENDED to 05/05/2023 for Transcripts dated 11/02/2022, 11/01/2022 or OSC set on 05/17/2023. FURTHER ORDERED: Vacating show cause hearing scheduled for 04/19/2023. Benjamin A. Armstrong, Judge Pro Tempore
46.	4-May-2023	FILED: Reporter's Transcript - 11/01/2022 - Trial Day 4 (Debra Carney)
47.	4-May-2023	FILED: Reporter's Transcript - 11/02/2022 - Trial Day 5 (Debra Carney)
48.	4-May-2023	FILED: Notice of Completion of Record
49.	4-May-2023	ORDERED: First Motion for Extension of Time to File Transcripts (Debra Carney) = GRANTED. Due date EXTENDED from Monday, 05-08-2023 to Wednesday, 06-07-2023 (Transcript for 01/18/2023 by Reporter Debra Carney) or OSC set on 06/21/2023. Hon David B Gass - Author
50.	8-May-2023	FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
51.	16-May-2023	ORDERED: Motion to Withdraw And Substitute New Counsel (Appellant) = GRANTED. FURTHER ORDERED appointing attorney Stephen Mercer as attorney for appellant in this appeal. FURTHER ORDERED that the 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 extending the time to file the opening brief from June 19, 2023, to August 3, 2023. Benjamin A Armstrong ProTem Judge - Author
52.	2-Aug-2023	FILED: Motion for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
53.	2-Aug-2023	ORDERED: Motion for Extension of Time to File Opening Brief (Appellant) = GRANTED and extending the time to file the opening brief from 08/03/2023 to 09/05/2023. Benjamin A Armstrong ProTem Judge - Author
54.	5-Sep-2023	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
55.	6-Sep-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 10/16/2023. FURTHER ORDERED: Answering brief to await court order. Benjamin A Armstrong ProTem Judge - Author
56.	23-Oct-2023	FILED: Assigning Anders appeal to Dept C for consideration and disposition. [Amy M. Wood, Clerk]
57.	23-Oct-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 23-0032

STATE v. DANIELS

60 PROCEEDING ENTRIES

58.	1-Nov-2023	FILED: Supplemented Superior Court e-Record with Revised Index of Record
59.	11-Apr-2024	MEMORANDUM DECISION (Affirmed) Hon D Steven Williams - Author; Hon Samuel A Thumma - Concur; Hon Paul J McMurdie - Concur (Motion for reconsideration extended thirty days from date of this decision.)
60.	11-Apr-2024	FILED: Decision Distribution Notification