

**Court of Appeals, Division One**  
**Criminal Petition Review Post Conviction Relief**

**1 CA-CR 23-0563 PRPC**

**STATE v. SCALPH**

**Appellate Case Information**

Case Filed: 21-Dec-2023

Case Closed:

**Dept/Composition**

**Side 1. STATE OF ARIZONA, Respondent**

(Litigant Group) STATE OF ARIZONA

• State of Arizona

**Attorneys for: Respondent**

Philip D Garrow, Esq. (AZ Bar No. 22458)

**Side 2. JACK BUCHANAN SCALPH, Petitioner**

(Litigant Group) JACK BUCHANAN SCALPH

• Jack Buchanan Scalph

**Attorneys for: Petitioner**

Katia Mehu, Esq. (AZ Bar No. 16992)

**CASE STATUS**

Apr 23, 2024.....Stayed (until 6/25/24)

Feb 2, 2024.....At Issue

**PREDECESSOR CASE (S)**

MAR CR2016-005574-001

**Cause/Charge/Class**

**Judgment/Sentence**

**Judge, Role <Comments>**

Kristin Culbertson, Judge  
on PC

**Trial**

**Dispo**

**CALENDAR**

Friday MOTION CALENDAR

12-Apr-2024 Department M;

File date: 4/9/2024.....Motion to Stay Appellate Review and Remand to Develop and Perfect the  
Appellate Record (Petitioner)

*DECISION RENDERED: See proceeding entry for ORDER dated  
23-Apr-2024 for more information...*

**11 PROCEEDING ENTRIES**

1. 21-Dec-2023 FILED: Petition for Review; Certificate of Service; Rule 32.16(C)(2)(a) Exhibits (Petitioner)
2. 22-Dec-2023 ORDERED: Clerk of Maricopa County Superior Court to transmit record on appeal, including but not limited to reporter's transcripts and exhibits, to clerk, Court of Appeals, on/before 02/05/2023. Amy M Wood - Author
3. 19-Jan-2024 FILED: Notice of Acknowledgment; Certificate of Service (Respondent)
4. 29-Jan-2024 FILED: Reply to Prosecution Response to Petition for Review; Certificate of Service (Petitioner)
5. 2-Feb-2024 FILED: Additional Record on Appeal  
Physical Exhibits:  
Hearing Date: 05/19/2017 List # 20 24 27 in manila envelope  
Hearing Date: 06/05/2017 List # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35  
36 37 38 39 40 41 42 43 44 45 46 47 48 49 75 77 79 in manila envelope  
Hearing Date: 08/04/2017 List # 2 3 4 5 5.001 6 7 8 9 in manila envelope
6. 2-Feb-2024 FILED: e-Record on Appeal:  
Instruments/Minute Entries: Combined  
Disposition Report: None  
Exhibits: None sent with e-Record  
Reporter's Transcripts: 08/04/2017 (Diane Donoho)
7. 19-Feb-2024 FILED: Motion for Order Directing Maricopa County Superior Court to Transmit Additional Record Designated Pursuant to Rule 32.16(b); Certificate of Service; Notice of Filing and Additional Record Designation (Petitioner)
8. 27-Feb-2024 ORDERED: Motion for Order Directing Maricopa County Superior Court to Transmit Additional Record Designated Pursuant to Rule 32.16(b) (Petitioner) = GRANTED and supplementing the record on review by including the media file/thumb drive that contains surveillance videos made 03/02/2016 and 03/03/2016. FURTHER ORDERED: Directing the Clerk of the Maricopa County Superior Court to forward the exhibit to this court by 03/11/2024, marked for filing in this appeal. Benjamin A Armstrong ProTem Judge - Author
9. 8-Mar-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Letter dated 02/29/2024)

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**11 PROCEEDING ENTRIES**

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| 10. | 9-Apr-2024  | FILED: Motion to Stay Appellate Review and Remand to Develop and Perfect the Appellate Record; Certificate of Service; Notice of Filing Rule 32.7(E) Supporting Documents (Petitioner)  |
| 11. | 23-Apr-2024 | ORDERED: Pursuant to Arizona Rule of Criminal Procedure 31.8(g), staying this appeal until 06/24/2024, and revesting jurisdiction in the Maricopa County Superior Court to give the court the opportunity to consider the video evidence and for other proceedings consistent with this order. The court expresses no opinion regarding what action, if any, the superior court should take regarding the video evidence. FURTHER ORDERED: That the stay will be automatically lifted on 06/25/2024. FURTHER ORDERED: Directing the clerk of this court to send this order to the Honorable Kristin Culbertson; the Clerk of the Maricopa County Superior Court; and the Maricopa County Superior Court Criminal Department Administrator. Benjamin A Armstrong ProTem Judge - Author |