

Court of Appeals, Division One

Criminal

1 CA-CR 22-0071

STATE v. NAJAR

Appellate Case Information

Case Filed: 15-Feb-2022

Case Closed:

Dept/Composition

Department A

Hon. Angela K Paton
Hon. Michael S Catlett
Hon. James B Morse

Consolidated with: 1 CA-CR 21-0512 1 CA-CR 21-0541 1 CA-CR 22-0061

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Eliza Ybarra, Esq. (AZ Bar No. 22395)

Side 2. WILLIAM FRANKLIN NAJAR, Appellant

(Litigant Group) WILLIAM FRANKLIN NAJAR

- William Franklin Najar

Attorneys for: Appellant

Daniela De La Torre, Esq. (AZ Bar No. 21690)

Kaitlin DiMaggio, Esq. (AZ Bar No. 36178)

Side 3. MARICOPA COUNTY ATTORNEY'S OFFICE, Amicus Curiae

(Litigant Group) MARICOPA COUNTY ATTORNEY'S OFFICE

- Maricopa County Attorney's Office

Attorneys for: Amicus Curiae

Julie A Done, Esq. (AZ Bar No. 24370)

Kirsten Valenzuela, Esq. (AZ Bar No. 21369)

Jennifer Nicole Carper, Esq. (AZ Bar No. 25535)

CASE STATUS

Aug 27, 2024....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR1998-093180	01/24/2022 Under Advisement Ruling		Patricia A Starr, Authoring Judge of Order		

DESCENDENT CASE(S)

ASC CR-22-0084-PR
ASC CR-24-0175-PR

2 CASE DECISIONS

17-Feb-2022 ORDER

Vacated

ORDERED: Dismissing this appeal.

Benjamin Armstrong.....Author

Filed: **17-Feb-2022**

Mandate:

Decision Disposition

Dismissed

25-Jun-2024 MEMORANDUM DECISION

James Morse.....Author

Angela Paton.....Concur

Michael Catlett.....Concur

Filed: **25-Jun-2024**

Mandate:

Decision Disposition

Affirmed

DECISION APPLIES TO THE FOLLOWING OTHER CASE(S)

1 CA-CR 21-0512 STATE v. DESHAW
1 CA-CR 21-0541 STATE v. PURCELL
1 CA-CR 22-0061 STATE v. TATUM

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60 PROCEEDING ENTRIES

1. 15-Feb-2022 FILED: Notice of Appeal from Maricopa County Superior Court filed 02/10/22. Notification sent to Court Reporters dated 02/14/2022.
2. 17-Feb-2022 ORDERED: Dismissing this appeal. Benjamin A Armstrong ProTem Judge - Author
3. 4-Mar-2022 FILED: Appellant's Motion to Reconsider; Certificate of Filing and Service (Appellant)
4. 4-Mar-2022 FILED: Appellant's Motion to Reconsider (Duplicate); Certificate of Service (Amended) (Appellant)
5. 14-Mar-2022 ORDERED: Appellant's Motion to Reconsider (Appellant) = DENIED. FURTHER ORDERED: Denying the request for oral argument. Hon Kent E Cattani - Author
6. 30-Mar-2022 FILED: Email Notice from ASC re: Petition for Review filed 3/29/22; request for partial record
7. 30-Mar-2022 FILED: Letter forwarding partial record to Arizona Supreme Court
8. 25-Aug-2022 FILED: Letter from ASC, 08/25/2022, re: Petition for Review CONTINUED on 08/23/2022.
9. 13-Sep-2022 FILED: Letter from ASC, 09/13/2022, re: Petition for Review CONTINUED on 09/13/2022.
10. 12-Oct-2022 FILED: Letter from ASC, 10/12/2022, re: Petition for Review CONTINUED on 10/12/2022.
11. 5-Jan-2023 FILED: Letter from ASC, 01/05/2023, re: Petition for Review CONTINUED on 01/04/2023.
12. 5-Apr-2023 FILED: Letter from ASC, 4/05/2023, re: Petition for Review GRANTED on 4/04/2023. FURTHER ORDERED: Remanding to the court of appeals for reconsideration in light of this Court's Opinion filed 04/03/2023, in State v. Purcell, No. CR-21-0398-PR, and State v. DeShaw, No. CR-21-0400-PR (Consolidated).
13. 10-Apr-2023 ORDERED: Granting appellant's 3/04/2023 motion for reconsideration and reinstating this appeal. Hon Paul J McMurdie - Author
14. 13-Apr-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 05/30/2023. Amy M Wood - Author
15. 14-Apr-2023 ORDERED: Directing court reporter April Escobedo to prepare/file transcript of preceedings held 01/04/2022 by 05/30/2023. Benjamin A Armstrong ProTem Judge - Author
16. 26-May-2023 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 09/17/2001 List # 1.001 13 19 24 25 70.002 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 168 169 170 171 172 173 174 174.001 174.002 175 176 177 178 179 180 181 185 186 187 188 189 190 in manila envelope
Hearing Date: 09/19/2001 List # 1 2 in manila envelope
17. 29-May-2023 FILED: Extension Request (Time to File Transcripts) (April Escobedo)
18. 30-May-2023 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: 416 417
Exhibits: None sent with e-Record
(Includes transcripts dated 12/01/1999, 05/25/2001, 08/27/2001, 08/30/2001, 09/10/2001, 09/17/2001, 09/18/2001, 09/19/2001, 09/24/2001, 09/25/2001, 10/01/2001, 09/26/2001, 09/27/2001, 10/02/2001, 10/03/2001, 10/04/2001, 10/10/2001, 10/11/2001, 10/12/2001, 10/15/2001, 10/31/2001, 11/06/2001, 12/20/2001, 08/27/2001, 08/30/2001, 09/10/2001, 09/17/2001, 09/18/2001, 09/19/2001, 09/24/2001, 09/25/2001, 10/01/2001, 09/26/2001, 09/27/2001, 10/02/2001, 10/03/2001, 10/04/2001, 10/10/2001, 10/11/2001, 10/12/2001, 10/15/2001, 10/31/2001, 11/06/2001, 12/20/2001, 06/15/2001, 12/02/2005)
19. 30-May-2023 ORDERED: Extension Request (Time to File Transcripts) (April Escobedo) = GRANTED. Due date EXTENDED from Tuesday, 05-30-2023 to Thursday, 06-29-2023 (Transcript for 01/04/2022 by Reporter April M Escobedo) or OSC set on 07/05/2023. Hon David B Gass - Author
20. 1-Jun-2023 FILED: Notice of Substitution of Firm; Certificate of Filing and Service (Appellant)
21. 7-Jun-2023 FILED: Notice of Appearance; Certificate of Service (Appellee)
22. 12-Jun-2023 FILED: Notice of Concession of Error; Certificate of Service (Appellee)

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23. 14-Jun-2023 FILED: Amicus Curiae Brief Of The Maricopa County Attorney's Office; Certificate Of Compliance For Amicus Curiae Brief Of The Maricopa County Attorney's Office; Certificate Of Service For Amicus Curiae Brief Of The Maricopa County Attorney's Office (Amicus Curiae)
24. 21-Jun-2023 ORDERED: Consolidating cases 1 CA-CR 21-0512, 1 CA-CR 21-0541, 1 CA-CR 22-0061, and 1 CA-CR 22-0071. Case no. 1 CA-CR 21-0512 is designated the primary number, and the caption shown above must be used on all future documents filed in this appeal. FURTHER ORDERED: Directing the clerk of this court to issue a Notice of Completion for this consolidated case once the record is fully complete in all member cases. FURTHER ORDERED: The deadline to file a response to the Maricopa County Attorney's Office's amicus brief will be the same date as the opening brief deadline set in the Notice of Completion. FURTHER ORDERED: Notice of Concession of Error (Appellee) = TAKING NO ACTION. Nothing precludes the State from filing a new Concession of Error after the opening briefs are filed. Hon Kent E Cattani - Author
25. 22-Jun-2023 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 02/09/1996 List # 1 2 3 4 5 6 7 in manila envelope
Hearing Date: 10/28/1996 List # 187 188 190 194 195 in manila envelope
Hearing Date: 12/02/1996 List # 8.001 11 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 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 185 186 187 188 189 190 191 192 in manila envelope
Hearing Date: 07/11/1997 List # 2 3 4 5 6 7 8 9 10 11 in manila envelope
Hearing Date: 08/29/1997 List # 1 2 in a box
26. 4-Jul-2023 FILED: Reporter's Transcripts - 01/04/2022 - Oral Argument (April Escobedo)
27. 10-Jul-2023 FILED: Notice of Completion of Record
28. 24-Jul-2023 FILED: Request for Procedural Order: Motion to Supplement Record - And - Request to Extend Time to File the Opening Brief Until the Record is Supplemented; Certificate of Service (Appellant)
29. 24-Jul-2023 FILED: Request for Procedural Order: Motion to Supplement Record - And - Request to Extend Time to File the Opening Brief Until the Record is Supplemented (Second Request); Certificate of Service (Appellant)
30. 1-Aug-2023 ORDERED: Motion to Supplement Record (Appellant) = GRANTED and directing court reporter supervisor Vanessa Gartner to prepare transcript dated 06/11/2019 for the hearing at which Celeste Paxton-Jones was the court reporter designated above due 09/15/2023. FURTHER ORDERED: Ken Crenshaw Transcript for digitally recorded hearing on 08/09/2019, due 09/15/2023. FURTHER ORDERED: Directing court reporters Marylynn LeMoine, Wanda Bauer, and Gail Ferguson Transcripts dated 07/12/2019, 06/02/2021, 10/12/2018, due 09/15/2023 (See Order). FURTHER ORDERED: Motion to Supplement Record (Second Request) = GRANTED. FURTHER ORDERED: Request to Extend Time to File the Opening Brief Until the Record is Supplemented = GRANTED. Due date EXTENDED from Thursday, 08-24-2023 to Monday, 10-16-2023. Geoffrey P Butzine ProTem Judge - Author
31. 9-Aug-2023 FILED: The State's Response to Brief of Amicus Curiae; Certificate of Compliance; Certificate of Service (Appellee)
32. 24-Aug-2023 FILED: Joint Response to MCAO Amicus Brief; Certificate of Compliance; Certificate of Service (Appellant)
33. 5-Sep-2023 FILED: Reporter's Transcript - 06/02/2021 - Reporter's Transcript of Proceedings - (Wanda Bauer)
34. 10-Sep-2023 FILED: Reporter's Transcript - 06/11/2019 - Status Conference - (Terry Masciola)
35. 15-Sep-2023 FILED: Reporter's Transcript - 07/12/2019 - Oral Argument - (Marylynn LeMoine Cotton)
36. 28-Sep-2023 FILED: Notice of Supplemental Authority; Certificate of Service for Notice of Supplemental Authority (Amicus Curiae)
37. 29-Sep-2023 FILED: Reporter's Transcript - 08/09/2019 - Status Conference (Brian Gemma)
38. 5-Oct-2023 ORDERED: Court Reporter Gail Ferguson transcript dated 10/12/2018 due or OSC set on 10/18/2023. Hon Randall M Howe - Author
39. 12-Oct-2023 FILED: Motion to Extend Time to File the Opening Brief; Certificate of Service (Appellant)
40. 16-Oct-2023 ORDERED: Motion to Extend Time to File the Opening Brief (Appellant) = GRANTED. Due date EXTENDED from 10/16/2023 to 11/15/2023 for Appellant's Opening Brief, Geoffrey P Butzine ProTem Judge - Author

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41. 18-Oct-2023 ORDERED: Directing Court Reporting Supervisor Chris Bleuenstein to reassign the preparation of the transcripts designated above from Court Reporter Gail Ferguson to an available court reporter, and to furnish one copy to appellant's counsel, one copy to appellee's counsel, and the original to the clerk of this court by 12/04/2023, marked for filing in this appeal. FURTHER ORDERED: Extending the time to file the Opening Brief from 11/15/2023, to 01/03/2024. FURTHER ORDERED: Directing Court Reporting Supervisor Chris Bleuenstein to notify the Court of Appeals Clerk's Office of the court reporter assigned to prepare the above-listed transcripts. Hon Randall M Howe - Author
42. 13-Nov-2023 FILED: Reporter's Transcript - 10/12/2018 - Oral Argument - (Catherine Turner on behalf of Gail Ferguson)
43. 3-Jan-2024 FILED: Appellant's Joint Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
44. 30-Jan-2024 FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
45. 31-Jan-2024 ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Monday, 02-12-2024 to Wednesday, 03-13-2024. Geoffrey P Butzine ProTem Judge - Author
46. 12-Mar-2024 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
47. 26-Mar-2024 FILED: Unopposed Motion for Procedural Order: Extend Reply Brief Deadline; Certificate of Service (Appellant Deshaw & Purcell)
48. 26-Mar-2024 ORDERED: Unopposed Motion for Procedural Order: Extend Reply Brief Deadline (Appellant Deshaw & Purcell) = GRANTED. Due date EXTENDED from Monday, 04-01-2024 to Monday, 04-22-2024. Geoffrey P Butzine ProTem Judge - Author
49. 29-Mar-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
50. 15-Apr-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (CR1994-011396)
51. 19-Apr-2024 FILED: Appellants' Joint Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
52. 26-Apr-2024 CLNDR: CONFERENCE, Department A, 5-28-24, CONFERENCE ROOM.
53. 22-May-2024 FILED: Notice of Supplemental Authority; Certificate of Service for Notice of Supplemental Authority (Amicus Curiae)
54. 3-Jun-2024 FILED: Supplement to September 28, 2023, and January 10, 2024, Notices of Supplemental Authority Re: Wagner and Arias; Certificate of Service for Supplement To Notices of Supplemental Authority (Amicus Curiae)
55. 25-Jun-2024 MEMORANDUM DECISION (Affirmed) Hon James B Morse Jr. - Author; Hon Angela K Paton - Concur; Hon Michael S Catlett - Concur
56. 25-Jun-2024 FILED: Decision Distribution Notification
57. 19-Jul-2024 FILED: ASC Order filed 07/19/2024 re: extending time for filing Petition for Review to 08/26/2024; matter subject to dismissal if the petition for review is not filed by 08/26/2024.
58. 27-Aug-2024 FILED: Email Notice from ASC re: Petition for Review filed 08/26/2024; request for partial record
59. 29-Aug-2024 FILED: Letter forwarding partial record to Arizona Supreme Court
60. 3-Sep-2024 FILED: Amended Letter forwarding partial record to Arizona Supreme Court