

Court of Appeals, Division One

Criminal

1 CA-CR 20-0514

STATE v. LAWLER

Appellate Case Information

Case Filed: 26-Oct-2020

Case Closed:

Dept/Composition

Department C

Hon. Randall M Howe
Hon. Brian Y Furuya
Hon. Michael J Brown

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. JAY KENNETH LAWLER, Appellant

(Litigant Group) JAY KENNETH LAWLER

- Jay Kenneth Lawler

Attorneys for: Appellant

Jill L Evans, Esq. (AZ Bar No. 15051)

CASE STATUS

Aug 6, 2024.....Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MOH, S8015CR201901412, See File, See File, Douglas Camacho, Sentencing, JURY.

2 OPEN DUE DATES

Motion for Reconsideration due Due By: Wednesday, August 21, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Randall M Howe - Author; Hon Brian Y Furuya - Concur; Hon Michael J Brown - Concur

Petition for Review to ASC due Due By: Thursday, September 5, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Randall M Howe - Author; Hon Brian Y Furuya - Concur; Hon Michael J Brown - Concur

CASE DECISION

06-Aug-2024 MEMORANDUM DECISION

Randall Howe.....Author
Brian Furuya.....Concur
Michael Brown.....Concur

Filed: 06-Aug-2024 Mandate:

Decision Disposition

Affirmed

47 PROCEEDING ENTRIES

- 1. 26-Oct-2020 FILED: Notice of Appeal from Mohave County Superior Court filed 10/20/20.
2. 26-Oct-2020 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: None Exhibits: 3 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 25 26 27 28 29 30
3. 2-Nov-2020 FILED: FILED: Additional Record on Appeal Exhibits: E5 - P - BSC1 E6-P-BSC2 E24 - P-MTA1
4. 9-Nov-2020 FILED: Courtesy Copy, Notice of Assignment from Mohave County Indigent Defense Services, dated 11/09/2020 re: appellant Jay Kenneth Lawler
5. 18-Nov-2020 FILED: Reporter's Transcript - 09/18/2020 - Jury Trial - Day 1 (Theresa Salsberry)

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6. 18-Nov-2020 FILED: Reporter's Transcript - 09/21/2020 - Jury Trial - Day 2 (Theresa Salsberry)
7. 18-Nov-2020 FILED: Reporter's Transcript - 09/22/2020 - Jury Trial - Day 3 (Theresa Salsberry)
8. 18-Nov-2020 FILED: Reporter's Transcript - 09/23/2020 - Jury Trial - Final Day (Theresa Salsberry)
9. 18-Nov-2020 FILED: Reporter's Transcript - 10/19/2020 - Judgment and Sentencing Prison (Theresa Salsberry)
10. 27-Nov-2020 FILED: Notice of Completion of Record
11. 28-Dec-2020 FILED: Motion To Supplement The Record; Request For Extension Of Time To File Opening Brief; Certificate of Service (Appellant)
12. 8-Jan-2021 ORDERED: Motion To Supplement The Record (Appellant) = GRANTED. Kip Anderson and court reporters Theresa Salsberry and Diane S. Fayette transcripts due by 02/22/2021. FURTHER ORDERED: Request For Extension Of Time To File Opening Brief = GRANTED. Due date EXTENDED from Monday, 01-11-2021 to Wednesday, 03-24-2021. Benjamin A Armstrong ProTem Judge - Author
13. 8-Jan-2021 ORDERED: Motion To Supplement The Record (Motion to Unseal) (Appellant) = GRANTED. Upon presentation of this order, unsealing the the Confidential Criminal History Report, IOR 59, for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
14. 25-Jan-2021 FILED: Reporters Transcript - 12/12/2012 (Diane Fayette)
15. 10-Feb-2021 FILED: Reporter's Transcript - 10/31/2019 - Pretrial Conference (Theresa Salsberry)
16. 10-Feb-2021 FILED: Reporter's Transcript - 11/07/2019 - Status Conference (Theresa Salsberry)
17. 10-Feb-2021 FILED: Reporter's Transcript - 11/18/2019 - Settlement Conference (Theresa Salsberry)
18. 10-Feb-2021 FILED: Reporter's Transcript - 01/23/2020 - Status Conference (Theresa Salsberry)
19. 10-Feb-2021 FILED: Reporter's Transcript - 08/27/2020 - Final Management Conference (Theresa Salsberry)
20. 10-Feb-2021 FILED: Reporter's Transcript - 09/05/2019 - Arraignment (Theresa Salsberry)
21. 10-Feb-2021 FILED: Reporter's Transcript - 01/30/2020 - Status Conference (Theresa Salsberry)
22. 10-Feb-2021 FILED: Reporter's Transcript - 05/07/2020 - Status Conference (Theresa Salsberry)
23. 10-Feb-2021 FILED: Reporter's Transcript - 03/26/2020 - Status Conference (Theresa Salsberry)
24. 10-Feb-2021 FILED: Reporter's Transcript - 07/21/2020 - Hearing on Motion Regarding Release Conditions (Theresa Salsberry)
25. 10-Feb-2021 FILED: Reporter's Transcript - 08/13/2020 - Status Conference (Theresa Salsberry)
26. 24-Mar-2021 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
27. 29-Mar-2021 FILED: Notice of Appearance; Certificate of Service (Appellee)
28. 6-May-2021 FILED: Unopposed Motion for Procedural Order (First Extension for Answering Brief); Certificate of Service (Appellee)
29. 7-May-2021 ORDERED: Unopposed Motion for Procedural Order (First Extension for Answering Brief) (Appellee)= GRANTED. Due date EXTENDED from Monday, 05-10-2021 to Monday, 05-24-2021. Benjamin A Armstrong ProTem Judge - Author
30. 24-May-2021 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
31. 25-May-2021 FILED: Notice of Errata; Certificate of Service (Appellee)
32. 8-Jun-2021 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
33. 8-Jun-2021 FILED: Supplemented Superior Court e-Record with Revised Index of Record
34. 15-Jun-2021 FILED: Motion for Extension of Time (Accept Brief as Filed) (Reply Brief); Certificate of Service (Appellant)
35. 15-Jun-2021 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
36. 16-Jun-2021 ORDERED: Motion for Extension of Time (Accept Brief as Filed) (Reply Brief) (Appellant) = GRANTED. Due date EXTENDED from Monday, 06-14-2021 to Tuesday, 06-15-2021 and accepting the reply brief as filed. Benjamin A Armstrong ProTem Judge - Author

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47 PROCEEDING ENTRIES

37. 21-Jun-2021 FILED: Notice of Errata; Certificate of Service; Amended Reply Brief (Appellant)
38. 23-Jun-2021 CLNDR: CONFERENCE, Department C, 8-18-21, COURTROOM 2.
39. 25-Jun-2021 ORDERED: Accepting the amended reply brief and replacing the original reply brief with the amended reply brief. Benjamin A Armstrong ProTem Judge - Author
40. 14-Sep-2021 ORDERED: That the parties prepare and submit supplemental briefs, not to exceed 3,000 words, on or before 10/04/2021. The supplemental brief shall be limited to whether Lawler's conduct involved one or more distinct offenses under State v. Moninger, No. 1 CA-CR 19-0353, 2021 WL 2327979, at *2 (Ariz. Ct. App. June 8, 2021). FURTHER ORDERED: The briefs shall be submitted simultaneously and no response or reply will be permitted absent further order of the Court. Hon Randall M Howe - Author
41. 1-Oct-2021 FILED: Appellant's Supplemental Brief; Certificate of Compliance; Certificate of Service (Appellant)
42. 4-Oct-2021 FILED: Appellee's Supplemental Brief; Certificate of Compliance; Certificate of Service (Appellee)
43. 9-Aug-2022 FILED: Notice of Change of Firm; Certificate of Service (Appellant)
44. 26-Aug-2022 ORDERED: Staying this appeal until further notice. After the supreme court issues its ruling in Moninger, this court will vacate the stay in this matter and issue its decision in due course. Hon Randall M Howe - Author
45. 1-Aug-2024 ORDERED: Lifting the stay of this appeal. Hon Randall M Howe - Author
46. 6-Aug-2024 MEMORANDUM DECISION (Affirmed) Hon Randall M Howe - Author; Hon Brian Y Furuya - Concur; Hon Michael J Brown - Concur
47. 6-Aug-2024 FILED: Decision Distribution Notification