

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

May 23, 2024...Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2018-000917-001, Fraudulent Schemes/Artifices, Class 2, 10.5 years, ADOC, Scott Sebastian Minder, Sentencing, JURY.

DESCENDENT CASE(S)

ASC CR-24-0153-PR

OPEN DUE DATE

Petition for Review to ASC due

Due By:

Tuesday, July 30, 2024

[1 extension]

Re: MEMORANDUM DECISION (Affirmed) Hon Paul J McMurdie - Author; Hon Maria Elena Cruz - Concur; Hon Cynthia J Bailey - Concur

CASE DECISION

23-May-2024 MEMORANDUM DECISION

Paul McMurdie.....Author

Maria Cruz.....Concur

Cynthia Bailey.....Concur

Filed: 23-May-2024

Mandate:

Decision Disposition

Affirmed

97 PROCEEDING ENTRIES

- 1. 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.
2. 14-Jun-2023 FILED: Appellate Clerk Notice (31.2(g))
3. 21-Jun-2023 FILED: Reporter's Transcript - 08/16/2019 - Evidentiary Hearing (Catherine Turner)
4. 21-Jun-2023 FILED: Reporter's Transcript - 01/17/2023 - Jury Trial (Catherine Turner)
5. 21-Jun-2023 FILED: Reporter's Transcript - 01/18/2023 - Jury Trial (Catherine Turner)
6. 21-Jun-2023 FILED: Reporter's Transcripts - 11/01/2019 - Evidentiary Hearing (Treva B. Colwell)
7. 21-Jun-2023 FILED: Reporter's Transcripts - 01/24/2020 - Evidentiary Hearing (Treva B. Colwell)
8. 21-Jun-2023 FILED: Reporter's Transcripts - 06/16/2020 - Evidentiary Hearing (Treva B. Colwell)
9. 21-Jun-2023 FILED: Reporter's Transcripts - 06/18/2020 - Evidentiary Hearing (Treva B. Colwell)

Court of Appeals, Division One

Criminal

1 CA-CR 23-0224

STATE v. CLEMENTS

97 PROCEEDING ENTRIES

- 10. 21-Jun-2023 FILED: Reporter's Transcript - 05/18/2023 - Sentencing (Debra Carney)  
[see corrected transcript filed 06/26/2023]
- 11. 23-Jun-2023 FILED: Reporter's Transcripts - 06/14/2019 - Status Conference (Treva B. Colwell)
- 12. 23-Jun-2023 FILED: Reporter's Transcripts - 08/15/2019 - Status Conference (Treva B. Colwell)
- 13. 23-Jun-2023 FILED: Reporter's Transcripts - 08/10/2018 - Final Trial Management Conference (Treva B. Colwell)
- 14. 23-Jun-2023 FILED: Reporter's Transcripts - 09/06/2018 - Status Conference (Treva B. Colwell)
- 15. 23-Jun-2023 FILED: Reporter's Transcripts - 11/30/2018 - Status Conference (Treva B. Colwell)
- 16. 23-Jun-2023 FILED: Reporter's Transcripts - 04/12/2019 - Status Conference (Treva B. Colwell)
- 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 Kuhnhehn 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 Kuhnhehn)
- 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

**Court of Appeals, Division One****Criminal****1 CA-CR 23-0224****STATE v. CLEMENTS****97 PROCEEDING ENTRIES**

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)
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)

**Court of Appeals, Division One****Criminal****1 CA-CR 23-0224****STATE v. CLEMENTS****97 PROCEEDING ENTRIES**

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
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 Coordinators 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)
95. 15-May-2024 FILED: Sign-in Sheet/Case is Under Advisement as of 05/15/2024

**Court of Appeals, Division One**

**Criminal**

**1 CA-CR 23-0224**

**STATE v. CLEMENTS**

**97 PROCEEDING ENTRIES**

- 96. 23-May-2024 MEMORANDUM DECISION (Affirmed) Hon Paul J McMurdie - Author; Hon Maria Elena Cruz - Concur; Hon Cynthia J Bailey - Concur
- 97. 23-May-2024 FILED: Decision Distribution Notification
- 98. 21-Jun-2024 FILED: ASC Order filed 06/21/2024 re: extending time for filing Petition for Review to 07/30/2024; matter subject to dismissal if the petition for review is not filed by 07/30/2024.