

Arizona Supreme Court
Criminal Death Penalty Appeal

CR-23-0157-AP

STATE OF ARIZONA v BRYAN PATRICK MILLER

Appellate Case Information

Case Filed: 20-Jun-2023

Case Closed:

Dept/Composition

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

• State of Arizona

Attorneys for: Appellee

Kristin K. Mayes, Esq. (AZ Bar No. 22584)
Laura P Chiasson, Esq. (AZ Bar No. 19025)
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Katherine Olivia Staab, Esq. (AZ Bar No. 27647)

Side 2. BRYAN PATRICK MILLER, Appellant

(Litigant Group) BRYAN PATRICK MILLER

• Bryan Patrick Miller

Attorneys for: Appellant

Aaron J Moskowitz, Esq. (AZ Bar No. 22246)
Robert W Doyle, Esq. (AZ Bar No. 7380)

CASE STATUS

Jun 20, 2023....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2015-102066-001	Murder 1st Deg-Premeditated, Felony 1; Kidnap-Death/Inj/Sex/Aid Fel, Felony 2; Attempt to Commit Sexual Assault, Felony 3	Death	Suzanne E Cohen, Trial	JURY	

195 PROCEEDING ENTRIES

1. 20-Jun-2023 FILED: Notice of Appeal
2. 23-Jun-2023 FILED: Reporter's Transcript - 8/2/19 - Evidentiary Hearing [Michele Kaley]
3. 23-Jun-2023 FILED: Reporter's Transcript - 7/9/21 - Oral Argument [Michele Kaley]
4. 23-Jun-2023 FILED: Reporter's Transcript - 8/18/21 - Capital Case Management Conference [Michele Kaley]
5. 23-Jun-2023 FILED: Reporter's Transcript - 8/30/21 - Capital Case Management Conference [Michele Kaley]
6. 23-Jun-2023 FILED: Reporter's Transcript - 12/3/21 - Rule 11 Evidentiary Hearing [Michele Kaley]
7. 23-Jun-2023 FILED: Reporter's Transcript - 3/2/22 - Status Conference [Michele Kaley]
8. 23-Jun-2023 FILED: Reporter's Transcript - 9/8/22 - Capital Case Management Conference [Michele Kaley]
9. 23-Jun-2023 FILED: Reporter's Transcript - 9/22/22 - Status Conference [Michele Kaley]
10. 23-Jun-2023 FILED: Reporter's Transcript - 9/26/22 - Status Conference [Michele Kaley]
11. 23-Jun-2023 FILED: Reporter's Transcript - 10/13/22 - Status Conference [Michele Kaley]
12. 23-Jun-2023 FILED: Reporter's Transcript - 11/16/22 - Trial [Michele Kaley]
13. 26-Jun-2023 FILED: Reporter's Transcript - 10/18/21 - Evidentiary Hearing [Michele Kaley]
14. 26-Jun-2023 FILED: Reporter's Transcript - 2/22/22 - Capital Case Management Conference [Michele Kaley]

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15.	26-Jun-2023	FILED: Reporter's Transcript - 10/3/22 - Trial [Michele Kaley]
16.	26-Jun-2023	FILED: Reporter's Transcript - 10/5/22 - Trial [Michele Kaley]
17.	26-Jun-2023	FILED: Reporter's Transcript - 6/6/23 - Status Conference [Michele Kaley]
18.	26-Jun-2023	FILED: Reporter's Transcript - 6/7/23 - Sentencing [Michele Kaley]
19.	26-Jun-2023	FILED: Notice of Errata (Corrected Court Reporter Assigned); Minute Entry (MCSC) Filed 6/26/23
20.	27-Jun-2023	FILED: Reporter's Transcript - 2/21/23 - Trial [Michele Kaley]
21.	27-Jun-2023	FILED: Reporter's Transcript - 4/11/23 - Verdict [Michele Kaley]
22.	27-Jun-2023	FILED: Reporter's Transcript - 4/12/23 - Trial [Michele Kaley]
23.	27-Jun-2023	FILED: Reporter's Transcript - 5/24/23 - Trial [Michele Kaley]
24.	28-Jun-2023	FILED: Reporter's Transcript - 5/25/23 - Trial [Michele Kaley]
25.	28-Jun-2023	FILED: Reporter's Transcript - 5/18/23 - Trial [Michele Kaley]
26.	29-Jun-2023	FILED: Reporter's Transcript - 2/16/23 - Trial [Michele Kaley]
27.	2-Jul-2023	FILED: Reporter's Transcript - 2/2823 - Trial [Michele Kaley]
28.	1-Jul-2023	FILED: Reporter's Transcript - 11/22/22 - Trial [Michele Kaley]
29.	2-Jul-2023	FILED: Reporter's Transcript - 3/9/23 - Trial [Michele Kaley]
30.	2-Jul-2023	FILED: Reporter's Transcript - 2/27/23 - Trial [Michele Kaley]
31.	5-Jul-2023	FILED: Reporter's Transcript - 5/20/16 - Status Conference [Scott Coniam]
32.	5-Jul-2023	FILED: Reporter's Transcript - 11/18/16 - Status Conference [Scott Coniam]
33.	5-Jul-2023	FILED: Reporter's Transcript - 6/4/21 - Status Conference [Scott Coniam]
34.	5-Jul-2023	FILED: Motion for Extension of Time (Kristin DeCasas)
35.	6-Jul-2023	Kristin DeCasas, Court Reporter, having filed a first request for extension of time to file transcripts, IT IS ORDERED granting Kristin DeCasas, Court Reporter, a first extension of time up to and including October 2, 2023, in which to file Reporter's Transcripts for 5/15/2020 in the above-entitled matter.m (Tracie K. Lindeman Clerk)
36.	6-Jul-2023	FILED: Reporter's Transcript - 10/27/22 - Trial [Michele Kaley]
37.	6-Jul-2023	FILED: Reporter's Transcript - 5/16/23 - Trial [Michele Kaley]
38.	6-Jul-2023	FILED: Reporter's Transcript - 5/22/23 - Trial [Michele Kaley]
39.	8-Jul-2023	FILED: Reporter's Transcript - 3/2/23 - Trial [Michele Kaley]
40.	10-Jul-2023	FILED: Reporter's Transcript - 3/19/21 - Status Conference [Kristyn Lobry]
41.	10-Jul-2023	FILED: Reporter's Transcript - 6/12/15 - Status Conference [Lydia Estrada-Gray]
42.	11-Jul-2023	FILED: Reporter's Transcript - 4/24/15 - Matter Under Advisement [Scott Coniam]
43.	11-Jul-2023	FILED: Reporter's Transcript - 6/9/17 - Oral Argument [Scott Coniam]
44.	11-Jul-2023	FILED: Reporter's Transcript - 6/9/20 - Oral Argument [Catherine Turner]
45.	11-Jul-2023	FILED: Notice of Appearance [Aaron Moskowitz Lead Attorney of Record]; Certificate of Service (Appellant Miller)
46.	14-Jul-2023	FILED: Reporter's Transcript - 12/11/20 - Evidentiary Hearing A.M. [Tara L. Kramer]
47.	14-Jul-2023	FILED: Notice of Appearance [Robert Doyle Attorney of Record]; Certificate of Service (Appellant Miller)
48.	15-Jul-2023	FILED: Request for Extension of Time to File Transcripts [Michele Kaley]

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49. 17-Jul-2023 Michele Kaley, Court Reporter, having filed a first request for extension of time to file transcripts,
IT IS ORDERED granting Michele Kaley, Court Reporter, a first extension of time up to and including August 14, 2023, in which to file Reporter's Transcripts in the above-entitled matter. (Tracie K. Lindeman Clerk)
50. 17-Jul-2023 FILED: Notification of Sealed Proceedings re: 02/04/22 [Scott Kindle]; Minute Entry (MCSC) Filed 2/17/23
51. 17-Jul-2023 FILED: Reporter's Transcripts - 09/30/21 - Status Conference [Robin Lawlor]
52. 17-Jul-2023 FILED: Reporter's Transcripts - 10/10/22 - Bench Trial Day 4 [Robin Lawlor]
53. 17-Jul-2023 FILED: Reporter's Transcripts - 10/17/22 - Status Conference [Robin Lawlor]
54. 17-Jul-2023 FILED: Reporter's Transcripts -10/31/22 - Bench Trial Day 7 [Robin Lawlor]
55. 17-Jul-2023 FILED: Reporter's Transcripts - 12/14/22 - Bench Trial Day 21 [Robin Lawlor]
56. 17-Jul-2023 FILED: Reporter's Transcripts - 1/3/23 - Bench Trial Day 23 [Robin Lawlor]
57. 17-Jul-2023 FILED: Reporter's Transcripts - 1/23/23 - Bench Trial Day 28 [Robin Lawlor]
58. 17-Jul-2023 FILED: Reporter's Transcripts - 2/6/23 - Bench Trial Day 31 [Robin Lawlor]
59. 17-Jul-2023 FILED: Reporter's Transcripts - 2/7/23 - Bench Trial Day 32 [Robin Lawlor]
60. 17-Jul-2023 FILED: Reporter's Transcripts - 3/13/23 - Bench Trial Day 46 [Robin Lawlor]
61. 17-Jul-2023 FILED: Reporter's Transcripts - 3/14/23 - Bench Trial Day 47 [Robin Lawlor]
62. 17-Jul-2023 FILED: Reporter's Transcripts - 3/15/23 - Bench Trial Day 48 [Robin Lawlor]
63. 17-Jul-2023 FILED: Reporter's Transcripts - 4/5/23/23 - Bench Trial Day 53 [Robin Lawlor]
64. 17-Jul-2023 FILED: Reporter's Transcripts - 4/18/23 - Bench Trial Day 57 [Robin Lawlor]
65. 17-Jul-2023 FILED: Reporter's Transcripts - 4/19/23 - Bench Trial Day 58 [Robin Lawlor]
66. 17-Jul-2023 FILED: Reporter's Transcripts - 05/01/23 - Bench Trial Day 61 [Robin Lawlor]
67. 18-Jul-2023 FILED: Reporter's Transcript - 10/10/18 - Oral Argument re Motion to Continue [Terry Masciola]
68. 18-Jul-2023 FILED: Reporter's Transcripts - 02/27/20 - Status Conference [Terry Masciola]
69. 18-Jul-2023 Michele Kaley, Court Reporter, having filed a first request for extension of time to file transcripts,
IT IS ORDERED granting Michele Kaley, Court Reporter, a first extension of time up to and including September 22, 2023, in which to file Reporter's Transcripts in the above-entitled matter. (Tracie K. Lindeman)
70. 19-Jul-2023 FILED: Reporter's Transcripts - 6/27/2022 - Oral Argument [Trevia B. Colwell]
71. 19-Jul-2023 FILED: Reporter's Transcripts - 11/14/22 - Trial - Day 12 [Trevia B. Colwell]
72. 19-Jul-2023 FILED: Reporter's Transcripts - 12/8/22 - Trial - Day 19 [Trevia B. Colwell]
73. 19-Jul-2023 FILED: Reporter's Transcripts - 1/10/23 - Trial - Day 10 [Trevia B. Colwell]
74. 19-Jul-2023 FILED: Reporter's Transcripts - 1/24/23 - Trial - Day 29 [Trevia B. Colwell]
75. 19-Jul-2023 FILED: Reporter's Transcripts - 1/30/23 - Trial - Day 30 [Trevia B. Colwell]
76. 19-Jul-2023 FILED: Reporter's Transcripts - 2/8/23 - Trial - Day 33 [Trevia B. Colwell]
77. 19-Jul-2023 FILED: Reporter's Transcripts - 2/28/23 - Trial - Day 40 [Trevia B. Colwell]
78. 19-Jul-2023 FILED: Reporter's Transcripts - 3/7/23 - Trial - Day 43 [Trevia B. Colwell]
79. 19-Jul-2023 FILED: Reporter's Transcripts - 3/20/23 - Trial - Day 50 [Trevia B. Colwell]
80. 19-Jul-2023 FILED: Reporter's Transcripts - 3/29/23 - Trial - Day 51 [Trevia B. Colwell]

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81. 19-Jul-2023 FILED: Reporter's Transcripts - 4/3/23 - Trial - Day 52 [Treva B. Colwell]
82. 19-Jul-2023 FILED: Reporter's Transcripts - 04/06/23 - Trial - Day 54 [Treva B. Colwell]
83. 19-Jul-2023 FILED: Affidavit of Sealed Transcript [Debra Carney]
84. 20-Jul-2023 FILED: Request for Extension of Time [Scott Coniam]
85. 20-Jul-2023 On July 17, 2023, Certified Court Reporter Scott A. Kindle filed a Notification of Sealed Proceedings advising the Court that "[a] portion of the February 4, 2022, proceedings in [this] matter were ordered sealed by the trial court; specifically, the portion between 11:04:30 a.m. and 11:22:00 a.m."
- Therefore,
- IT IS ORDERED that court reporter Scott A. Kindle's notes for the portion of the 2-4-2022 proceedings in Maricopa County Superior Court No. CR2015-102066-001 that were sealed by the superior court are temporarily unsealed for the limited purpose of court reporter Scott A. Kindle preparing the reporter's transcript of the sealed portion of the proceedings.
- IT IS FURTHER ORDERED that court reporter Scott A. Kindle shall prepare the sealed portion of the proceedings as a separate transcript and the separate, sealed reporter's transcript shall be filed at the Clerk of the Supreme Court filing counter in a sealed envelope no later than August 21, 2023.
- IT IS FURTHER ORDERED that the reporter's transcript of the portion of the 2-4-2022 proceedings that was not sealed by the superior court is due as required by Ariz. R. Crim. P. 31.8(c)(4), 31.8(d)(1), and 31.9(c) no later than August 21, 2023, and shall be filed electronically via TurboCourt and include reference to the portion of the proceedings between 11:04:30 a.m. and 11:22:00 a.m. that were sealed by the superior court.
- IT IS FURTHER ORDERED that court reporter Scott A. Kindle shall not, as required by Ariz. R. Crim. P. 31.8(d), send copies of the sealed transcript to either Appellant Bryan Patrick Miller, Appellant's counsel, counsel for the Appellee State of Arizona, or any member of the public or other unauthorized parties without further order from this Court.
- IT IS FURTHER ORDERED that the Clerk of the Supreme Court shall maintain the sealed portion of the reporter's transcript as a sealed document until further order of the Court.
- IT IS FURTHER ORDERED that upon completion of the reporter's transcript of the sealed portion of the proceedings, court reporter Scott A. Kindle shall reseal the proceedings of 2-4-2022 between 11:04:30 a.m. and 11:22:00 a.m., and the sealed portion of the superior court proceedings shall remain sealed not to be opened without further order of the Court.
- IT IS FURTHER ORDERED that upon request by counsel for either party, the Clerk of the Supreme Court shall temporarily unseal the sealed reporter's transcript and provide copies to counsel and then reseal the reporter's transcript.
- IT IS FURTHER ORDERED that all protective orders whether entered by the superior court or implicit by virtue of a document being sealed remain in full force and effect subject to further order of this Court.
- IT IS FURTHER ORDERED that counsel for the parties shall not include any information from sealed portions of the reporter's transcripts in the briefs, other filings in this or any matter, or otherwise disclose such information to the public or other unauthorized parties without prior, further order from this Court. (Hon. Kathryn H. King)
86. 21-Jul-2023 FILED: Reporter's Transcript - 10/8/19 - Oral Argument [Scott Kindle]
87. 21-Jul-2023 FILED: Reporter's Transcript - 2/4/22 - Status Conference [Scott Kindle]
88. 21-Jul-2023 FILED: Reporter's Transcript - 2/16/23 - Trial Day 37 [Scott Kindle]
89. 21-Jul-2023 Scott Coniam, Court Reporter, having filed a first request for extension of time to file transcripts,
- IT IS ORDERED granting Scott Coniam, Court Reporter, a first extension of time up to and including September 22, 2023, in which to file Reporter's Transcripts in the above-entitled matter. (Tracie K. Lindeman Clerk)

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90. 21-Jul-2023 On July 19, 2023, certified court reporter Debra Carney filed an affidavit of sealed transcript "informing the Court that a portion of the 3/16/2018, transcript in [this] case was ordered sealed [by the superior court]."
- Therefore,
- IT IS ORDERED that court reporter Debra Carney's notes for the portion of the 3-16-2018 proceedings in Maricopa County Superior Court No. CR2015-102066-001 that were sealed by the superior court are temporarily unsealed for the limited purpose of court reporter Debra Carney preparing the reporter's transcript of the sealed portion of the proceedings.
- IT IS FURTHER ORDERED that court reporter Debra Carney shall prepare the sealed portion of the proceedings as a separate transcript and the separate, sealed reporter's transcript shall be filed at the Clerk of the Supreme Court filing counter in a sealed envelope no later than August 22, 2023.
- IT IS FURTHER ORDERED that the Clerk of the Supreme Court shall maintain the sealed portion of the reporter's transcript as a sealed document until further order of the Court.
- IT IS FURTHER ORDERED that the reporter's transcript of the portion of the 3-16-2018 proceedings that was not sealed by the superior court is due as required by Ariz. R. Crim. P. 31.8(c)(4), 31.8(d)(1), and 31.9(c) and shall be filed electronically via TurboCourt no later than August 22, 2023.
- IT IS FURTHER ORDERED that court reporter Debra Carney shall not, as required by Ariz. R. Crim. P. 31.8(d), send copies of the sealed transcript to either Appellant Bryan Patrick Miller, Appellant's counsel, counsel for the Appellee State of Arizona, or any member of the public or other unauthorized parties without further order from this Court.
- IT IS FURTHER ORDERED that upon completion of the reporter's transcript of the sealed portion of the proceedings, court reporter Debra Carney shall reseal the portion of the 3-16-2018 proceedings sealed by the superior court and the sealed portion of the superior court proceedings shall remain sealed not to be opened without further order of the Court.
- IT IS FURTHER ORDERED that upon request by counsel for either party, the Clerk of the Supreme Court shall temporarily unseal the sealed reporter's transcript and provide copies to counsel and then reseal the reporter's transcript.
- IT IS FURTHER ORDERED that all protective orders whether entered by the superior court or implicit by virtue of a document being sealed remain in full force and effect subject to further order of the Court.
- IT IS FURTHER ORDERED that counsel for the parties shall not include any information from sealed portions of the reporter's transcripts in the briefs, other filings in this or any matter, or otherwise disclose such information to the public or other unauthorized parties without prior, further order from the Court. (Hon. Kathryn H. King)
91. 21-Jul-2023 FILED: Reporter's Transcript - 6/5/15 - Status Conference [Scott Coniam]
92. 21-Jul-2023 FILED: Reporter's Transcript - 2/11/16 - Status Conference [Scott Coniam]
93. 21-Jul-2023 FILED: Reporter's Transcript - 7/27/16 - Status Conference [Scott Coniam]
94. 21-Jul-2023 FILED: Reporter's Transcript - 2/28/19 - Status Conference [Scott Coniam]
95. 21-Jul-2023 FILED: Reporter's Transcript - 10/4/22 - Trial [Luz Franco]
96. 21-Jul-2023 FILED: Reporter's Transcript - 11/10/22 - Trial [Luz Franco]
97. 21-Jul-2023 FILED: Reporter's Transcript - 11/15/22 - Trial [Luz Franco]
98. 21-Jul-2023 FILED: Reporter's Transcript - 12/13/22 - Trial [Luz Franco]
99. 21-Jul-2023 FILED: Reporter's Transcript - 12/15/22 - Trial [Luz Franco]
100. 22-Jul-2023 FILED: Reporter's Transcript - 10/17/19 - Capital Case Management Conference [Cindy Lineburg]
101. 23-Jul-2023 FILED: Reporter's Transcript - 8/12/22 - Oral Argument [Luz Franco]
102. 23-Jul-2023 FILED: Reporter's Transcript - 4/20/23 - Trial (Continuing) [Luz Franco]
103. 23-Jul-2023 FILED: Reporter's Transcript - 3/7/17 - Capital Case Management Conference [April Escobedo]
104. 24-Jul-2023 FILED: Reporter's Transcripts - 8/29/22 - Status Conference [Kristine Mayo]
105. 24-Jul-2023 FILED: Reporter's Transcripts - 11/21/2022 - Trial Day 16 [Kristine Mayo]
106. 24-Jul-2023 FILED: Motion for Extension of Time [Kristine Mayo]

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107. 24-Jul-2023 FILED: Reporter's Transcript - 5/9/22 - Capital Case Management Conference [Luz Franco]
108. 24-Jul-2023 FILED: First Request for Extension to File [Linda Lopez]
109. 24-Jul-2023 Linda Lopez, Court Reporter, having filed a first request for extension of time to file transcripts,
IT IS ORDERED granting Linda Lopez, Court Reporter, a first extension of time up to and including August 23, 2023, in which to file Reporter's Transcripts in the above-entitled matter. (Tracie K. Lindeman Clerk)
110. 20-Jul-2023 FILED: Record From MCSC
Minutes and Instruments Electronic
EXHIBIT(S):
Sealed Manila Envelope: Confidential Criminal History Addendum
Sealed Document: Filed 04/27/2018 - Disk
HD 2/2/2015; [SEALED] GJ Transcript HD 01/22/2015 (Kristen Brown)
Sealed Manila Envelope: HD 08/24/2018 - List # 1
HD 08/02/2019 - LIST # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 (ALL SEALED)
Sealed Manila Envelope: HD 05/15/2020 - LIST # 1 2 (SEALED)
Manila Envelope: HD 06/01/2020 - LIST # 1 (SEALED) 2 (SEALED) 3 (SEALED) 4 (SEALED) 5 (SEALED) 6 (SEALED) 7 (SEALED) 8 9 10 11 (SEALED) 12 (SEALED) 13 (SEALED) 14 (SEALED) 15 (SEALED) 16 (SEALED) 17 (SEALED) 18 (SEALED) 19 (SEALED) 20 (SEALED) 21 22 (SEALED) 23 (SEALED) 24 (SEALED) 25 (SEALED) 26 (SEALED) 27 (SEALED) 28 (SEALED) 29 (SEALED) 30 (SEALED) 31 (SEALED) 32 (SEALED) 33 (SEALED) 34 (SEALED) 36 (SEALED) 37 (SEALED) 38 39
Manila Envelope: HD 12/03/2021 - LIST # 1 2 3 4 5 6
Manila Envelope: HD 08/12/2022 - LIST # 1 2
Manila Envelope: HD 01/18/2023 - LIST # 1 2
HD 10/03/2022 - LIST # 38 62 66 106 123 190 261 264 270-277; 279-281; 283-284; 286-287; 290-293; 295-297; 301; 303; 305-306; 310; 312; 314-317; 321-322; 324; 326; 328-332; 335; 337; 339-342; 344 345-351; 353; 356-358; 360; 363-370; 372-374; 376-392; 394-396; 398 399-401; 402 (CD); 414; 416-417; 423 (CD); 424-425; 437; 474-482; 486; 491-497; 500; 502-503; 506-507; 509-524; 528-529; 531; 533; 536-539; 543-547; 549 (CD); 550 (CD); 552; 556-557; 559-561; 565; 570.001; 571-572; 575-576; 576.001; 577-579; 579.001; 579.002; 580-587; 588 (CD); 590-591; 595; 597-602; 605-609; 620-622; 629-632; 637; 643-644; 655 (CD); 662-663; 666; 669; 719; 724-729; 749 (CD); 750 (CD); 752 (CD); 753 (CD); 761; 797; 811; 834; 843; 870; 872; 873 (CD); 874-876; 878 (CD); 879 (CD); 880 (CD); 881 (CD); 882 (CD); 884 (CD); 885 (CD); 886 (CD); 887 (CD); 889; 890 (CD); 891; 897; 899-900; 901 (CD); 902 (CD); 903 (CD); 906-907; 908 (CD); 909 (CD); 914 (CD); 915 (CD); 916 (CD); 919.001 (NB); 921.001 (NB); 922 (CD); 923-924; 925 (CD); 926 (CD); 927-928; 930-931; 933-953; 955-960; 961 (CD); 970-972; 976- 982; 986; 987 (CD)
111. 24-Jul-2023 Kristin Mayo, Court Reporter, having filed a first request for extension of time to file transcripts,
IT IS ORDERED granting Kristin Mayo, Court Reporter, a first extension of time up to and including September 22, 2023 in which to file Reporter's Transcripts in the above-entitled matter. (Tracie K. Lindeman Clerk)
112. 24-Jul-2023 FILED: Reporter's Transcripts - 3/16/23 - Trial - Day 49 [Vanessa Gartner]
113. 25-Jul-2023 FILED: [SEALED] Reporter's Transcript - 8/7/15 - Hearing [Scott Coniam]
114. 25-Jul-2023 FILED: Reporter's Transcript - 9/23/16 - Hearing [Scott Coniam]
115. 25-Jul-2023 FILED: Reporter's Transcript - 7/20/18 - Hearing [Scott Coniam]
116. 25-Jul-2023 FILED: Reporter's Transcript -12/7/18 - Hearing [Scott Coniam]

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117.	25-Jul-2023	FILED: Reporter's Transcript -1/25/21- Matter Under Advisement [Teri Veres]; (Duplicate) Reporter's Transcript -1/25/21- Matter Under Advisement [Teri Veres]
118.	26-Jul-2023	FILED: Notice of Appearance [Erin Bennett Attorney of Record] ; Certificate of Service (Appellee State)
119.	1-Aug-2023	FILED: Reporter's Transcript -6/1/20 - Chronis Hearing [Antoinette Salazar]
120.	1-Aug-2023	FILED: Reporter's Transcript - 4/19/17 - Motion to Continue [Antoinette Salazar]
121.	1-Aug-2023	FILED: Reporter's Transcript - 5/16/17 - Status Conference [Scott Coniam]
122.	1-Aug-2023	FILED: Reporter's Transcript - 7/18/17 - Status Conference [Scott Coniam]
123.	1-Aug-2023	FILED: Reporter's Transcript - 9/19/17 - Status Conference [Scott Coniam]
124.	1-Aug-2023	FILED: Reporter's Transcript - 11/28/17 - Status Conference [Scott Coniam]
125.	2-Aug-2023	FILED: Reporter's Transcripts - 2/9/23 - Trial Day 34 [Kristine Mayo]
126.	2-Aug-2023	FILED: Reporter's Transcripts - 5/2/23 - Trial Day 62 [Kristine Mayo]
127.	2-Aug-2023	FILED: Reporter's Transcripts - 5/3/23 - Trial Day 63 [Kristine Mayo]
128.	2-Aug-2023	FILED: Reporter's Transcript - 1/30/18 - Status Conference [Scott Coniam]
129.	2-Aug-2023	FILED: [SEALED] Reporter's Transcript - 8/24/18 - Hearing [Scott Coniam]
130.	3-Aug-2023	FILED: Reporter's Transcript - 1/27/17 - Conference [April Hunt]
131.	4-Aug-2023	FILED: First Motion for Extension of Time to File Transcripts [Debra Carney]
132.	4-Aug-2023	FILED: [SEALED] Reporters Transcript - 2/4/22 - Status Conference [Scott Kindle]
133.	7-Aug-2023	Debra Carney, Court Reporter, having filed a first request for extension of time to file transcripts, IT IS ORDERED granting Debra Carney, Court Reporter, a first extension of time up to and including August 22, 2023, in which to file Reporter's Transcripts in the above-entitled matter. (Tracie K. Lindeman Clerk)
134.	9-Aug-2023	FILED: Reporter's Transcript - 4/14/16 - Motion to Withdraw [Laurie Yazwa]
135.	9-Aug-2023	FILED: Reporter's Transcript - 8/10/16 - Rule 6.2/Rule 6.8 Hearing [Laurie Yazwa]
136.	9-Aug-2023	FILED: Reporter's Transcript - 04/10/2015 - Status Conference - PM [Vanessa M. Melstrom]
137.	10-Aug-2023	FILED: Motion for Extension of Time [Yvonne De La Torre]
138.	11-Aug-2023	Yvonne De la Torre, Court Reporter, having filed a first request for extension of time to file the transcript originally due July 24, 2023, IT IS ORDERED granting Yvonne De la Torre, Court Reporter, a first extension of time up to and including September 7, 2023, in which to file Reporter's Transcript in the above-entitled matter. (Tracie K. Lindeman Clerk)
139.	14-Aug-2023	FILED: Reporter's Transcript - 11/17/22 - Trial [Michele Kaley]
140.	15-Aug-2023	FILED: Reporter's Transcript - 12/5/22 - Trial [Michele Kaley]
141.	16-Aug-2023	FILED: Reporter's Transcript - 2/10/20 - Capital Case Management Conference [Hope Yeager]
142.	17-Aug-2023	FILED: Reporter's Transcript - 3/16/18 - Capital Case Management Conference [Debra Carney]
143.	18-Aug-2023	FILED: Reporter's Transcript - 6/1/18 - Capital Case Management Conference [Hope Yeager]
144.	18-Aug-2023	FILED: Reporter's Transcript - 7/22/19 - Status Conference [Scott Coniam]
145.	18-Aug-2023	FILED: Reporter's Transcript - 1/29/21- Status Conference [Scott Coniam]
146.	18-Aug-2023	FILED: Reporter's Transcript - 12/4/19 - Status Conference [Scott Coniam]
147.	18-Aug-2023	FILED: Reporter's Transcript - 5/2/19 - Status Conference [Scott Coniam]

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148.	18-Aug-2023	FILED: Reporter's Transcript - 3/31/21 - Status Conference [Scott Coniam]
149.	18-Aug-2023	FILED: Reporter's Transcript - 12/11/20 - Evidentiary Hearing - PM [Scott Coniam]
150.	18-Aug-2023	FILED: Reporter's Transcript - [SEALED] 3/16/18 - Capital Case Management Conference [Debra Carney]
151.	19-Aug-2023	FILED: Reporter's Transcript - 04/06/18 - Trial Continuance - AM [Hope J Yeager]
152.	21-Aug-2023	FILED: Reporter's Transcript - 08/11/2021 - Oral Argument [Linda Lopez]
153.	24-Aug-2023	FILED: Motion to Unseal Documents; Certificate of Service (Appellant Miller)
154.	30-Aug-2023	FILED: Reporter's Transcript - 11/2/22 - Trial [Michele Kaley]
155.	30-Aug-2023	FILED: Reporter's Transcript - 5/17/23 - Trial [Michele Kaley]
156.	30-Aug-2023	FILED: Reporter's Transcript - 11/3/22 - Trial [Michele Kaley]
157.	1-Sep-2023	FILED: (Second) Motion for Extension of Time [Yvonne De La Torre]
158.	1-Sep-2023	Yvonne De La Torre, Court Reporter, having filed a second request for extension of time to file transcripts, IT IS ORDERED granting Yvonne De La Torre, Court Reporter, a second extension of time up to and including October 10, 2023, in which to file Reporter's Transcripts in the above-entitled matter. (Tracie K. Lindeman Clerk)
159.	1-Sep-2023	FILED: Reporter's Transcript - 10/29/15 - Capital Case Management Conference [Alisa Smith]
160.	2-Sep-2023	FILED: Reporter's Transcript - 1/17/23 - Trial [Michele Kaley]
161.	7-Sep-2023	FILED: Reporter's Transcript -2/2/15 - Arraignment [Kimberly McCright]
162.	7-Sep-2023	FILED: Reporter's Transcript - 3/6/15 - Hearing [Kimberly McCright]
163.	7-Sep-2023	FILED: Reporter's Transcript - 3/24/15 - Pretrial Hearing [Kimberly McCright]

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164. 12-Sep-2023 On August 24, 2023, Appellant Bryan Patrick Miller filed a Motion to Unseal Documents requesting that the Court temporarily unseal certain documents that were sealed by the superior court and provide copies to appellate counsel for the purpose of appeal. The Appellee State of Arizona has indicated it has no objection to the motion and does not plan to file a response.

Therefore, upon review and consideration,

IT IS ORDERED that the motion to temporarily unseal documents is granted, in part, as stated herein.

IT IS FURTHER ORDERED that upon request by counsel for either party, the Clerk of the Supreme Court shall temporarily unseal the following sealed documents in the Index of Record ("ROA") and provide copies to counsel and then reseal the documents: 23, 24, 26, 52, 70, 72, 73, 77, 78, 83, 86, 92, 93, 94, 103, 106, 107, 108, 113, 126, 127, 128, 129, 130, 131, 133, 134, 139, 143, 147, 148, 158, 159, 160, 163, 165, 166, 167, 168, 169, 170, 176, 177, 179, 180, 181, 190, 198, 201, 202, 205, 209, 210, 211, 213, 214, 217, 223, 226, 240, 245, 251, 258, 260, 266, 267, 268, 271, 272, 273, 277, 278, 281, 284, 288, 289, 290, 296, 298, 301, 303, 307, 308, 309, 311, 312, 313, 321, 324, 330, 331, 332, 334, 346, 354, 356, 357, 358, 359, 382, 383, 399, 405, 406, 421, 429, 473, 474, 480, 501, 502, 503, 506, 511, 528, 544, 547, 548, 552, 554, 576, 580, 587, 589, 591, 593, 598, 603, 640, 641, 642, 645, 657, 658, 661, 725, 728, 740, 741, 744, and 914.

IT IS FURTHER ORDERED that all protective orders entered by the superior court relating to any document, exhibit, or transcript sealed by the court shall remain in full force and effect subject to further order of this Court.

IT IS FURTHER ORDERED that Appellant's motion to temporarily unseal ROA 919, 920, 921, and 922 is denied without prejudice pending the notification required pursuant to Ariz. R. Crim. P. 39(c)(4) and based on the entry of Orders for Criminal Lifetime No-Contact Injunctions pursuant to A.R.S. § 13-719. See ROA 915, 916, 917, and 918.

IT IS FURTHER ORDERED that upon request by counsel for either party, the Clerk of the Supreme Court shall temporarily unseal ROA 50, 51, and 56 and provide copies to counsel and then reseal the documents. This order temporarily unsealing ROA 50, 51, and 56 does not temporarily unseal the redacted and unredacted search warrant records referenced as filed under seal in ROA 50.

IT IS FURTHER ORDERED that upon request by counsel for either party, the Clerk of the Supreme Court shall temporarily unseal the Notice of Filing (filed 12-22-2017) (ROA 184) and provide copies of the notice only to counsel and then reseal the document. This order temporarily unsealing ROA 184 does not temporarily unseal the CD containing unredacted Department of Child Safety ("DCS") records.

IT IS FURTHER ORDERED that the orders by the superior court contained in ROA 177, 214, 658, and 661, that relate to the CD that contains copies of unredacted DCS records (i.e., records with redactions limited as required by A.R.S. § 8-807(L) and (P)) remain in full force and effect and counsel shall not disseminate the disk/contents of the disk to anyone and no copies shall be made or provided to the defendant or anyone else. The materials shall not be disclosed to the public and may only be disclosed to others to the extent necessary for the proper conduct of this case absent further order of the Court.

IT IS FURTHER ORDERED that upon request by counsel for either party, the Clerk of the Supreme Court shall temporarily unseal Reporter's Transcript [Sealed] 3-16-2018 Capital Case Management Conference (filed 8-18-2023) and provide copies to counsel and then reseal the transcript.

IT IS FURTHER ORDERED that upon request by counsel for either party, the Clerk of the Supreme Court shall temporarily unseal [Sealed] Reporter's Transcript 2-4-2022 – Status Conference (filed 8-4-2023) and provide copies to counsel and then reseal the transcript.

IT IS FURTHER ORDERED that the above order temporarily unsealing ROA 78 and 268 does not temporarily unseal the sealed reporter's transcripts for 8-7-2015 (filed 7-25-2023) and 8-24-2018 (filed 8-2-2023). The reporter's transcripts for 8-7-2015 and 8-24-2018 remain under seal as ordered by the superior court in ROA 78 and 268, respectively, until further order of the Court.

IT IS FURTHER ORDERED that all protective orders entered by the superior court to protect victims' rights related to ROA 201, 202, 205, 217, 240, 245, 251, 258, 260, 266, 267, 284, 296, 298, 399, and 429 shall remain in full force and effect subject to further order of this Court.

IT IS FURTHER ORDERED that the above order temporarily unsealing ROA 201, 202, 205, 217, 240, 245, 251, 258, 260, 266, 267, 284, 296, 298, 399, and 429 to allow the Clerk of the Supreme Court to provide copies to counsel for the parties does not relieve counsel of their duties and obligations pursuant to the Arizona Victims' Bill of Rights, Ariz. Const. art. 2 § 2.1, A.R.S. §§ 13-4401 et seq. (specifically §§ 13-4411(B), (C), and (D)), A.R.S. § 13-719, and the duties and obligations to Victims' Rights as outlined in Ariz. R. Crim P. 39 (particularly Rule 39(b) and (g)).

IT IS FURTHER ORDERED that counsel for the parties shall confer with the Clerk of the Supreme Court as to the Clerk's preferred procedures for the parties to obtain copies of the sealed documents and reporter's transcripts discussed herein.

IT IS FURTHER ORDERED counsel for the parties shall not include any information from sealed documents and reporter's transcripts in the briefs, other filings in this or any matter, or otherwise disclose such information to the public or other unauthorized parties without prior, further order from this Court. (Hon. Ann A. Scott Timmer)

165. 13-Sep-2023 FILED: Reporter's Transcript - 1/18/23 - Trial [Michele Kaley]

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166. 15-Sep-2023 FILED: Reporter's Transcript - 11/3/20 - Hearing [Scott Coniam]
167. 16-Sep-2023 FILED: Reporter's Transcript - 3/6/23 - Trial [Michele Kaley]
168. 16-Sep-2023 FILED: Reporter's Transcript - 1/19/23 - Trial [Michele Kaley]
169. 17-Sep-2023 FILED: Reporter's Transcript - 2/14/23 - Trial [Michele Kaley]
170. 18-Sep-2023 FILED: Reporter's Transcript - 1/9/23 - Trial [Michele Kaley]
171. 19-Sep-2023 FILED: Reporter's Transcript - 2/15/23 - Trial [Michele Kaley]
172. 19-Sep-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
173. 21-Sep-2023 FILED: Reporter's Transcript - 4/27/23 - Trial [Michele Kaley]
174. 21-Sep-2023 FILED: Reporter's Transcript - 8/30/19 -Hearing [Scott Coniam]
175. 21-Sep-2023 FILED: Reporter's Transcript - 6/15/20 - Chronis [Scott Coniam]
176. 21-Sep-2023 FILED: Reporter's Transcript - 5/15/23 - Trial [Michele Kaley]
177. 21-Sep-2023 FILED: Reporter's Transcript - 5/15/20 - Chronis Hearing [Kristin DeCasas]
178. 23-Sep-2023 FILED: Reporter's Transcript - 10/11/22 - Trial - Day 5 [Scott Coniam]
179. 23-Sep-2023 FILED: Reporter's Transcript - 3/8/23 - Trial [Michele Kaley]
180. 24-Sep-2023 FILED: Reporter's Transcript - 11/9/22 - Trial [Michele Kaley]
181. 10-Oct-2023 FILED: Reporter's Transcript - 12/15/15 - Capital Case Management Conference [Yvonne De La Torre]
- RECORD COMPLETE-----
182. 15-Nov-2023 The Clerk of the Court has determined that the record on appeal in the above captioned case is complete.
- Therefore,
- IT IS ORDERED that Appellant's Opening Brief shall be filed no later than February 13, 2024. The Answering Brief shall be filed no later than sixty (60) days after service of the Opening Brief. The Reply Brief shall be filed no later than thirty (30) days after service of the Answering Brief.
- IT IS FURTHER ORDERED that any party seeking to modify a deadline shall comply with Ariz. R. Crim. P. 31.3(e), 31.6(e) and ARCAP 6(a)(2) and (3) and ARCAP 6(b), as applicable, prior to the deadline the party seeks to modify.
- IT IS FURTHER ORDERED that briefs shall comply with Ariz. R. Crim. P. 31.14(a) unless the Court grants a motion to exceed word limit that was filed prior to the due date pursuant to Ariz. R. Crim. P. 31.6 and ARCAP 6(b) upon a showing of good cause.
- IT IS FURTHER ORDERED that A.R.S. § 13-4042 and Ariz. R. Crim. P. 31.14(c)(2) be complied with to the extent required by law. (Hon. Kathryn H. King)
183. 11-Dec-2023 FILED: Notice of Substitution of Counsel (Capital Case) [Kevin Morrow Attorney of Record]; Certificate of Service (Appellee State)
184. 31-Jan-2024 FILED: Motion For Procedural Order: Motion for Extension of Time to File to File Appellant's Opening Brief; Certificate of Service (Appellant Miller)
185. 1-Feb-2024 A "Motion for Procedural Order: Motion for Extension of Time to File Appellant's Opening Brief" (Appellant Miller) requesting a 120-day extension of the due date having been filed on January 31, 2024,
- IT IS ORDERED granting a first extension of time to file the opening brief on or before June 12, 2024. No further extensions of time shall be granted absent extraordinary circumstances. This matter is subject to dismissal if the Appellant's opening brief is not filed by June 12, 2024. (Tracie K. Lindeman Clerk)
186. 22-Feb-2024 FILED: Motion to Supplement the Record on Appeal; Certificate of Service (Appellant Miller)

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187. 22-Feb-2024 On February 22, 2024, Appellant Bryan Patrick Miller filed a Motion to Supplement the Record on Appeal requesting that the Court order the preparation of two additional reporter's transcripts in this matter and to supplement the record on appeal. Appellant's motion advises that "[w]hen reading [the] transcription of the August 2, 2019, evidentiary hearing. . . that has been made part of the record is not [] a complete transcription of that day's proceeding." Counsel for Appellant further advises that upon reviewing the "corresponding minute entry [counsel] found that there should be two more transcripts for th[e] August 2, 2019 evidentiary hearing."
- The Court is advised by Staff that a review of the minute entry for the evidentiary hearing on August 2, 2019 has confirmed the information provided by Appellant. The minute entry shows that, following a recess Court Reporter Crystal Hereford was present from 1:48 p.m. until the next recess at 3:12 p.m. When the court reconvened at 3:25 p.m. Court Reporter Michele Kaley was again present until proceedings concluded for the day at 4:52 p.m.
- Therefore, upon consideration, and good cause appearing,
- IT IS ORDERED that Court Reporter, Crystal Hereford, pursuant to Ariz. R. Crim. P. 31.8(b)(2)(A), (d)(1), (d)(3), and 31.9(c) shall prepare the transcript for the August 2, 2019 proceedings between 1:48 p.m. and 3:12 p.m. ("August 2, 2019 p.m. 1") before the superior court in this matter promptly upon receipt of this order and shall deliver the prepared transcript to the Clerk of the Supreme Court, the Appellant, and Appellee State of Arizona, pursuant to Ariz. R. Crim. P. 31.8(d), not later than April 9, 2024.
- IT IS FURTHER ORDERED that Court Reporter, Michele Kaley, pursuant to Ariz. R. Crim. P. 31.8(b)(2)(A), (d)(1), (d)(3), and 31.9(c) shall prepare the transcript for the August 2, 2019 proceedings before the superior court in this matter from 3:25 p.m. until proceedings concluded for the day ("August 2, 2019 p.m. 2") promptly upon receipt of this order and shall deliver the prepared transcript to the Clerk of the Supreme Court, the Appellant, and Appellee State of Arizona, pursuant to Ariz. R. Crim. P. 31.8(d), not later than April 9, 2024. (Hon. Ann A. Scott Timmer)
188. 10-Apr-2024 FILED: (copy of) Minute Entry Correcting Court Reporter
189. 22-Apr-2024 FILED: Motion for Extension to File Transcript (First) [Crystal L. Hereford]
190. 23-Apr-2024 Crystal Hereford, Court Reporter, having filed a first request for extension of time to file transcripts,
- IT IS ORDERED granting Crystal Hereford, Court Reporter, a first extension of time up to and including May 9, 2024, in which to file Reporter's Transcripts in the above-entitled matter.
- Any further extension will only be granted upon a showing of good cause. (Tracie K. Lindeman Clerk)
191. 10-May-2024 FILED: (Second) Motion for Extension to File Transcript [Crystal L. Hereford]
192. 10-May-2024 Crystal Hereford, Court Reporter, having filed a second request for extension of time to file the transcript that the Court ordered prepared on February 22, 2024, for the August 2, 2019 proceedings between 1:48 p.m. and 4:52 p.m.,
- IT IS ORDERED granting Crystal Hereford, Court Reporter, a second extension of time up to and including May 23, 2024, in which to file the noted Reporter's Transcript in the above-entitled matter.
- No further extensions will only be granted absent a showing of good cause. (Tracie K. Lindeman Clerk)
193. 27-May-2024 FILED: Reporter's Transcript - 8/2/19 - Evidentiary Hearing [Crystal L Hereford]
194. 4-Jun-2024 FILED: Motion for Procedural Order: Motion for Extension of Time to File Appellant's Opening Brief; Certificate of Service (Appellant Miller)
195. 5-Jun-2024 A "Motion for Procedural Order: Motion for Extension of Time to File Appellant's Opening Brief" (Appellant Miller) having been filed on June 4, 2024,
- IT IS ORDERED granting a second extension of time to file the opening brief on or before September 10, 2024. No further extensions of time shall be granted absent extraordinary circumstances. This matter is subject to dismissal if Appellant's opening brief is not filed by September 10, 2024. (Tracie K. Lindeman Clerk)