

# Court of Appeals, Division One

Criminal

**1 CA-CR 23-0224**

**STATE v. CLEMENTS**

## Appellate Case Information

Case Filed: 14-Jun-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

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

## Side 2. CHRISTOPHER CLEMENTS, Appellant

(Litigant Group) CHRISTOPHER CLEMENTS

- Christopher Clements

### Attorneys for: Appellant

Damon A Rossi, Esq. (AZ Bar No. 17461)

## CASE STATUS

Mar 26, 2024....Assigned

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2018-000917-001	Fraudulent Schemes/Artifices, Class 2	10.5 years, ADOC	Scott Sebastian Minder, Sentencing	JURY	

## CALENDAR

Wednesday MONTHLY COURT CASE CALENDAR

15-May-2024 Department C; COURTROOM 1

10:15 AM

Mixed

## 93 PROCEEDING ENTRIES

- 14-Jun-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 06/06/23. Notification sent to Court Reporters dated 06/13/2023.
- 14-Jun-2023 FILED: Appellate Clerk Notice (31.2(g))
- 21-Jun-2023 FILED: Reporter's Transcript - 08/16/2019 - Evidentiary Hearing (Catherine Turner)
- 21-Jun-2023 FILED: Reporter's Transcript - 01/17/2023 - Jury Trial (Catherine Turner)
- 21-Jun-2023 FILED: Reporter's Transcript - 01/18/2023 - Jury Trial (Catherine Turner)
- 21-Jun-2023 FILED: Reporter's Transcripts - 11/01/2019 - Evidentiary Hearing (Treva B. Colwell)
- 21-Jun-2023 FILED: Reporter's Transcripts - 01/24/2020 - Evidentiary Hearing (Treva B. Colwell)
- 21-Jun-2023 FILED: Reporter's Transcripts - 06/16/2020 - Evidentiary Hearing (Treva B. Colwell)
- 21-Jun-2023 FILED: Reporter's Transcripts - 06/18/2020 - Evidentiary Hearing (Treva B. Colwell)
- 21-Jun-2023 FILED: Reporter's Transcript - 05/18/2023 - Sentencing (Debra Carney)  
[see corrected transcript filed 06/26/2023]
- 23-Jun-2023 FILED: Reporter's Transcripts - 06/14/2019 - Status Conference (Treva B. Colwell)
- 23-Jun-2023 FILED: Reporter's Transcripts - 08/15/2019 - Status Conference (Treva B. Colwell)
- 23-Jun-2023 FILED: Reporter's Transcripts - 08/10/2018 - Final Trial Management Conference (Treva B. Colwell)
- 23-Jun-2023 FILED: Reporter's Transcripts - 09/06/2018 - Status Conference (Treva B. Colwell)
- 23-Jun-2023 FILED: Reporter's Transcripts - 11/30/2018 - Status Conference (Treva B. Colwell)
- 23-Jun-2023 FILED: Reporter's Transcripts - 04/12/2019 - Status Conference (Treva B. Colwell)

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17.	23-Jun-2023	FILED: Courtesy Copy - Designation of Record for Appeal Filed in Superior Court (Appellant)
18.	26-Jun-2023	FILED: Reporter's Transcript - 01/30/2023 - Jury Trial (Catherine Turner)
19.	27-Jun-2023	FILED: Reporter's Transcript-05/18/2023-Sentencing (Debra Carney) (Corrected)
20.	27-Jun-2023	ORDERED: Court Reporter Hope Yeager transcript dated 08/13/2023 due by 08/07/2023. FURTHER ORDRED: Ken Crenshaw transcripts dated 01/25/2023, 01/04/2023, 01/03/2023, 12/08/2022, 09/14/2022, 10/19/2021, 09/02/2021, 07/13/2021, 05/25/2021, 06/23/2020, 05/21/2020, 07/17/2019, 02/08/2019, 02/04/2019, 10/05/2018, 03/06/2018, due by 08/07/2023. FURTHER ORDRED: Court Reporter Jessica Wasdyke transcript dated 02/09/2022 due by 08/07/2023. FURTHER ORDRED: Court Reporter Lori Reinhardt transcripts dated 02/23/2021, 02/17/2021, 02/16/2021, 08/11/2020 due by 08/07/2023. FURTHER ORDRED: Court Reporter Robin Lawlor transcript dated 01/24/2022 due by 08/07/2023. FURTHER ORDRED: Court Reporter Jeanne Kappedal transcripts dated 07/16/2018, 05/23/2018, 05/09/2018, 04/24/2018, 04/04/2018, 01/23/2018 due by 08/07/2023. FURTHER ORDRED: Court Reporter Vanessa Gartner transcript dated 11/08/2019 due by 08/07/2023 FURTHER ORDRED: Court Reporter Lauren Kuhnenn transcript dated 08/16/2019 due by 08/07/2023. FURTHER ORDERED: Reaffirming previously set due date of 07/21/2023, for transcript of 08/23/2019, for Court Reporter Hope Yeager. FURTHER ORDERED: Reaffirming previously set due date of 07/21/2023, for transcripts of 02/02/2023, 01/31/2023, for Court Reporter Catherine Turner. FURTHER ORDERED: Reaffirming previously set due date of 07/21/2023, for transcript of 02/01/2023, for Court Reporter Tara Kramer. FURTHER ORDERED: Reaffirming previously set due date of 07/21/2023, for transcript of 01/19/2023, for Court Reporter Luz Franco. FURTHER ORDERED: Reaffirming previously set due date of 07/21/2023, for transcript of 01/10/2023, for Court Reporter Wendy Ricard. FURTHER ORDERED: Reaffirming previously set due date of 07/21/2023, for transcript of 01/05/2023, for Court Reporter Lisa Bradley. FURTHER ORDERED: Reaffirming previously set due date of 07/21/2023, for transcript of 06/17/2020, for Court Reporter Kristyn Lobry. FURTHER ORDERED: Reaffirming previously set due date of 07/21/2023, for transcript of 01/10/2020, for Court Reporter Jeanne Kappedal. FURTHER ORDERED reaffirming previously set due date of 07/21/2023, for transcript of 11/08/2019, for Court Reporter Antoinette Salazar. Hon David B Gass - Author
21.	27-Jun-2023	FILED: Reporter's Transcript - 01/05/2023 - Reporter's Transcript of Proceedings (Lisa A Bradley)
22.	4-Jul-2023	FILED: Reporter's Transcript - 01/31/2023 - Jury Trial (Catherine Turner)
23.	5-Jul-2023	FILED: Reporter's Transcript - 08/11/2020 - Status Conference (Lori Reinhardt)
24.	5-Jul-2023	FILED: Reporter's Transcript - 02/16/2021 - Evidentiary Hearing (Lori Reinhardt)
25.	5-Jul-2023	FILED: Reporter's Transcript - 02/17/2021 - Evidentiary Hearing (Lori Reinhardt)
26.	5-Jul-2023	FILED: Reporter's Transcript - 02/23/2021 - Evidentiary Hearing (Lori Reinhardt)
27.	7-Jul-2023	FILED: Reporter's Transcript - 02/02/2023 - Jury Trial (Catherine Turner)
28.	7-Jul-2023	FILED: Reporter's Transcript - 06/17/2020 - Evidentiary Hearing (Kristyn Lobry)
29.	10-Jul-2023	FILED: Reporter's Transcripts - 08/16/2019 - Evidentiary Hearing (Lauren Kuhnenn)
30.	11-Jul-2023	FILED: Reporter's Transcript - 01/19/2023 - Trial (Continuing) (Luz Franco)
31.	14-Jul-2023	FILED: Reporter's Transcript - 02/01/2023 - Jury Trial (Tara L. Kramer)
32.	20-Jul-2023	FILED: Additional Record on Appeal Physical Exhibits: Hearing Date: 08/16/2019 - LIST # 1 2 3 4 5 18 23 25 26 27 28 30 38 3941 42 53 55 56 57 60 61 62 63 67 68 68.001 68.002 68.003 68.004 68.005 68.006 68.007 68.008 68.009 68.010 68.011 68.012 68.013 69 76 78 81 83 86(SEALED) 87(SEALED) 88 90 91 95 99 in a box Hearing Date: 01/30/2023 - LIST # 3 4 5 6 7 8 9 10 11 12 14 15 16 17 18 19 20 21 22 in a box Hearing Date: 04/13/2023 - LIST # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 in a box
33.	20-Jul-2023	FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: 449 Exhibits: None sent with e-Record
34.	20-Jul-2023	FILED: Reporter's Transcript - 08/23/2019 - Evidentiary Hearing - Day 2 (Hope J Yeager)
35.	21-Jul-2023	FILED: Reporter's Transcript - 04/13/2023 - Trial on Priors & Sentencing (Hope J Yeager)
36.	23-Jul-2023	FILED: Reporter's Transcript - 01/10/2023 - Trial (Wendy Ricard)
37.	24-Jul-2023	FILED: Reporter's Transcript - 05/23/2018 - Final Trial Management Conference / Motion to Continue - (Cindy Lineburg on behalf of Jean Kappedal)
38.	24-Jul-2023	FILED: Reporter's Transcript - 07/16/2018 - Status Conference - (Cindy Lineburg on behalf of Jean Kappedal)

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39.	24-Jul-2023	FILED: Reporter's Transcript - 01/23/2018 - Comprehensive Pretrial Conference/Status Conference (Cindy Lineburg on behalf of Jean Kappedal)
40.	24-Jul-2023	FILED: Reporter's Transcript - 04/04/2018 - Comprehensive Pretrial Conference (Cindy Lineburg on behalf of Jean Kappedal)
41.	24-Jul-2023	FILED: Reporter's Transcript - 04/24/2018 - Status Conference (Cindy Lineburg on behalf of Jean Kappedal)
42.	24-Jul-2023	FILED: Reporter's Transcript - 05/09/2018 - Status Conference (Cindy Lineburg on behalf of Jean Kappedal)
43.	24-Jul-2023	FILED: Reporter's Transcript - 01/10/2020 - Evidentiary Hearing - Day 5 (Cindy Lineburg on behalf of Jean Kappedal)
44.	25-Jul-2023	FILED: Reporter's Transcript - 01/24/2020 - Evidentiary Hearing - Day 6 (Afternoon Hearing) - (Robin G. Bobbie)
45.	31-Jul-2023	FILED: Reporter's Transcript - 11/08/2019 - (Continuing Evidentiary Hearing) - (Antoinette Salazar)
46.	7-Aug-2023	FILED: Reporter's Transcript - 09/02/2021 - Status Conference (Tiffany Miller)
47.	7-Aug-2023	FILED: Reporter's Transcript - 10/19/2021 - Final Trial Management Conference (Tiffany Miller)
48.	7-Aug-2023	FILED: Reporter's Transcript - 12/08/2022 - Trial Assignment Calendar (Tiffany Miller)
49.	7-Aug-2023	FILED: Reporter's Transcript - 09/14/2022 - Trial Continuance Past Last Day (Tiffany Miller)
50.	7-Aug-2023	FILED: Reporter's Transcript - 01/03/2023 - Trial Procedure Conference (Tiffany Miller)
51.	7-Aug-2023	FILED: Reporter's Transcript - 01/04/2023 - Trial Procedure Conference (Tiffany Miller)
52.	7-Aug-2023	FILED: Reporter's Transcript - 01/25/2023 - Status Conference (Tiffany Miller)
53.	7-Aug-2023	FILED: Reporter's Transcripts - 11/08/2019 - Evidentiary Hearing - Day 4 (Vanessa Gartner)
54.	7-Aug-2023	FILED: Reporter's Transcripts - 02/09/2022 - Evidentiary Hearing (Jessica Wasdyke)
55.	9-Aug-2023	FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
56.	9-Aug-2023	ORDERED: Ken Crenshaw transcripts dated 03/06/2018, 10/05/2018, 02/04/2019, 02/08/2019, 07/17/2019, 05/21/2020, 06/23/2020, 05/25/2021, 07/13/2021 due by 09/08/2023 or OSC set for 09/20/2023. Hon Randall M Howe - Author
57.	10-Aug-2023	FILED: Reporter's Transcript - 10/05/2018 - Oral Argument (Eva Wynn)
58.	10-Aug-2023	FILED: Reporter's Transcript - 02/04/2019 - Oral Argument (Eva Wynn)
59.	10-Aug-2023	FILED: Reporter's Transcript - 02/08/2019 - Status Conference (Sharon Grant)
60.	10-Aug-2023	FILED: Reporter's Transcript - 05/21/2020 - Status Conference (Janice M. Grill)
61.	10-Aug-2023	FILED: Reporter's Transcript - 06/23/2020 - Status Conference (Janice M. Grill)
62.	10-Aug-2023	FILED: Reporter's Transcript - 05/25/2021 - Trial Continuance Past Last Day (Karissa Metcalf)
63.	10-Aug-2023	FILED: Reporter's Transcript - 07/13/2021 - Trial Continuance Past Last Day (Eva Wynn)
64.	14-Aug-2023	FILED: Reporter's Transcript - 09/14/2022 - Trial Continuance Past Last Day (Tiffany Miller) (Amended)
65.	14-Aug-2023	FILED: Reporter's Transcript - 10/19/2021 - Final Trial Management Conference (Tiffany Miller) (Amended)
66.	14-Aug-2023	FILED: Reporter's Transcript - 12/08/2022 - Trial Assignment Calendar (Tiffany Miller) (Amended)
67.	14-Aug-2023	FILED: Reporter's Transcript - 01/03/2023 - Trial Procedure Conference (Tiffany Miller) (Amended)
68.	14-Aug-2023	FILED: Reporter's Transcript - 01/04/2023 - Trial Procedure Conference (Tiffany Miller) (Amended)
69.	14-Aug-2023	FILED: Reporter's Transcript - 01/25/2023 - Status Conference (Tiffany Miller) (Amended)
70.	14-Aug-2023	FILED: Reporter's Transcript - 09/02/2021 - Status Conference (Tiffany Miller) (Amended)
71.	14-Aug-2023	ORDERED: Motion to Unseal Documents (Appellant) = GRANTED. Upon presentation of this order, unsealing the Item No. 3, Court Information Sheet; Item No. 315, Original Sealed Document (Final Argument for Evidentiary Hearing on Violation of Right to Counsel and Due Process); Item Nos. 393 to 402 and 421 to 430, inclusive, Original Sealed Documents (Sealed Jury Questionnaires); Item Nos. 414 and 417 (Random Jury Lists); and Item No. 445 (Restitution Ledger Request), for parties/agents for this appeal only. Geoffrey P Butzine ProTem Judge - Author

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72.	15-Aug-2023	FILED: Reporter's Transcripts - 02/09/2022 - Evidentiary Hearing (Jessica Wasdyke) (Amended)
73.	19-Sep-2023	FILED: Affidavit Regarding Ordered Transcripts (Ken Crenshaw)
74.	19-Sep-2023	FILED: Motion to Extend Time to File Transcripts (Ken Crenshaw)
75.	19-Sep-2023	ORDERED: Court Reporter Coordinator Ken Crenshaw transcripts dated 03/06/2018 due by 10/10/2023 or OSC set for 10/18/2023. Hon Randall M Howe - Author
76.	20-Sep-2023	FILED: Reporter's Transcript - 03/06/2018 - Initial Pretrial Conference (Melinda Friedland)
77.	20-Sep-2023	FILED: Notice of Completion of Record
78.	27-Sep-2023	FILED: Notice of Appearance; Certificate of Service (Appellant)
79.	23-Oct-2023	FILED: Motion to Supplement the Record on Appeal; Certificate of Service (Appellant)
80.	23-Oct-2023	FILED: Unopposed Motion for Complex Case Designation; Certificate of Service (Appellant)
81.	30-Oct-2023	FILED: Motion For Procedural Order: Extension Of Time To File Appellant's Opening Brief; Certificate of Service (Appellant)
82.	30-Oct-2023	ORDERED: Motion to Supplement the Record on Appeal (Appellant) = GRANTED and Ken Crenshaw transcript (dated 07/17/2019) due by 11/29/2023. FURTHER ORDERED: Motion For Procedural Order: Extension Of Time To File Appellant's Opening Brief = GRANTED. Opening brief due by 12/29/2023. Benjamin A Armstrong ProTem Judge - Author
83.	1-Nov-2023	ORDERED: Granting the motion and designating this matter a complex case. FURTHER ORDERED: Appellant's optional motion to supplement the record on appeal must be filed by 11/20/2023. FURTHER ORDERED: Appellant must file the opening brief by 01/05/2024. FURTHER ORDERED: Appellee must file the answering brief by 03/05/2024. FURTHER ORDERED: Appellant must file the reply brief by 04/15/2024. Hon David B Gass - Author
84.	15-Nov-2023	FILED: Reporter's Transcript - 07/17/2019 - Status Conference (Kimberly C. McCright)
85.	5-Jan-2024	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
86.	9-Jan-2024	FILED: Notice of Appearance; Certificate of Service (Appellee)
87.	9-Feb-2024	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
88.	26-Feb-2024	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
89.	29-Feb-2024	FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
90.	5-Mar-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record
91.	26-Mar-2024	CLNDR: MONTHLY COURT CASE CALENDAR, Department C, 5-15-24, 10:15 am, COURTROOM 1.
92.	27-Mar-2024	FILED: Notice of Oral Argument
93.	28-Mar-2024	FILED: Return Receipt for Notice of Oral Argument, signed by Damon A. Rossi on 03/27/2024 (Appellant)
94.	29-Mar-2024	FILED: Return Receipt for Notice of Oral Argument, signed by Joshua C. Smith on 03/27/2024 (Appellee)