

Court of Appeals, Division One

Criminal

1 CA-CR 21-0454

STATE v. MCNULTY

Appellate Case Information

Case Filed: 22-Oct-2021

Case Closed:

Dept/Composition

Side 1. STATE OF ARIZONA, Appellee/Cross-Appellant

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee/Cross-Appellant

Casey Ball, Esq. (AZ Bar No. 34987)

Side 2. JAMES ALLEN MCNULTY, Appellant/Cross-Appellee

(Litigant Group) JAMES ALLEN MCNULTY

- James Allen McNulty

Attorneys for: Appellant/Cross-Appellee

Janelle A McEachern, Esq. (AZ Bar No. 16652)

CASE STATUS

Jan 4, 2022.....Record Complete-Notice Completion Sent

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MOH S8015CR202000308	See File	See File	Billy K Sipe, Sentencing	JURY	

OPEN DUE DATE

Opening Brief Due

Due By: Monday, September 23, 2024

Re: FILED: Notice of Completion of Record

[5 extensions]

46 PROCEEDING ENTRIES

- 22-Oct-2021 FILED: Notice of Appeal from Mohave County Superior Court filed 10/14/21. Notification Sent to Court Reporters dated 10/20/2021. Notification sent to Court Reporters dated 10/19/2021 for Cross Appeal.
- 22-Oct-2021 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: Hearing date: 03/22/2021 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
Hearing date: 03/24/2021 List # 30 31
Hearing date: 03/25/2021 List # 32 33 34 35 36 37 38 39 40 41 42 43 44
- 28-Oct-2021 FILED: Notice of Appearance; Certificate of Service (Appellee)
- 28-Oct-2021 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 10/21/2021 List # 27 (CD)
- 29-Oct-2021 FILED: Amended Certificate of Service (Appellee)
- 29-Oct-2021 FILED: Courtesy copy, Notice of Assignment from Mohave County Indigent Defense Services, dated 10/29/2021 re: appellant James McNulty.
- 23-Nov-2021 FILED: Reporter's Transcript - 10/16/2020 - Evidentiary Hearing on Motion to Dismiss Day 1 (Linda Cantrell)
- 23-Nov-2021 FILED: Reporter's Transcript - 10/22/2020 - Evidentiary Hearing on Motion to Dismiss Day 2 (Linda Cantrell)
- 23-Nov-2021 FILED: Reporter's Transcript - 03/19/2021 - Oral Argument on Pending Motions (Linda Cantrell)
- 23-Nov-2021 FILED: Reporter's Transcript - 03/23/2021 - Jury Trial Day 1 (Linda Cantrell)
- 23-Nov-2021 FILED: Reporter's Transcript - 03/24/2021 - Jury Trial Day 2 (Linda Cantrell)
- 23-Nov-2021 FILED: Reporter's Transcript - 03/26/2021 - Jury Trial Day 4 (Linda Cantrell)
- 23-Nov-2021 FILED: Reporter's Transcript - 10/12/2021 - Judgment and Sentencing (Linda Cantrell)
- 26-Nov-2021 FILED: Extension Request (Time to File Transcripts)(Kimberly M Faehn)

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15. 29-Nov-2021 ORDERED: Extension Request (Time to File Transcripts)(Kimberly M Faehn) = GRANTED. Due date EXTENDED from Monday, 11-29-2021 to Wednesday, 12-29-2021 or OSC set for 01/05/2022. Hon David B Gass - Author
16. 4-Jan-2022 FILED: Reporter's Transcripts - 03/25/2021 - Jury Trial - Day 3 (Kimberly Faehn)
17. 4-Jan-2022 FILED: Notice of Completion of Record
18. 7-Jan-2022 FILED: Motion for Procedural Order to Stay Appeal and Cross-Appeal for 90 Days (Unopposed); Certificate of Service (Appellee/Cross-Appellant)
19. 7-Jan-2022 FILED: Amended Certificate of Service (Appellee/Cross-Appellant)
20. 10-Jan-2022 ORDERED: Motion for Procedural Order to Stay Appeal and Cross-Appeal for 90 Days (Unopposed) (Appellee/Cross-Appellant) = GRANTING the motion and staying this appeal until 04/11/2022. On 04/12/2022, the stay will be automatically lifted unless one of the parties files a motion to continue the stay. FURTHER ORDERED: Extending the time to file the opening brief to 05/12/2022. Benjamin A Armstrong ProTem Judge - Author
21. 7-Apr-2022 FILED: Motion for Procedural Order to Stay Appeal and Cross-Appeal for 90 Days (Unopposed) (Second Request); Amended Certificate of Service (Appellee/Cross-Appellant)
22. 11-Apr-2022 ORDERED: Motion for Procedural Order to Stay Appeal and Cross-Appeal for 90 Days (Unopposed) (Second Request) (Appellee/Cross-Appellant) = GRANTED. Extending the stay of this appeal to 07/11/2022. On 07/12/2022, the stay will be automatically lifted unless one of the parties files a motion to continue the stay. FURTHER ORDERED: Extending the time to file the opening brief to 08/11/2022. Benjamin A Armstrong ProTem Judge - Author
23. 6-Jul-2022 FILED: Motion for Procedural Order to Stay Appeal and Cross-Appeal for 90 Days (Unopposed) (Third Request); Amended Certificate of Service (Appellee)
24. 11-Jul-2022 ORDERED: Motion for Procedural Order to Stay Appeal and Cross-Appeal for 90 Days (Unopposed) (Third Request) (Appellee) = GRANTED. Extending the stay of this appeal to 10/11/2022. On 10/12/2022, the stay will be automatically lifted unless one of the parties files a motion to continue the stay. FURTHER ORDERED: Extending the time to file the opening brief to 11/14/2022. Benjamin A Armstrong ProTem Judge - Author
25. 29-Aug-2022 FILED: Motion for Procedural Order to Stay Appeal and Cross-Appeal Until Resolution of State v. Moninger (Unopposed); Certificate of Service (Appellee/Cross-Appellant)
26. 6-Sep-2022 ORDERED: Motion for Procedural Order to Stay Appeal and Cross-Appeal Until Resolution of State v. Moninger (Unopposed) (Appellee/Cross-Appellant) = GRANTED. Extending the stay of this appeal to 01/09/2023. On 01/10/2023, the stay will be automatically lifted unless one of the parties files a motion to continue the stay. FURTHER ORDERED: Extending the time to file the opening brief to 02/09/2023. Benjamin A Armstrong ProTem Judge - Author
27. 3-Jan-2023 FILED: Motion for Procedural Order to Stay Appeal and Cross-Appeal for Another 90 Days; Certificate of Service (Appellee)
28. 10-Jan-2023 ORDERED: Motion for Procedural Order to Stay Appeal and Cross-Appeal for Another 90 Days (Appellee) = GRANTED. Extending the stay of this appeal to 04/10/2023. On 04/11/2023, the stay will be automatically lifted unless one of the parties files a motion to continue the stay. FURTHER ORDERED: Extending the time to file the opening brief to 05/11/2023. Benjamin A Armstrong ProTem Judge - Author
29. 28-Mar-2023 FILED: Notice Of Decision, Motion To Remand Direct Appeal For Hearing, And Motion To Stay Cross-Appeal Another 90 Days; Certificate of Service (Appellee/Cross-Appellant)
30. 5-Apr-2023 ORDERED: Notice of Decision, Motion to Remand Direct Appeal for Hearing, and Motion to Stay Cross-Appeal Another 90 Days(Appellee/Cross-Appellant) = GRANTED/extending stay of this appeal and cross-appeal to 07/10/2023. On 07/11/2023, the stay will be automatically lifted unless one of the parties files a motion to continue the stay. FURTHER ORDERED: Remanding the direct appeal back to the superior court for proceedings consistent with the supreme court's decision in Brearcliffe. FURTHER ORDERED: extending time for filing opening brief to 08/10/2023. Deadline will be extended if the stay is extended. Benjamin A Armstrong ProTem Judge - Author
31. 9-Jun-2023 FILED: Courtsey copy of Mohave County Superior Court ME dated 06/05/2023 re: Evidentiary Hearing
32. 3-Jul-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
33. 10-Jul-2023 FILED: Motion For Procedural Order To Stay Appeal And Cross-Appeal Until The Arizona Supreme Court Issues Its Decision In State V. Moninger; Certificate of Service (Appellee)
34. 17-Jul-2023 ORDERED: Motion For Procedural Order To Stay Appeal And Cross-Appeal Until The Arizona Supreme Court Issues Its Decision In State V. Moninger (Appellee) = GRANTED and extending the stay of this appeal and cross-appeal to 10/16/2023. On 10/17/2023, the stay will be automatically lifted unless one of the parties files a motion to continue the stay. FURTHER ORDERED: Opening brief is due by 11/16/2023. This deadline will be extended if the stay is extended. Benjamin A Armstrong ProTem Judge - Author

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46 PROCEEDING ENTRIES

35. 12-Oct-2023 FILED: Motion for Procedural Order to Stay Appeal and Cross-appeal for 90 Days (Eighth Request); Certificate of Service (Appellee/Cross-Appellant)
36. 16-Oct-2023 ORDERED: Granting the motion and extending the stay of this appeal and cross-appeal to 01/16/2024. On 01/17/2024, the stay will be automatically lifted unless one of the parties files a motion to continue the stay. FURTHER ORDERED: The opening brief is due by 02/16/2024. This deadline will be extended if the stay is extended. Benjamin A Armstrong ProTem Judge - Author
37. 14-Jan-2024 FILED: Motion for Procedural Order to Stay Appeal and Cross-Appeal for 90 Days (Ninth Request); Certificate of Service (Appellee/Cross-Appellant)
38. 22-Jan-2024 ORDERED: Granting the motion and extending the stay of this appeal and cross-appeal to 04/22/2024. On 04/23/2024, the stay will be automatically lifted unless one of the parties files a motion to continue the stay. FURTHER ORDERED: The Opening Brief is due by 05/23/2024. This deadline will be extended if the stay is extended. Benjamin A Armstrong ProTem Judge - Author
39. 18-Apr-2024 FILED: Motion for Procedural Order to Stay Appeal and Cross-Appeal for 90 Days (Tenth Request); Certificate of Service (Appellee/Cross-Appellant)
40. 22-Apr-2024 ORDERED: Motion for Procedural Order to Stay Appeal and Cross-Appeal for 90 Days (Tenth Request); Certificate of Service(Appellee/Cross-Appellant) = GRANTED and continuing the stay of this appeal and cross-appeal to 07/22/2024. On 07/23/2024, the stay will be automatically lifted unless one of the parties files a motion to continue the stay. FURTHER ORDERED: Opening brief is due by 08/22/2024. This deadline will be extended if the stay is extended. Benjamin A Armstrong ProTem Judge - Author
41. 22-Jul-2024 FILED: Motion for Procedural Order to Stay Appeal and Cross-Appeal for 90 Days (Eleventh Request); Certificate of Service (Appellee)
42. 23-Jul-2024 FILED: Notice of Withdrawal of Motion for Procedural Order to Stay Appeal and Cross-Appeal for 90 Days; Certificate of Service (Appellee)
43. 29-Jul-2024 ORDERED: Motion for Procedural Order to Stay Appeal and Cross-Appeal for 90 Days (Eleventh Request) (Appellee) = TAKING NO ACTION. Benjamin A Armstrong ProTem Judge - Author
44. 30-Jul-2024 ORDERED: Motion for Procedural Order to Stay Appeal and Cross-Appeal for 90 Days (Eleventh Request); Certificate of Service (Appellee) = TAKING NO ACTION. Benjamin A Armstrong ProTem Judge - Author
45. 21-Aug-2024 FILED: Motion for Extension of Time to File Opening Brief; Certificate of Mailing (Appellant)
46. 22-Aug-2024 ORDERED: Motion for Extension of Time to File Opening Brief(Appellant) = GRANTED. Due date EXTENDED from Thursday, 08-22-2024 to Monday, 09-23-2024 Benjamin A Armstrong ProTem Judge - Author