

# Court of Appeals, Division One

Criminal

**1 CA-CR 23-0245**

**STATE v. PALMARES**

## Appellate Case Information

Case Filed: 26-Jun-2023

Case Closed:

## Dept/Composition

### Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorney for: Appellee

Michael O'Toole, Esq. (AZ Bar No. 19555)

### Side 2. ESTEVANICO DOS QUILOMBO PALMARES, Appellant

(Litigant Group) ESTEVANICO DOS QUILOMBO PALMARES

- Estevanico Dos Quilombo Palmares

Attorney for: Appellant

Kerrie M Droban Zhivago, Esq. (AZ Bar No. 16464)

## CASE STATUS

Nov 7, 2023.....Record Complete-Notice Completion Sent

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2020-120106-001	Murder 2nd Deg-Intentional, Class 1; Murder 2nd Deg-Intentional, Class 1; Poss Wpn By Prohib Person, Clas 4	29 Years; 29 Years; 10 Years	Kevin B Wein, Sentencing	JURY	

## OPEN DUE DATE

Answering Brief Due

Due By:

Wednesday, May 29, 2024

Re: FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)

[2 extensions]

## 77 PROCEEDING ENTRIES

- 26-Jun-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 06/19/23 - Notification to Court Reporters dated 6/23/23
- 27-Jun-2023 FILED: Appellate Clerk Notice (31.2(g))
- 29-Jun-2023 ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Court reporters Michele Kaley, Kit Walker, Scott Kindle, Catherine Turner, Cynthia Lineburg, Hope Yeager, Debra Carney, Lauren Kuhnhenh, and Vanessa Gartner Transcripts due by 08/14/2023. Benjamin A Armstrong ProTem Judge - Author
- 14-Jul-2023 FILED: Courtesy Copy - Designation of Record for Appeal Filed in Superior Court (Appellant)
- 17-Jul-2023 ORDERED: Court Reporter Debra Carney transcript(s) dated 04/29/2022 due by 08/31/2023. FURTHER ORDERED: Reaffirming this previously set due date of 08/14/2023 for transcripts dated 02/13/2023, 02/14/2023 for Court Reporter Debra Carney. FURTHER ORDRED: Ken Crenshaw transcript(s) dated 11/01/2021, 03/09/2022, 05/20/2022, 06/13/2022, 01/10/2023, 01/18/2023, 01/25/2023 (9:03am - 9:17am), 01/25/2023 (11:07am - 11:49am), 01/31/2023, 03/01/2023, 04/04/2023, 04/12/2023 (9:15am - 9:26am), 04/12/2023 (11:12am - 11:30am) due by 08/31/2023. FURTHER ORDRED: Court Reporter Treva B Colwell transcript(s) dated 03/24/2023, 08/24/2021 due by 08/31/2023. FURTHER ORDRED: Court Reporter Vanessa Gartner transcript(s) dated 02/01/2023 due by 08/31/2023. FURTHER ORDRED: Court Reporter Monica S Hill-Morrisette transcript(s) dated 02/01/2023 due by 08/31/2023. FURTHER ORDRED: Court Reporter Tara L Kramer transcript(s) dated 10/25/2022, 05/03/2022, 06/17/2021 due by 08/31/2023. FURTHER ORDRED: Court Reporter Terry L Masciola transcript(s) dated 07/25/2022 due by 08/31/2023. FURTHER ORDRED: Court Reporter Kristine Mayo transcript(s) dated 12/13/2021, 01/11/2021, 12/14/2020, 12/07/2020 due by 08/31/2023. FURTHER ORDRED: Court Reporter Robin G Bobbie transcript(s) dated 08/06/2021 due by 08/31/2023. FURTHER ORDRED: Court Reporter Linda C Lopez transcript(s) dated 04/02/2021 due by 08/31/2023. Hon Randall M Howe - Author  
  
[Portion of order vacated per order filed 10/17/2023]
- 19-Jul-2023 FILED: Reporter's Transcript - 02/09/2023 - Jury Trial - (Catherine Turner)
- 20-Jul-2023 FILED: Reporter's Transcript - 02/16/2023 - Jury Trial (Catherine Turner)
- 20-Jul-2023 FILED: Reporter's Transcripts - 03/24/2023 - Oral Argument re: State's Motion for In Camera Review and Request for Protective Order (Treva B. Colwell)

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9. 20-Jul-2023 FILED: Reporter's Transcripts - 08/24/2021 - Status Conference (Treva B. Colwell)
10. 24-Jul-2023 FILED: Reporter's Transcript - 02/21/2023 - Jury Trial - (Catherine Turner)
11. 24-Jul-2023 FILED: Reporter's Transcript - 02/22/2023 - Jury Trial - (Catherine Turner)
12. 2-Aug-2023 FILED: e-Record on Appeal:  
Instruments/Minute Entries: Combined  
Disposition Report: 293  
Exhibits: None sent with e-Record
13. 2-Aug-2023 FILED: Additional Record on Appeal  
Physical Exhibits:  
Hearing Date: 04/02/2021 List # 1 2 3 4 5 6 7 8 9 10 11 12 in manila envelope (in a box)  
Hearing Date: 08/06/2021 List # 1 4 6 in manila envelope (in a box)  
Hearing Date: 04/29/2022 List # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 19 in manila envelope (in a box)  
Hearing Date: 02/01/2023 List # 7 9 17 22 28 34 35 36 37 40 42 43 46 47 48 49 50 53 54 55 56 57 59 in manila envelope (in a box)  
Hearing Date: 04/20/2023 List # 4 9 10 12 in manila envelope (in a box)  
Hearing Date: 06/19/2023 List # 1 2 3 4 5 in manila envelope (in a box)  
Sealed Exhibit:  
Confidential Criminal History Report in Sealed Manila Envelope
14. 3-Aug-2023 FILED: Reporter's Transcript - 04/24/2023 - Jury Trial (Kit Walker)
15. 3-Aug-2023 FILED: Reporter's Transcript - 04/25/2023 - Jury Trial (Kit Walker)
16. 8-Aug-2023 FILED: Reporter's Transcripts - 02/13/2023 - Jury Trial (Lauren Kuhnhenh)
17. 9-Aug-2023 FILED: First Motion for Extension of Time to File Transcripts (Debra Carney)
18. 10-Aug-2023 ORDERED: First Motion for Extension of Time to File Transcripts (Debra Carney) = GRANTED. Due Dates EXTENDED to 09/13/2023 for Transcripts dated 02/14/2023, 02/13/2023 or OSC set on 09/20/2023. Hon Randall M Howe - Author
19. 10-Aug-2023 FILED: Reporter's Transcript - 04/20/2023 - Trial Day 1 (Scott Kindle)
20. 11-Aug-2023 FILED: Reporter's Transcript - 06/19/2023 - Sentencing (Michele Kaley)
21. 13-Aug-2023 FILED: Motion to Extend (Time to File Transcripts) (Vanessa Gartner)
22. 14-Aug-2023 ORDERED: Motion to Extend (Time to File Transcripts) (Vanessa Gartner) = GRANTED. Due date EXTENDED from Monday, 08-14-2023 to Wednesday, 09-13-2023 (Transcript for 02/07/2023 by Reporter Vanessa Gartner) or OSC set on 09/20/2023. Hon Randall M Howe - Author
23. 14-Aug-2023 FILED: Motion for Extension of Time to File Transcripts (Hope J Yeager)
24. 15-Aug-2023 ORDERED: Motion for Extension of Time to File Transcripts (Hope J Yeager) = GRANTED. Due Dates EXTENDED to 09/13/2023 for Transcripts dated 02/14/2023, 02/08/2023, or OSC set on 09/20/2023. Hon Randall M Howe - Author  
  
[VACATED per order filed 09/13/2023]
25. 16-Aug-2023 FILED: Reporter's Transcript - 06/17/2021 - Motion to Reconsider - (Tara L. Kramer)
26. 16-Aug-2023 FILED: Reporter's Transcript - 05/03/2022 - Discussion re Pending Motions in Limine - (Tara L. Kramer)
27. 16-Aug-2023 FILED: Reporter's Transcript - 10/25/2022 - Defendant's Motion to Change Counsel - (Tara L. Kramer)
28. 17-Aug-2023 FILED: Reporter's Transcript - 02/15/2023 - Trial (Cindy Lineburg)
29. 18-Aug-2023 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
30. 21-Aug-2023 ORDERED: Motion to Unseal Documents (Appellant) = GRANTED. Upon presentation of this order, unsealing the Court Information Sheets (Index of Record [IR] Nos. 2 and 9); Original Sealed Document (IR 35); Original Sealed Document (Witness Detective Diponzio's Response to State's Motion for in Camera Review and Request for Protective Order Related to Ms. Diponzio's Medical Records) (IR 204); Original Sealed Document (Witness Detective Diponzio's Responses to State's Motion for in Camera Review and Request for Protective Order) (IR 216); Original Sealed Document (State's Motion for in Camera Review and Request for Protective Order) (IR 217); Random Jury List (IR 221); Original Sealed Document (Minute Entry Dated 2/21/23) (IR 229); Original Sealed Documents (Jury Questionnaires) (IR 236-41, inclusive); and Restitution Ledger Request (IR 282), for parties/agents for this appeal only. Geoffrey P Butzine ProTem Judge - Author

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31.	23-Aug-2023	FILED: Reporter's Transcript - 01/25/2023 - Trial Assignment (Joseph Burstein)
32.	23-Aug-2023	FILED: Reporter's Transcript - 01/31/2023 - Status Conference Non-Witness Violation Hearing - Continuance (Alison Wilson)
33.	23-Aug-2023	FILED: Reporter's Transcript - 03/01/2023 - Status Conference (Alison Wilson)
34.	23-Aug-2023	FILED: Reporter's Transcript - 04/12/2023 - Trial Assignment (Alison Wilson)
35.	23-Aug-2023	FILED: Reporter's Transcript - 11/01/2021 - Settlement Conference Non-Witness Violation Hearing - Continuance (Alison Wilson)
36.	23-Aug-2023	FILED: Reporter's Transcript - 05/20/2022 - Oral Argument Continuance - Non-Witness Violation Hearing (Courtney Noble)
37.	23-Aug-2023	FILED: Reporter's Transcript - 06/13/2022 - Complex Case Management Conference (Courtney Noble)
38.	23-Aug-2023	FILED: Reporter's Transcript - 01/25/2023 - Trial Procedure Conference (Eva Wynn)
39.	23-Aug-2023	FILED: Reporter's Transcripts - 02/07/2023 - Trial - Day 2 (Vanessa Gartner)
40.	25-Aug-2023	FILED: Reporter's Transcripts - 12/07/2020 - Status Conference (Kristine Mayo)
41.	25-Aug-2023	FILED: Reporter's Transcripts - 12/14/2020 - Status Conference (Kristine Mayo)
42.	25-Aug-2023	FILED: Reporter's Transcripts - 01/11/2021 - Trial Continuance (Kristine Mayo)
43.	25-Aug-2023	FILED: Reporter's Transcripts - 12/13/2021 - Trial Continuance (Kristine Mayo)
44.	28-Aug-2023	FILED: Reporter's Transcript - 04/29/2022 - Evidentiary Hearing - (Debra Carney)
45.	28-Aug-2023	FILED: Reporter's Transcripts - 02/01/2023 - Trial Day 1 (Vanessa Gartner)
46.	28-Aug-2023	FILED: Reporter's Transcript - 08/06/2021 - Evidentiary Hearing (Robin Lawlor)
47.	28-Aug-2023	FILED: Reporter's Transcript - 07/25/2022 - Final Trial Management Conference - (Terry Masciola)
48.	29-Aug-2023	FILED: Reporter's Transcript - 04/02/2021 - Evidentiary Hearing (Linda Lopez)
49.	30-Aug-2023	FILED: Reporter's Transcript - 02/01/2023 - Jury Trial (Monica S. Hill-Morrisette)
50.	6-Sep-2023	ORDERED: Ken Crenshaw transcript(s) dated 03/09/2022, 01/10/2023, 01/18/2023, 04/04/2023, 04/12/2023, due by 10/06/2023 or OSC set for 10/18/2023 Hon Randall M Howe - Author  [VACATED per order filed 10/17/2023]
51.	12-Sep-2023	FILED: Reporter's Transcript - 02/13/2023 - Trial Day 5 - PM Session (Debra Carney)
52.	12-Sep-2023	FILED: Reporter's Transcript - 02/14/2023 - Trial Day 6 - PM Session (Debra Carney)
53.	12-Sep-2023	FILED: 2nd Motion for Extension of Time to File Transcripts (Hope Yeager)
54.	13-Sep-2023	ORDERED: 2nd Motion for Extension of Time to File Transcripts (Hope Yeager) = GRANTED. Due Dates EXTENDED to 10/13/2023 for Transcripts dated 02/14/2023, 02/08/2023 or OSC set on 10/18/2023. FURTHER ORDERED: Vacating OSC set for 09/20/2023. Hon Randall M Howe - Author
55.	12-Oct-2023	FILED: Reporter's Transcript - 02/14/2023 - Trial - Day 6 - A.M. - (Hope J Yeager)
56.	16-Oct-2023	FILED: Reporter's Transcript - 01/18/2023 - Transcript: Non-witness Violation Hearing (Kimberly C. McCright)
57.	16-Oct-2023	FILED: Reporter's Transcript - 02/08/2023 - Trial - Day 3 - (Hope J Yeager)
58.	16-Oct-2023	FILED: Motion to Extend Time to File Transcripts (Ken Crenshaw)
59.	16-Oct-2023	FILED: Affidavit Regarding Ordered Transcripts (Ken Crenshaw)
60.	17-Oct-2023	ORDERED: Motion to Extend Time to File Transcripts (Ken Crenshaw) = GRANTED. Due Dates EXTENDED to 11/06/2023 for Transcripts dated 03/09/2022, 01/10/2023, 04/04/2023, 04/12/2023 or OSC set on 11/15/2023. FURTHER ORDERED: Vacating the OSC currently set for 10/18/2023. Hon Randall M Howe - Author
61.	17-Oct-2023	ORDERED: Vacating that portion of the court's order dated 07/17/2023, directing Court Reporter Coordinator Ken Crenshaw to file the transcript(s) (dated 03/09/2022 and 04/12/2023). Hon Randall M Howe - Author
62.	18-Oct-2023	FILED: Reporter's Transcript - 04/04/2023 - Status Conference (Anne Manscill)

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63.	6-Nov-2023	FILED: Reporter's Transcript - 01/10/2023 - Final Trial Management Conference (Kimberly C. McCright)
64.	7-Nov-2023	FILED: Notice of Completion of Record
65.	15-Nov-2023	FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
66.	20-Nov-2023	ORDERED: Motion to Withdraw and Substitute New Counsel (Appellant) = GRANTED. FURTHER ORDERED: Appointing attorney Kerrie Droban Zhivago as attorney for appellant in this appeal. FURTHER ORDERED: 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: Motion to Extend Opening Brief Due Date = GRANTED. Due date EXTENDED from Friday, 12-22-2023 to Monday, 02-05-2024. Benjamin A Armstrong ProTem Judge - Author
67.	11-Dec-2023	FILED: Untitled (Motion to Accelerate) (Appellant Pro Per)
68.	18-Dec-2023	ORDERED: Untitled (Motion to Accelerate) (Appellant Pro Per) = DENIED. Benjamin A Armstrong ProTem Judge - Author
69.	5-Feb-2024	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
70.	5-Feb-2024	FILED: Motion to Dismiss Counsel (Appellant Pro Per)
71.	12-Feb-2024	ORDERED: Motion to Dismiss Counsel (Appellant Pro Per) = DENIED. FURTHER ORDERED: Denying the motion for self-representation. Benjamin A Armstrong ProTem Judge - Author
72.	18-Mar-2024	FILED: Notice of Appearance; Certificate of Service (Appellee)
73.	18-Mar-2024	FILED: Expedited Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
74.	19-Mar-2024	ORDERED: Expedited Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Monday, 03-18-2024 to Monday, 04-29-2024 Benjamin A Armstrong ProTem Judge - Author
75.	20-Mar-2024	FILED: Notice of Substitution of Counsel; Certificate of Service (Appellee)
76.	24-Apr-2024	FILED: Motion for Procedural Order (Request for Extension of Time to File Answering Brief, First Request, No Objection); Certificate of Service (Appellee)
77.	24-Apr-2024	ORDERED: Motion for Procedural Order (Request for Extension of Time to File Answering Brief, First Request, No Objection) (Appellee) = GRANTED. Due date EXTENDED from Monday, 04-29-2024 to Wednesday, 05-29-2024. Benjamin A Armstrong ProTem Judge - Author