

Court of Appeals, Division One

Criminal

1 CA-CR 23-0041

STATE v. LOZANO

Appellate Case Information

Case Filed: 7-Feb-2023

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

Attorneys for: Appellee

Rebecca Jones, Esq. (AZ Bar No. 28996)

Side 2. GUSTAVO MORALES LOZANO, Appellant

(Litigant Group) GUSTAVO MORALES LOZANO

- Gustavo Morales Lozano

Attorneys for: Appellant

Stephen M Johnson, Esq. (AZ Bar No. 15831)

CASE STATUS

Jun 25, 2024....Pending Closure

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2020-143082-001, See File, See File, Jo Lynn Gentry, Sentencing, JURY

DESCENDENT CASE(S)

ASC CR-24-0086-PR

OPEN DUE DATE

Stay request (re: Writ of Certiorari) due

Due By:

Monday, July 15, 2024

Re: Minute Letter of ASC: Petition for Review DENIED

CASE DECISION

22-Feb-2024 MEMORANDUM DECISION

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

Filed: 22-Feb-2024

Mandate:

Decision Disposition

Affirmed

39 PROCEEDING ENTRIES

- 1. 7-Feb-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 02/02/23. Notification sent to Court Reporters dated 02/06/2023.
2. 15-Feb-2023 FILED: Appellate Clerk Notice (31.2(g))
3. 6-Mar-2023 FILED: Affidavit RE Minute Entry Correction and Non Satisfactory Payment Arrangements (Tara L. Kramer); 2/8/23 Minute Entry Correction; Motion to Withdraw by Defense Counsel
4. 10-Mar-2023 ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Directing court reporters Tara Kramer, Kristyn Lobry, April Escobedo, and Kristine Mayo to prepare, and Ken Crenshaw to make arrangements for the preparation of transcripts due by 04/24/2023. Benjamin A Armstrong ProTem Judge - Author
5. 14-Mar-2023 FILED: Notice of Appearance; Certificate of Service (Appellant)
6. 15-Mar-2023 FILED: Reporter's Transcript - 10/27/2022 - Trial Day 5 (Kristyn L. Lobry)
7. 15-Mar-2023 FILED: Reporter's Transcript - 11/01/2022 - Trial Day 6 (Kristyn L. Lobry)
8. 15-Mar-2023 FILED: Reporter's Transcript - 11/02/2022 - Trial Day 7 (Kristyn L. Lobry)
9. 15-Mar-2023 FILED: Reporter's Transcript - 10/19/2022 - Trial Day 1 (Kristyn L. Lobry)
10. 15-Mar-2023 FILED: Reporter's Transcript - 10/20/2022 - Trial Day 2 (Kristyn L. Lobry)

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11. 15-Mar-2023 FILED: Reporter's Transcript - 10/25/2022 - Trial Day 3 (Kristyn L. Lobry)
12. 17-Mar-2023 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 10/19/2022 - LIST # 6 8 16 17 in manila envelope
Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope
13. 17-Mar-2023 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: 165
Exhibits: None sent with e-Record
14. 22-Mar-2023 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
15. 28-Mar-2023 ORDERED: Motion to Unseal Documents (Appellant) = GRANTED. Upon presentation of this order, unsealing the Court Information Sheets (I.O.R. 4 and 17); the Rule 2.3 Victim Identifier Information Form (I.O.R. 8); The Medical Reports of Dr. M. David McGrady dated May 18, 2021 and May 19, 2021 (I.O.R. 40 and 41); the Random Jury List (I.O.R. 88); the Jury Questionnaires (I.O.R. 110, 111, 112, 113, 114, 115 and 116); and the Victim Information Sheets for Lifetime No-Contact Injunctions (I.O.R. 157, 158 and 159) for parties/agents on this appeal only. Benjamin A Armstrong ProTem Judge - Author
16. 4-Apr-2023 FILED: Reporter's Transcript - 02/02/2023 - Sentencing (Tara L. Kramer)
17. 13-Apr-2023 FILED: Reporter's Transcripts - 07/15/2022 - Evidentiary Hearing - (Kristine Mayo)
18. 21-Apr-2023 FILED: Extension Request (Time to File Transcripts) (April Escobedo)
19. 24-Apr-2023 ORDERED: Extension Request (Time to File Transcripts) (April Escobedo) = GRANTED. Due date EXTENDED from Monday, 04-24-2023 to Wednesday, 05-24-2023 (Transcript for 10/26/2022 by Reporter April M Escobedo) or OSC set on 06/07/2023. Hon David B Gass - Author
20. 5-Jun-2023 FILED: Reporter's Transcripts - 10/26/2022 - Trial - Day 4 (April Escobedo)
21. 6-Jun-2023 FILED: Notice of Completion of Record
22. 12-Jun-2023 FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
23. 19-Jun-2023 ORDERED: Motion To Withdraw And Substitute New Counsel (Appellant) = GRANTED. FURTHER ORDERED: Appointing attorney Stephen Johnson 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 Friday, 07-21-2023 to Monday, 09-04-2023. Benjamin A Armstrong ProTem Judge - Author
24. 10-Sep-2023 FILED: Request for Extension of Time to File Opening Brief (My First Request); Certificate of Service (Appellant)
25. 11-Sep-2023 ORDERED: Request for Extension of Time to File Opening Brief (My First Request) (Appellant) = GRANTED. Due date EXTENDED from Monday, 09-04-2023 to Thursday, 10-05-2023. Benjamin A Armstrong ProTem Judge - Author
26. 5-Oct-2023 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
27. 12-Oct-2023 FILED: Notice of Appearance; Certificate of Service (Appellee)
28. 8-Nov-2023 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
29. 28-Nov-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
30. 28-Nov-2023 FILED: Request for Extension of Time to File Reply Brief; Certificate of Service (Appellant)
31. 29-Nov-2023 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
32. 29-Nov-2023 ORDERED: Granting the motion to extend the time to file the reply brief, and accepting the reply brief filed on 11/29/2023. Benjamin A Armstrong ProTem Judge - Author
33. 8-Dec-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
34. 21-Dec-2023 CLNDR: CONFERENCE, Department C, 2-14-24, COURTROOM 1.
35. 22-Feb-2024 MEMORANDUM DECISION (Affirmed) Hon Paul J McMurdie - Author; Hon Maria Elena Cruz - Concur; Hon Cynthia J Bailey - Concur

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39 PROCEEDING ENTRIES

- 36. 22-Feb-2024 FILED: Decision Distribution Notification
- 37. 25-Mar-2024 FILED: Email Notice from ASC re: Petition for Review filed 03/25/2024; request for partial record
- 38. 26-Mar-2024 FILED: Letter forwarding partial record to Arizona Supreme Court
- 39. 25-Jun-2024 FILED: Letter from ASC, 06/25/2024, re: Petition for Review DENIED on 06/25/2024