

# Court of Appeals, Division One

Criminal

**1 CA-CR 23-0348**

**STATE v. BRICE**

## Appellate Case Information

Case Filed: 21-Aug-2023

Case Closed:

## Dept/Composition

### Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

#### Attorneys for: Appellee

Ashley Torkelson Levine, Esq. (AZ Bar No. 32544)

### Side 2. JERRY MARVETTE BRICE, Appellant

(Litigant Group) JERRY MARVETTE BRICE

- Jerry Marvette Brice

#### Attorneys for: Appellant

Amy E Bain, Esq. (AZ Bar No. 15092)

## CASE STATUS

Nov 9, 2023.....Record Complete-Notice Completion Sent

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2020-002330-001	See file	See file	Kevin B Wein, Sentencing	JURY	

## OPEN DUE DATE

### Answering Brief Due

Due By: Wednesday, June 12, 2024

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

[1 extension]

## 64 PROCEEDING ENTRIES

- 21-Aug-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 08/11/23. Notification to Court Reporters dated 08/18/2023.
- 21-Aug-2023 FILED: Appellate Clerk Notice (31.2(g))
- 24-Aug-2023 ORDERED: Court reporters Vanessa Gartner, Kristyn Lobry, Lori Reinhardt, Kit Walker, Scott Kindle, Monica Hill-Morrisette, Luz Franco, Kristine Mayo, and Lauren Kuhnhehn, transcripts due 10/10/2023. Geoffrey P Butzine ProTem Judge - Author  
[AMENDED per order filed 08/25/2023]
- 25-Aug-2023 AMENDED ORDER: Appointing the Maricopa County Office of the Public Defender as counsel for Appellant for all further proceedings on appeal. FURTHER ORDERED: Court reporters Vanessa Gartner, Kristyn Lobry, Lori Reinhardt, Kit Walker, Scott Kindle, Monica Hill-Morrisette, Luz Franco, Kristine Mayo, and Lauren Kuhnhehn, transcripts due 10/10/2023. Geoffrey P Butzine ProTem Judge - Author
- 1-Sep-2023 FILED: Courtesy Copy - Designation of Record for Appeal Filed in Superior Court (Appellant)
- 5-Sep-2023 ORDERED: Court Reporter Coordinator Ken Crenshaw transcripts dated 01/07/2021; 05/18/2021; 07/27/2021; 09/28/2021; 01/11/2022; 02/28/2022; 03/08/2022; 04/20/2022; 06/07/2022; 08/11/2022 due by 10/20/2023. FURTHER ORDERED: Court Reporter Kristyn Lobry transcript dated 11/29/2021 due by 10/20/2023. FURTHER ORDERED: Reaffirming the previous due of 10/10/2023 for transcript dated 04/19/2023 (Morning Session) for Court Reporter Kristyn Lobry. FURTHER ORDERED: Court Reporter Hope Yeager transcript dated 10/11/2022 due by 10/20/2023. FURTHER ORDERED: Court Reporter April Escobedo transcript dated 11/14/2022 due by 10/20/2023. FURTHER ORDERED: Court Reporter Michael Babicky transcripts dated 01/09/2023; 03/28/2023 due by 10/20/2023. FURTHER ORDERED: Court Reporter Diane Donoho transcript dated 04/10/2023 due by 10/20/2023. Hon Randall M Howe - Author  
[09/28/2021 Transcript VACATED per order filed 10/06/2023]
- 6-Sep-2023 FILED: Reporter's Transcripts - 04/18/2023 - Trial - Day 1 (Vanessa Gartner)
- 6-Sep-2023 FILED: Reporter's Transcripts - 08/11/2023 - Trial on Priors/Sentencing (Vanessa Gartner)
- 22-Sep-2023 FILED: e-Record on Appeal:  
Instruments/Minute Entries: Combined  
Disposition Report: None  
Exhibits: None sent with e-Record

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10. 25-Sep-2023 FILED: Additional Record on Appeal  
Physical Exhibits:  
Hearing Date: 04/18/2023 - LIST # 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37  
38 39 40 41 42 43 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 71 72 74 79 101 102 108 110 116 118 119 120 121 123  
124 125 126 130 131 132 133 134 135 136 137 138 139 140 141 142 145 146 147 148 149 150 151 152 153 154 155 156 163  
164 165 166 167 169 170 171 172 173 in manila envelope  
Hearing Date: 08/11/2023 - LIST # 1 2 3 4 5 6 in manila envelope  
Sealed Exhibit:  
Confidential Criminal History Report in Sealed Manila Envelope
11. 27-Sep-2023 FILED: Reporter's Transcript - 04/19/2023 - Trial Day 2 (Lori Reinhardt)
12. 3-Oct-2023 FILED: Reporter's Transcript - 04/25/2023 - Trial Day 4 (Scott Kindle)
13. 3-Oct-2023 FILED: Reporter's Transcript - 04/26/2023 - Trial Day 5 (Scott Kindle)
14. 3-Oct-2023 FILED: Reporter's Transcript - 05/01/2023 - Trial Day 6 (Scott Kindle)
15. 3-Oct-2023 FILED: Reporter's Transcript - 05/02/2023 - Trial Day 7 (Scott Kindle)
16. 4-Oct-2023 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
17. 4-Oct-2023 FILED: Reporter's Transcripts - 05/18/2023 - Jury Trial - (Lauren Kuhnhehn)
18. 4-Oct-2023 FILED: Reporter's Transcript - 04/19/2023 - Trial Day 2 A.m. (Kristyn Lobry)
19. 4-Oct-2023 FILED: Reporter's Transcript - 11/29/2021 - Complex Case Management Conference (Kristyn Lobry)
20. 5-Oct-2023 FILED: Courtesy Copy - Amended Designation of Record for Appeal Filed in Superior Court (Appellant)
21. 6-Oct-2023 ORDERED: Vacating that portion of the court's order dated 09/05/2023, directing Court Reporter Coordinator Ken Crenshaw to file the transcript dated 09/28/2021. Hon Randall M Howe - Author
22. 8-Oct-2023 FILED: Reporter's Transcripts - Continuance - 11/14/2022 (April Escobedo)
23. 8-Oct-2023 FILED: Reporter's Transcript - 10/11/2022 - Trial Continuance - (Hope J Yeager)
24. 9-Oct-2023 FILED: Reporter's Transcript - Trial (Cont'g) - 05/09/2023 - Luz Franco
25. 9-Oct-2023 FILED: Reporter's Transcripts - 5/11/2023 - Trial Day 13 - (Kristine Mayo)
26. 9-Oct-2023 FILED: Reporter's Transcripts - 05/16/2023 - Trial Day 14 - (Kristine Mayo)
27. 9-Oct-2023 FILED: Reporter's Transcripts - 05/17/2023 - Trial Day 15 - (Kristine Mayo)
28. 10-Oct-2023 FILED: Reporter's Transcript - Trial (Cont'g) - 05/10/2023 - (Luz Franco)
29. 10-Oct-2023 FILED: Reporter's Transcript - 04/20/2023 - Jury Trial (Kit Walker)
30. 10-Oct-2023 FILED: First Motion for Extension of Time to File (Time to File Transcripts) (Monica S Hill-Morrisette)
31. 10-Oct-2023 ORDERED: First Motion for Extension of Time to File (Time to File Transcripts) (Monica S Hill-Morrisette) = GRANTED. Due Dates EXTENDED to 11/09/2023 for Transcripts dated 05/03/2023, 05/04/2023, 05/08/2023, 05/22/2023 or OSC set on 11/15/2023. Hon Randall M Howe - Author
32. 10-Oct-2023 ORDERED: Motion to Unseal Documents (Appellant) = GRANTED. Upon presentation of this order, unsealing the Court Information Sheet (I.O.R. 3); and Random Jury List (I.O.R. 259); the Sealed Jury Questionnaires (I.O.R. 260, 261, 262, and 263); and the Restitution Ledger Request (I.O.R. 271), for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
33. 13-Oct-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
34. 16-Oct-2023 FILED: Reporter's Transcript - 02/28/2022 - Settlement Conference - (Stacy Mcwhorter)
35. 16-Oct-2023 FILED: Reporter's Transcript - 07/27/2021 - Complex Case Management Conference - (Stacy Mcwhorter)
36. 16-Oct-2023 FILED: Reporter's Transcript - 01/07/2021 - Status Conference - (Stacy Mcwhorter)
37. 16-Oct-2023 FILED: Reporter's Transcript - 05/18/2021 - Status Conference - (Stacy Mcwhorter)
38. 16-Oct-2023 FILED: Reporter's Transcript - 01/11/2022 - Final Trial Management Conference - (Stacy Mcwhorter)

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39.	16-Oct-2023	FILED: Reporter's Transcript - 06/07/2022 - Trial Continuance Past Last Day - (Stacy Mcwhorter)
40.	16-Oct-2023	FILED: Reporter's Transcript - 04/20/2022 - Trial Continuance - (Stacy Mcwhorter)
41.	16-Oct-2023	FILED: Reporter's Transcript - 03/08/2022 - Final Trial Management Conference - (Stacy Mcwhorter)
42.	16-Oct-2023	FILED: Reporter's Transcript - 08/11/2022 - Trial Continuance Past Last Day (Stacy Mcwhorter)
43.	21-Oct-2023	FILED: Reporter's Transcript - 04/10/2023 - Trial Procedures Conference (Diane Donoho) [See AMENDED Transcript filed 10/24/2023]
44.	24-Oct-2023	FILED: Reporter's Transcript - 04/10/2023 - Trial Procedures Conference (Amended) (Diane Donoho)
45.	6-Nov-2023	FILED: Reporter's Transcripts - 01/09/2023 - Hearing (Michael Babicky)
46.	6-Nov-2023	FILED: Reporter's Transcripts - 03/28/2023 - Hearing (Michael Babicky)
47.	7-Nov-2023	FILED: Reporter's Transcripts - 03/28/2023 - Hearing - (Michael Babicky) (Duplicate)
48.	9-Nov-2023	FILED: Reporter's Transcript - 05/03/2023 - Jury Trial - (Monica S Hill-Morrisette)
49.	9-Nov-2023	FILED: Reporter's Transcript - 05/04/2023 - Jury Trial - (Monica S Hill-Morrisette)
50.	9-Nov-2023	FILED: Reporter's Transcript - 05/08/2023 - Jury Trial - (Monica S Hill-Morrisette)
51.	9-Nov-2023	FILED: Reporter's Transcript - 05/22/2023 - Jury Trial - (Monica S Hill-Morrisette)
52.	9-Nov-2023	FILED: Notice of Completion of Record
53.	22-Nov-2023	FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
54.	27-Nov-2023	ORDERED: Motion to Withdraw and Substitute New Counsel (Appellant) = GRANTED. FURTHER ORDERED: Appointing attorney Amy Bain 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 Tuesday, 12-26-2023 to Friday, 02-09-2024. Benjamin A Armstrong ProTem Judge - Author
55.	16-Feb-2024	ORDERED: Opening Brief must be filed by 02/26/2024 or OSC set on 03/06/2024. Benjamin A Armstrong ProTem Judge - Author
56.	16-Feb-2024	FILED: Motion for Extension of Time to File Opening Brief - Unopposed; Request for Delayed Permission to File; Certificate of Service (Appellant)
57.	16-Feb-2024	FILED: Notice of Appearance; Certificate of Service (Appellant)
58.	20-Feb-2024	ORDERED: Motion for Extension of Time to File Opening Brief - Unopposed; Request for Delayed Permission to File (Appellant) = GRANTED. Due date EXTENDED from Monday, 02/26/2024 to Wednesday, 03/27/2024. FURTHER ORDERED: vacating the court's order filed 02/16/2024. Geoffrey P Butzine ProTem Judge - Author
59.	27-Mar-2024	FILED: Second Motion for Extension of Time for Filing Opening Brief-Unopposed; Certificate of Service (Appellant)
60.	28-Mar-2024	ORDERED: Second Motion for Extension of Time for Filing Opening Brief-Unopposed (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 03-27-2024 to Friday, 04-26-2024 or OSC set on 05/01/2024. Benjamin A Armstrong ProTem Judge - Author
61.	3-Apr-2024	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
62.	11-Apr-2024	FILED: Notice of Appearance; Certificate of Service (Appellee)
63.	22-Apr-2024	FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
64.	23-Apr-2024	ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Monday, 05-13-2024 to Wednesday, 06-12-2024. Benjamin A Armstrong ProTem Judge - Author