

**Court of Appeals, Division One****Criminal - Anders Appeal****1 CA-CR 23-0288****STATE v. LINDSEY****Appellate Case Information**

Case Filed: 20-Jul-2023

Case Closed:

**Dept/Composition****Department D**Hon. David D Weinzwieg  
Hon. Michael S Catlett  
Hon. Maria Elena Cruz**Side 1. STATE OF ARIZONA, Appellee****(Litigant Group) STATE OF ARIZONA**

- State of Arizona

**Attorneys for: Appellee**

Alice Jones, Esq. (AZ Bar No. 28062)

**Side 2. GUSTAVO ARMANDO LINDSEY, Appellant****(Litigant Group) GUSTAVO ARMANDO LINDSEY**

- Gustavo Armando Lindsey

**Attorney for: Appellant**

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

**CASE STATUS****Apr 9, 2024.....Decision Rendered**

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2022-131319-001	Agg Aslt Dv-Impede Breathing, Class 4	4 years, ADOC	Sam J Myers, Sentencing	JURY	

**2 OPEN DUE DATES****Motion for Reconsideration Due****Due By:**

Thursday, May 9, 2024

*Re: MEMORANDUM DECISION (Affirmed) Hon David D Weinzwieg - Author; Hon Michael S Catlett - Concur; Hon Maria Elena Cruz - Concur (Motion for reconsideration extended thirty days from date of this decision.)***Petition for Review to ASC due****Due By:**

Thursday, May 9, 2024

*Re: MEMORANDUM DECISION (Affirmed) Hon David D Weinzwieg - Author; Hon Michael S Catlett - Concur; Hon Maria Elena Cruz - Concur (Motion for reconsideration extended thirty days from date of this decision.)***CASE DECISION****09-Apr-2024 MEMORANDUM DECISION**

David Weinzwieg.....Author

Michael Catlett.....Concur

Maria Cruz.....Concur

Filed: 09-Apr-2024

Mandate:

Decision Disposition

**Affirmed****38 PROCEEDING ENTRIES**

- 20-Jul-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 07/14/23. Notification to Court Reporters dated 07/19/2023.
- 20-Jul-2023 FILED: Appellate Clerk Notice (31.2(g))
- 21-Jul-2023 ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Court reporters Kristine Mayo, Tara Kramer, April Escobedo, and Michele Kaley Transcripts due 09/05/2023. Benjamin A Armstrong ProTem Judge - Author
- 26-Jul-2023 FILED: Courtesy Copy - Designation of Record for Appeal Filed in Superior Court (Appellant)
- 27-Jul-2023 ORDERED: Court Reporter Coordinator Ken Crenshaw transcript(s) dated 09/28/2022, 11/10/2022, 01/24/2023, 04/17/2023, 04/21/2023, 04/26/2023, 05/10/2023 due by 09/11/2023. Hon Randall M Howe - Author
- 7-Aug-2023 FILED: Reporter's Transcript - 07/07/2023 - Sentencing (Michele Kaley)
- 18-Aug-2023 FILED: Reporter's Transcript - 05/08/2023 - Jury Trial (Tara L. Kramer)
- 18-Aug-2023 FILED: Reporter's Transcript - 05/09/2023 - Jury Trial (Tara L. Kramer)
- 24-Aug-2023 FILED: Reporter's Transcript - 05/10/2023 - Jury Trial - (Tara L. Kramer)

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10.	24-Aug-2023	FILED: Reporter's Transcript - 05/11/2023 - Jury Trial - (Tara L. Kramer)
11.	24-Aug-2023	FILED: Reporter's Transcript - 05/15/2023 - Jury Trial - (Tara L. Kramer)
12.	25-Aug-2023	FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: 150 Exhibits: None sent with e-Record
13.	26-Aug-2023	FILED: Reporter's Transcripts - 05/04/2023 - Trial Day 1 (Kristine Mayo)
14.	28-Aug-2023	FILED: Additional Record on Appeal Physical Exhibits: Hearing Date: 05/04/2023 - List # 2 4 5 6 9 12 in manila envelope
15.	31-Aug-2023	FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
16.	4-Sep-2023	FILED: Reporter's Transcripts - Trial - Day 7 - 05/16/2023 (April Escobedo)
17.	5-Sep-2023	ORDERED: Motion to Unseal Documents (Appellant) = GRANTED. Upon presentation of this order, unsealing the Court Information Sheets (I.O.R. 6 and 13); the Victim Identifier Information Form (I.O.R. 8); the Juror Questionnaires (I.O.R. 118, 119, 120 and 121); and the Random Jury List (I.O.R. 124), for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
18.	5-Sep-2023	FILED: Reporter's Transcripts - Jury Trial - Day 9 - 05/18/2023 (April Escobedo)
19.	7-Sep-2023	FILED: Reporter's Transcript - 04/21/2023 - Trial Procedure Conference/Complex Case (Kimberly McCright)
20.	7-Sep-2023	FILED: Reporter's Transcript - 04/26/2023 - Status Conference/Complex Case (Kimberly McCright)
21.	7-Sep-2023	FILED: Reporter's Transcript - 05/10/2023 - Jury Trial - Day 4 Complex Case (Kimberly McCright)
22.	7-Sep-2023	FILED: Reporter's Transcript - 09/28/2022 - Oral Argument (Kimberly C. McCright)
23.	7-Sep-2023	FILED: Reporter's Transcript - 11/10/2022 - Comprehensive Pretrial Conference/trial Continuance Past Last Day (Kimberly C. McCright)
24.	7-Sep-2023	FILED: Reporter's Transcript - 01/24/2023 - Complex Case Order (Kimberly C. McCright)
25.	7-Sep-2023	FILED: Reporter's Transcript - 04/17/2023 - Trial Assignment Calendar (Kimberly C. McCright)
26.	8-Sep-2023	FILED: Notice of Completion of Record
27.	21-Sep-2023	FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
28.	25-Sep-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: 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 Monday, 10-23-2023 to Thursday, 11-09-2023. Benjamin A Armstrong ProTem Judge - Author
29.	6-Nov-2023	FILED: Letter, dated 11/06/2023, to Appellant from Counsel re: Forwarding records on appeal (Appellant)
30.	6-Nov-2023	FILED: Appellant's Opening Brief (Anders Brief); Certification of Compliance; Certificate of Service (Appellant)
31.	6-Nov-2023	FILED: Request Leave to Allow Appellant to File Supplemental Brief in Propria Persona; Certificate of Service (Appellant)
32.	8-Nov-2023	ORDERED: Allowing appellant to file supplemental brief in propria persona. FURTHER ORDERED: Counsel to send copy of record to appellant, and copy of transmittal letter to Clerk/AG. FURTHER ORDERED: Appellant may raise additional points on/before 12/18/2023. FURTHER ORDERED: Answering brief to await court order. Benjamin A Armstrong ProTem Judge - Author
33.	27-Dec-2023	FILED: Assigning Anders appeal to Dept D for consideration and disposition. [Amy M. Wood, Clerk]
34.	27-Dec-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
35.	16-Jan-2024	FILED: Amended Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
36.	26-Jan-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record

**Court of Appeals, Division One**

**Criminal - Anders Appeal**

**1 CA-CR 23-0288**

**STATE v. LINDSEY**

**38 PROCEEDING ENTRIES**

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| 37. | 9-Apr-2024 | MEMORANDUM DECISION (Affirmed) Hon David D Weinzwieg - Author; Hon Michael S Catlett - Concur; Hon Maria Elena Cruz - Concur (Motion for reconsideration extended thirty days from date of this decision.) |
| 38. | 9-Apr-2024 | FILED: Decision Distribution Notification  |