

Court of Appeals, Division One

Criminal

1 CA-CR 23-0168

STATE v. GIVENS

Appellate Case Information

Case Filed: 24-Apr-2023

Case Closed:

Dept/Composition

Department D

Hon. Samuel A Thumma
Hon. Jennifer B Campbell
Hon. Michael J Brown

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Joshua C Smith, Esq. (AZ Bar No. 30229)

Side 2. JAMES LAYTON GIVENS, Appellant

(Litigant Group) JAMES LAYTON GIVENS

- James Layton Givens

Attorneys for: Appellant

Elizabeth M Hale, Esq. (AZ Bar No. 32703)

Side 3. E.G. ET AL., Crime Victim

(Litigant Group) E.G. ET AL.

- E. G.
J. G.
J. G.

Attorneys for: Crime Victims

Colleen Clase, Esq. (AZ Bar No. 29360)

CASE STATUS

May 9, 2024.....Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: YUM, S1400CR202000889, See file, See file, Darci D Weede, Sentencing

DESCENDENT CASE(S)

ASC CR-24-0139-PR

OPEN DUE DATE

Petition for Review to ASC due

Due By:

Monday, July 15, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Jennifer B Campbell - Author; Hon Samuel A Thumma - Concur; Hon Michael J Brown - Concur

CASE DECISION

09-May-2024 MEMORANDUM DECISION

Jennifer Campbell.....Author
Samuel Thumma.....Concur
Michael Brown.....Concur

Filed: 09-May-2024 Mandate:

Decision Disposition

Affirmed

63 PROCEEDING ENTRIES

- 1. 24-Apr-2023 FILED: Notice of Appeal from Yuma County Superior Court filed 04/18/23.
2. 1-May-2023 FILED: Reporter's Transcript - 01/18/2023 - Jury Trial - Day One (Elizabeth M. Hengstebeck)
3. 1-May-2023 FILED: Notice of Service of Transcript
4. 2-May-2023 FILED: Appellate Clerk Notice (31.2(g))

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- 5. 2-May-2023 FILED: Additional Record on Appeal  
Physical Exhibits:  
Hearing Date: 01/18/2023 List # 29 50 51 52 56 58 63 64 65 66 67 72 74 78 79 in manila envelope  
Hearing Date: 01/18/2023 List # 1 2 3 4 5 9 11 12 13 14 15 16 18 19 20 21 22 23 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39  
40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80  
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232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 255 256 257 258 261 262 266 279 283 284  
285 286 287 288 289 290 291 292 293 295 297 298 in bubble wrap
- 6. 8-May-2023 FILED: e-Record on Appeal:  
Instruments/Minute Entries: Combined  
Disposition Report: 4 169  
Exhibits: None sent with e-Record
- 7. 9-May-2023 FILED: Reporter's Transcript - 01/26/2023 - Jury Trial Day 5 (Katherine Pitotti)
- 8. 9-May-2023 FILED: Reporter's Transcript - 02/01/2023 - Jury Trial Day 7 (Katherine Pitotti)
- 9. 9-May-2023 FILED: Reporter's Transcript - 02/03/2023 - Jury Trial Day 9 (Katherine Pitotti)
- 10. 9-May-2023 FILED: Notice of Service (Katherine Pitotti)
- 11. 9-May-2023 FILED: Reporter's Transcript - 02/08/2023 - Jury Trial Day 10 (Katherine Pitotti)
- 12. 9-May-2023 FILED: Reporter's Transcript - 02/09/2023 - Jury Trial Day 11 (Katherine Pitotti)
- 13. 9-May-2023 FILED: Reporter's Transcript - 02/10/2023 - Jury Trial Day 12 (Katherine Pitotti)
- 14. 9-May-2023 FILED: Reporter's Transcript - 02/17/2023 - Hearing to Continue Jury Trial Day 15 (Katherine Pitotti)
- 15. 10-May-2023 FILED: Reporter's Transcript - 01/19/2023 - Jury Trial - Day Two (Elizabeth Hengstebeck)
- 16. 10-May-2023 FILED: Notice of Service of Transcript (Elizabeth Hengstebeck)
- 17. 10-May-2023 ORDERED: Directing Yuma County Office of the Legal Defender to assign counsel to represent appellant and to provide this court the name of assigned counsel by 5/23/23. FURTHER ORDERED: Additional orders regarding transcripts will be issued once the court receives the name of counsel assigned to represent appellant. Benjamin A Armstrong ProTem Judge - Author
- 18. 11-May-2023 FILED: Notice of Appearance; Certificate of Service (Appellant)
- 19. 11-May-2023 FILED: Reporter's Transcript - 02/15/2023 - Jury Trial Day 13 (Katherine Pitotti)
- 20. 11-May-2023 FILED: Reporter's Transcript - 02/16/2023 - Jury Trial Day 14 (Katherine Pitotti)
- 21. 11-May-2023 FILED: Reporter's Transcript - 02/24/2023 - Jury Trial Day 17 (Katherine Pitotti)
- 22. 11-May-2023 FILED: Notice of Service of Transcript (Katherine Pitotti)
- 23. 12-May-2023 FILED: Reporter's Transcript - 04/17/2023 - Imposition of Sentence (Prison) (Elizabeth Hengstebeck)
- 24. 12-May-2023 FILED: Notice of Service of Transcript (Elizabeth Hengstebeck)
- 25. 15-May-2023 ORDERED: Directing court reporters to prepare an original and two copies of all transcripts Arizona Rule of Criminal Procedure 31.8 requires and furnish one copy to appellant's counsel, one copy to appellee's counsel, and the original to the clerk of this court by 6/26/23, marked for filing in this appeal. Benjamin A Armstrong ProTem Judge - Author
- 26. 18-May-2023 FILED: Reporter's Transcript - 01/20/2023 - Jury Trial - Day Three (Elizabeth Hengstebeck)
- 27. 18-May-2023 FILED: Notice of Service of Transcript (Elizabeth Hengstebeck)
- 28. 21-May-2023 FILED: Reporter's Transcript - 01/25/2023 - Jury Trial - Day Four (Elizabeth Hengstebeck)
- 29. 21-May-2023 FILED: Notice of Service of Transcript (Elizabeth Hengstebeck)
- 30. 23-May-2023 FILED: Reporter's Transcript - 01/27/2023 - Jury Trial Day Six (Elizabeth Hengstebeck)
- 31. 23-May-2023 FILED: Notice of Service of Transcript (Elizabeth Hengstebeck)

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32. 24-May-2023 FILED: Reporter's Transcript - 02/22/2023 - Jury Trial Day 15 (Katherine Pitotti)
33. 24-May-2023 FILED: Reporter's Transcript - 03/02/2023 - Jury Trial Day 19 (Katherine Pitotti)
34. 24-May-2023 FILED: Reporter's Transcript - 03/10/2023 - Jury Trial Day 23 (Katherine Pitotti)
35. 24-May-2023 FILED: Notice of Service of Transcript (Katherine Pitotti)
36. 30-May-2023 FILED: Reporter's Transcript - 02/02/2023 - Jury Trial Day 8 Partial Transcript Morning Proceedings Argument on Motion in Limine and Discussion Re: Juror (Julie K. Knowlton); Affidavit: Notice of Service of Transcript (Julie K. Knowlton)
37. 30-May-2023 FILED: Reporter's Transcript - 02/02/2023 - Jury Trial Day 8 Partial Transcript Morning Proceedings Testimony of Alexx Palacios (Julie K. Knowlton)
38. 30-May-2023 FILED: Reporter's Transcript - 02/02/2023 - Jury Trial Day 8 Afternoon Proceedings (Julie K. Knowlton)
39. 30-May-2023 FILED: Reporter's Transcript - 02/23/2023 - Jury Trial Day 16 (Julie K. Knowlton)
40. 30-May-2023 FILED: Reporter's Transcript - 03/01/2023 - Jury Trial Day 18 (Julie K. Knowlton); Affidavit: Notice of Service of Transcript (Julie K. Knowlton)
41. 30-May-2023 FILED: Reporter's Transcript - 03/03/2023 - Jury Trial Day 20 (Julie K. Knowlton)
42. 30-May-2023 FILED: Reporter's Transcript - 03/08/2023 - Jury Trial Day 21 (Julie K. Knowlton)
43. 30-May-2023 FILED: Reporter's Transcript - 03/09/2023 - Jury Trial Day 22 (Julie K. Knowlton)
44. 31-May-2023 FILED: Notice of Completion of Record
45. 28-Jun-2023 FILED: Notice Of Appearance Of Counsel For Victims And Assertion Of Victim's Constitutional Rights; Certificate Of Service – Notice Of Appearance Of Counsel For Victims And Assertion Of Victim's Constitutional Rights
46. 14-Jul-2023 FILED: Motion to Extend Time to File (Opening Brief); Certificate of Service (Appellant)
47. 17-Jul-2023 ORDERED: Motion to Extend Time to File (Opening Brief) (Appellant) = GRANTED. Due date EXTENDED from Monday, 07-17-2023 to Wednesday, 08-16-2023. Benjamin A Armstrong ProTem Judge - Author
48. 15-Aug-2023 FILED: Motion to Extend Time to File (Opening Brief); Certificate of Service (Appellant)
49. 17-Aug-2023 ORDERED: Motion to Extend Time to File (Opening Brief) (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 08-16-2023 to Friday, 09-15-2023. Geoffrey P Butzine ProTem Judge - Author
50. 13-Sep-2023 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
51. 14-Sep-2023 FILED: Notice of Appearance; Certificate of Service (Appellee)
52. 5-Oct-2023 FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
53. 6-Oct-2023 ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Monday, 10-23-2023 to Wednesday, 11-22-2023. Geoffrey P Butzine ProTem Judge - Author
54. 7-Nov-2023 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
55. 7-Nov-2023 FILED: Appendix in Support of the State of Arizona's Answering Brief; Certificate of Service (Appellee)
56. 21-Nov-2023 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
57. 28-Nov-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
58. 5-Dec-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
59. 21-Dec-2023 CLNDR: CONFERENCE, Department D, 2-14-24, COURTROOM 2.
60. 9-May-2024 MEMORANDUM DECISION (Affirmed) Hon Jennifer B Campbell - Author; Hon Samuel A Thumma - Concur; Hon Michael J Brown - Concur
61. 9-May-2024 FILED: Decision Distribution Notification
62. 7-Jun-2024 FILED: ASC Order filed 06/07/2024 re: the motion is denied without prejudice to Appellant's ability to file a motion in compliance with Arizona Rules of Crim. Proc. Rule 31.6(e) and ARCAP 6(b). This matter is subject to dismissal if a compliant motion or petition for review is not filed by 06/14/2024.

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**63 PROCEEDING ENTRIES**

63. 17-Jun-2024 FILED: ASC Order filed 06/17/2024 re: extending time for filing Petition for Review to 07/15/2024