

**Court of Appeals, Division One**

**Criminal**

**1 CA-CR 21-0525**

**STATE v. CASTANEDA**

**Appellate Case Information**

Case Filed: 19-Nov-2021

Case Closed: 25-Oct-2022

Reinstated x 1: 24-Oct-2023 **Decision**

Re-Closed:

**Dept/Composition**

**Department E**

Hon. Samuel A Thumma

Hon. Cynthia J Bailey

Hon. David B Gass

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

(Litigant Group) STATE OF ARIZONA

- State of Arizona

**Attorneys for: Appellee**

Brian Coffman, Esq. (AZ Bar No. 34580)

**Side 2. ARSENIO CASTANEDA, JR., Appellant**

(Litigant Group) ARSENIO CASTANEDA, JR.

- Arsenio Castaneda, Jr.

**Attorneys for: Appellant**

Nicole Countryman, Esq. (AZ Bar No. 17222)

**CASE STATUS**

Oct 24, 2023.....Pending in ASC

Oct 24, 2023.....Reinstated Case

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
YAV P1300CR202001489	See File	See File	Debra R Phelan, Sentencing	JURY	

**DESCENDENT CASE (S)**

ASC CR-23-0266-PR

**CASE DECISION**

**13-Sep-2022 OPINION**

\*\*\*Vacated\*\*\*

[Vacated per order filed 10/24/2023]

Filed: 13-Sep-2022

Mandate:

Decision Disposition

**Affirmed**

David Gass.....Author

Samuel Thumma.....Concur

Cynthia Bailey.....Concur



**42 PROCEEDING ENTRIES**

- 19-Nov-2021 FILED: Notice of Appeal from Yavapai County Superior Court filed 11/03/21. Notification sent to Court Reporters dated 11/09/2021.
- 19-Nov-2021 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined  
Disposition Report: None  
Exhibits: Hearing date 08/12/2021 List # 5 7 8  
Hearing date 08/11/2021 List # 10 11 12 13 14  
Hearing date 08/13/2021 List # 22 23
- 22-Nov-2021 FILED: Supplemented Superior Court e-Record with Revised Index of Record
- 23-Nov-2021 FILED: Notice of Appearance; Certificate of Service (Appellant)
- 3-Dec-2021 FILED: Request for Extension (Time to File Transcripts)(Lisa Chaney)
- 3-Dec-2021 ORDERED: Request for Extension (Time to File Transcripts)(Lisa Chaney) = GRANTED. Due Dates EXTENDED to 01/19/2022 for Transcripts dated 11/01/2021, 02/08/2021, 03/17/2021, 08/12/2021, 08/13/2021 or OSC set for 01/05/2022. Hon David B Gass - Author
- 3-Dec-2021 AMENDED ORDER: Request for Extension (Time to File Transcripts)(Lisa Chaney) = GRANTED. Due Dates EXTENDED to 01/19/2022 for Transcripts dated 11/01/2021, 02/08/2021, 03/17/2021, 08/12/2021, 08/13/2021 or OSC set for 02/02/2022. Hon David B Gass - Author

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8. 6-Dec-2021 FILED: Reporter's Transcript - 08/11/2021 - Jury Trial (Laura Ashbrook)
9. 10-Dec-2021 FILED: Request for Extension of Time (Time to File Transcript)(Susanne Nardozzi)
10. 13-Dec-2021 ORDERED: Request for Extension of Time (Time to File Transcript)(Susanne Nardozzi) = GRANTED. Due Dates EXTENDED to 01/19/2022 for transcripts dated 08/11/2021, 08/12/2021, 08/13/2021 or OSC set for 02/02/2022. Hon David B Gass - Author
11. 30-Dec-2021 FILED: Reporter's Transcript - 02/08/2021 - Pretrial Conference, Possible Change of Plea, and Possible Sentencing (Lisa A Chaney)
12. 30-Dec-2021 FILED: Reporter's Transcript - 03/17/2021 - Settlement Conference, Pretrial Conference, Possible Change of Plea (Lisa A Chaney)
13. 11-Jan-2022 FILED: Reporter's Transcript - 08/13/2021 - Jury Trial Day 3 (Treva Colwell)
14. 11-Jan-2022 FILED: Reporter's Transcript - 11/01/2021 - Judgment of Guilt and Sentence (Lisa A Chaney)
15. 13-Jan-2022 FILED: Reporter's Transcript - 08/12/2021 - Jury Trial Day 2 (Lisa A Chaney)
16. 18-Jan-2022 FILED: Reporter's Transcript - 08/11/2021 - Jury Trial Day 1 (Susanne Nardozzi)
17. 18-Jan-2022 FILED: Reporter's Transcript - 08/13/2021 - Jury Trial Day 3 (Susanne Nardozzi)
18. 19-Jan-2022 FILED: Reporter's Transcript - 08/12/2021 - Jury Trial Day 2 (Susanne Nardozzi)
19. 20-Jan-2022 FILED: Notice of Completion of Record
20. 24-Jan-2022 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
21. 15-Feb-2022 FILED: Notice of Appearance; Certificate of Service (Appellee)
22. 1-Mar-2022 FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
23. 2-Mar-2022 ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Monday, 03-07-2022 to Wednesday, 04-06-2022. Benjamin A Armstrong ProTem Judge - Author
24. 6-Apr-2022 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
25. 26-May-2022 CLNDR: CONFERENCE, Department E, 7-27-22, CONFERENCE ROOM.
26. 13-Sep-2022 OPINION (Affirmed) Hon David B Gass - Author; Hon Samuel A Thumma - Concur; Hon Cynthia J Bailey - Concur
27. 13-Sep-2022 FILED: Opinion Decision Distribution List
28. 25-Oct-2022 FILED: Mandate, No physical record to be returned to clerk, Yavapai County Superior Court.
29. 25-Oct-2022 FILED: Letter dated 10/25/2022, to Dept Public Safety Re: Copy of Mandate/Decision/Disposition Report
30. 24-Jul-2023 FILED: Motion for Request for Court of Appeals to Construe Appellant's Motion for Reconsideration [sic] as Timely Filed Petition for Review, Motion for Order (Appellant Pro Per)
31. 1-Aug-2023 FILED: Response to Motion for Request for Court of Appeals to Construe Appellant's Motion for Reconsideration as Timely Filed Petition for Review, and Response to Motion for Order; Certificate of Service; Exhibits 1-2 (Appellee)
32. 3-Aug-2023 ORDERED: Motion for Request for Court of Appeals to Construe Appellant's Motion for Reconsideration [sic] as Timely Filed Petition for Review, Motion for Order (Appellant Pro Per) = TAKING NO ACTION. Hon David B Gass - Author
33. 14-Aug-2023 FILED: Motion for Extension of Time (Reply) (Appellant Pro Per)
34. 22-Sep-2023 FILED: Motion for Extension of Time (Reply) (Appellant Pro Per)
35. 25-Sep-2023 ORDERED: Motion for Extension of Time (Reply) (Appellant Pro Per) = TAKING NO ACTION and on any other motions. Hon David B Gass - Author
36. 29-Sep-2023 FILED: Reply Memorandum is [sic] Support of Mation [sic] for Request for Court of Appeals to Construe Appellant's Motion for Reconsideration [sic] as Timely Filed Petition for Review (Appellant Pro Per)
37. 24-Oct-2023 FILED: Email Notice from ASC re: Petition for Review filed 10/13/2023; request for partial record
38. 24-Oct-2023 FILED: Letter forwarding partial record to Arizona Supreme Court

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- 39. 24-Oct-2023 ORDERED: Reinstating this appeal for the purpose of transferring documents requested by the Arizona Supreme Court for review. Amy M Wood - Author
- 40. 30-Nov-2023 FILED: Letter, 11/30/23, forwarding 'Motion for Procedural Order...' to Arizona Supreme Court for disposition
- 41. 11-Dec-2023 FILED: Motion for Order (Motion for Counsel to Send Appellant Record) (Appellant Pro Per)
- 42. 3-Jan-2024 ORDERED: Motion for Order (Motion for Counsel to Send Appellant Record) (Appellant Pro Per) = DENIED. Hon David B Gass - Author