

Court of Appeals, Division One

Criminal

1 CA-CR 22-0125

STATE v. ASTON

Appellate Case Information

Case Filed: 22-Mar-2022

Case Closed: 3-May-2022

Reinstated x 1: 18-Dec-2023 Dismissal

Re-Closed:

Dept/Composition

Department F

Hon. Maria Elena Cruz
Hon. Samuel A Thumma
Hon. Andrew M Jacobs

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Julie A Done, Esq. (AZ Bar No. 24370)
Vince H Imbordino, Esq. (AZ Bar No. 4291)

Side 2. JOSHUA ASTON, Appellant

(Litigant Group) JOSHUA ASTON

- Joshua Aston

Attorneys for: Appellant

Pamela Nicholson, Esq. (AZ Bar No. 10071)

CASE STATUS

Aug 26, 2024...Assigned

Jan 19, 2024....Reinstated Case

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2004-006474-001, Order dated 02/15/2022, Suzanne E Cohen, Authoring Judge of Order, JURY, Dispo.

CALENDAR

Wednesday MONTHLY COURT CASE CALENDAR
9-Oct-2024 Department F; CONFERENCE ROOM

Mixed

PENDING MATTER

General Motion

\* State's Motion to Dismiss Appeal, or Alternatively, Motion to Suspend Appeal (Appellee)

Filed: 5-Jan-2024

Scheduled: 9-Feb-2024

1/29: Appellant's Response to State's Motion to Dismiss Appeal or, Alternatively, Motion to Suspend Appeal (Appellant)

02/02 - State's Reply to Aston's Respon

2 CASE DECISIONS

25-Mar-2022 ORDER

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

ORDERED: Dismissing this appeal. [Vacated per order filed 12/18/2023]

Filed: 25-Mar-2022

Mandate:

Decision Disposition

Dismissed

Benjamin Armstrong.....Author

17-Jan-2024 ORDER

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

ORDERED: State's Motion to Dismiss Appeal, or Alternatively, Motion to Suspend Appeal (Appellee) = GRANTED. [Vacated per order filed 01/19/2024 - dnt]

Filed: 17-Jan-2024

Mandate:

Decision Disposition

Dismissed

Benjamin Armstrong.....Author

50 PROCEEDING ENTRIES

- 1. 22-Mar-2022 FILED: Notice of Appeal from Maricopa County Superior Court filed 03/16/22. Notification to Court Reporters sent on 03/21/2022.
2. 25-Mar-2022 ORDERED: Dismissing this appeal. Benjamin A Armstrong ProTem Judge - Author

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3. 25-Mar-2022 FILED: State's Motion to Vacate this Court's July 20, 2016, Decision and Reinstate Aston's Natural Life Sentence, Based on a Change in Controlling Law, or Alternatively, State's Petition for Special Action; Certificate of Service for State's Motion to Vacate this Court's July 20, 2016, Decision and Reinstate Aston's Natural Life Sentence, Based on a Change in Controlling Law, or Alternatively, State's Petition for Special Action (Appellee)
4. 6-Apr-2022 ORDERED: State's Motion to Vacate this Court's July 20, 2016, Decision and Reinstate Aston's Natural Life Sentence, Based on a Change in Controlling Law, or Alternatively, State's Petition for Special Action (Appellee) = GRANTED. Directing the clerk of this court re-file the "State's Motion to Vacate or, Alternatively, State's Petition for Special Action" as a petition for special action. Benjamin A Armstrong ProTem Judge - Author
5. 3-May-2022 FILED: Letter, 05/03/2022, Certified Copy of Order dismissing appeal. No physical record to be returned to clerk, Maricopa County Superior Court.
6. 8-Dec-2023 FILED: Appellant's Motion to Reinstate Appeal; Certificate of Service of Appellant's Motion to Reinstate Appeal; Appendix A; Appendix B (Appellant)
7. 8-Dec-2023 FILED: Appendix C (Appellant)
8. 8-Dec-2023 FILED: Appendix D (Appellant)
9. 18-Dec-2023 ORDERED: Appellant's Motion to Reinstate Appeal (Appellant) = GRANTED and reinstating this appeal. Benjamin A Armstrong ProTem Judge - Author
10. 21-Dec-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 02/05/2024. Amy M Wood - Author
11. 5-Jan-2024 FILED: State's Motion to Dismiss Appeal, or Alternatively, Motion to Suspend Appeal; Certificate of Service for State's Motion to Dismiss Appeal, or Alternatively, Motion to Suspend Appeal (Appellee)
12. 17-Jan-2024 ORDERED: State's Motion to Dismiss Appeal, or Alternatively, Motion to Suspend Appeal (Appellee) = GRANTED. Benjamin A Armstrong ProTem Judge - Author  
  
[Vacated per order filed 01/19/2024]
13. 18-Jan-2024 FILED: Appellant's Motion to Allow Filing of Delayed Response and Motion for Extension of Time to File Delayed Response to State's Motion to Dismiss Appeal; Certificate of Service of Appellant's Motion to Allow Filing of Delayed Response and Motion for Extension of Time to File Delayed Response to State's Motion to Dismiss (Appellant)
14. 19-Jan-2024 ORDERED: Vacating the 01/17/2024, order dismissing this appeal. FURTHER ORDERED: Reinstating this appeal. FURTHER ORDERED: Granting the motion and allowing appellant to file a delayed response to the motion to dismiss. FURTHER ORDERED: Appellant must file a response to the motion to dismiss by 01/19/2024. FURTHER ORDERED: Appellee must file any reply in support of the motion to dismiss by 02/02/2024. Benjamin A Armstrong ProTem Judge - Author
15. 29-Jan-2024 FILED: Appellant's Response to State's Motion to Dismiss Appeal or, Alternatively, Motion to Suspend Appeal; Certificate of Service of Appellant's Response to State's Motion to Dismiss Appeal or, Alternatively, Motion to Suspend Appeal (Appellant)
16. 2-Feb-2024 FILED: Additional Record on Appeal  
Physical Exhibits:  
Hearing Date: 03/02/2007 List # 29 31 32 33 39 45 46 47 50 51 52 53 55 61 72 93 96 98 99 100 103 105 106 107 109 110 111 112 113 115 in a box  
Hearing Date: 08/08/2008 List # 1 2 3 4 5 6 in manila envelope (in a box)
17. 2-Feb-2024 FILED: e-Record on Appeal:  
Instruments/Minute Entries: Combined  
Disposition Report: 241  
Exhibits: None sent with e-Record  
Reporter's Transcripts: 05/04/2007 (Kristen Brown), 03/21/2007 (Kristen Brown), 03/20/2007 (Kristen Brown), 03/14/2007 (Amy Stewart), 02/28/2007 (Tara Kramer), 02/12/2007 (Linda Lopez), 03/17/2006 (Laura Ashbrook), 08/17/2005 (Karen Dawson), 06/21/2005 (Karen Dawson), 03/07/2007 (Karen Dawson), 03/02/2007 (Kristen Brown), 03/01/2007 (Kristen Brown), 02/28/2007 (Kristen Brown), 03/08/2007 (Karen Dawson), 03/09/2007 (Karen Bolton), 03/13/2007 (Kristen Brown), 08/08/2008 (Tara Kramer)
18. 2-Feb-2024 FILED: State's Reply to Aston's Response to State's Motion to Dismiss Appeal, or Alternatively, Motion to Suspend Appeal; Certificate of Service for State's Reply to Aston's Response to State's Motion to Dismiss Appeal, or Alternatively, Motion to Suspend Appeal (Appellee)
19. 7-Feb-2024 ORDERED: Deferring the ruling on the motion to dismiss to the panel that considers this appeal on the merits. FURTHER ORDERED: Directing the clerk of this court to reference this order in the electronic case management system. Benjamin A Armstrong ProTem Judge - Author
20. 22-Feb-2024 FILED: Appellant's Motion for Clarification; Certificate of Service of Appellant's Motion for Clarification (Appellant)

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21. 22-Feb-2024 FILED: Exhibit 1 (to Appellant's Motion for Clarification) (Appellant)
22. 26-Feb-2024 FILED: Notice of Completion of Record
23. 27-Feb-2024 ORDERED: The parties may address the arguments in the motion to dismiss, response, and reply in their respective briefs. Benjamin A Armstrong ProTem Judge - Author
24. 10-Apr-2024 FILED: Motion to Extend Time for Filing Opening Brief; Certificate of Service of Appellant's Motion to Extend Time for Filing Opening Brief (Appellant)
25. 10-Apr-2024 ORDERED: Motion to Extend Time for Filing Opening Brief (Appellant)= GRANTED. Due date EXTENDED from Wednesday, 04-10-2024 to Thursday, 04-25-2024. Benjamin A Armstrong ProTem Judge - Author
26. 23-Apr-2024 FILED: Motion to Extend Time for Filing Opening Brief; Certificate of Service of Appellant's Motion to Extend Time for Filing Opening Brief; AFFIDAVIT Other: Exhibit 1 (Appellant)
27. 23-Apr-2024 ORDERED: Motion to Extend Time for Filing Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Thursday, 04-25-2024 to Thursday, 05-09-2024. Benjamin A Armstrong ProTem Judge - Author
28. 8-May-2024 FILED: Motion to Extend Time for Filing Opening Brief; Certificate of Service of Appellant's Motion to Extend Time for Filing Opening Brief (Appellant)
29. 8-May-2024 ORDERED: Motion to Extend Time for Filing Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Thursday, 05-09-2024 to Monday, 05-13-2024. Benjamin A Armstrong ProTem Judge - Author
30. 14-May-2024 FILED: Motion to Extend Time for Filing Opening Brief; Certificate of Service of Appellant's Motion to Extend Time for Filing Opening Brief (Appellant)
31. 14-May-2024 FILED: Motion to Consider Motion for Extension of Time to File Opening Brief Timely Filed; Certificate of Service of Appellant's Motion to Consider Motion for Extension of Time to File Opening Brief Timely Filed (Appellant)
32. 14-May-2024 FILED: State's Objection to Aston's Belated 05/14/2024, Motion to Extend Time to File Opening Brief; Certificate of Service for State's Objection to Aston's Belated 05/14/2024, Motion to Extend Time to File Opening Brief (Appellee)
33. 14-May-2024 ORDERED: Motion to Extend Time for Filing Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 05-13-2024 to Monday, 05-20-2024. Benjamin A Armstrong ProTem Judge - Author
34. 15-May-2024 AMENDED ORDER: Motion to Extend Time for Filing Opening Brief (Appellant) (and State's Objection) = GRANTED. Due date EXTENDED from Monday, 05-13-2024 to Monday, 05-20-2024. Benjamin A Armstrong ProTem Judge - Author
35. 20-May-2024 FILED: Motion to Extend Time for Filing of Opening Brief by One Day; Certificate of Service of Appellant's Motion to Extend Time for Filing Opening Brief by One Day (Appellant)
36. 21-May-2024 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service of Opening Brief (Appellant)
37. 21-May-2024 FILED: Index of Appendices to Appellant's Opening Brief; Appendix 1 to Opening Brief; Appendix 2 to Opening Brief; Appendix 3 to Opening Brief (Appellant)
38. 22-May-2024 ORDERED: Motion to Extend Time for Filing of Opening Brief by One Day (Appellant) = GRANTED. Due date EXTENDED from Monday, 05-20-2024 to Tuesday, 05-21-2024. FURTHER ORDERED: Accepting the opening brief. Geoffrey P Butzine ProTem Judge - Author
39. 24-Jun-2024 FILED: Appellant's Motion for Leave to File Exhibit 19 to Appendix of Opening Brief Under Seal; Certificate of Service of Appellant's Motion for Leave to File Exhibit 19 to Appendix of Opening Brief Under Seal (Appellant)
40. 24-Jun-2024 FILED: Exhibit 19 to Appendix of Opening Brief Under Seal (Appellant)
41. 28-Jun-2024 ORDERED: Appellant's Motion for Leave to File Exhibit 19 to Appendix of Opening Brief Under Seal (Appellant) = GRANTED and accepting the exhibit filed under seal on 06/24/2024, subject to access by court personnel as needed for processing this appeal. Benjamin A Armstrong ProTem Judge - Author
42. 1-Jul-2024 FILED: Appellee's Answering Brief; Certificate of Compliance for Answering Brief; Certificate of Service for Answering Brief (Appellee)
43. 22-Jul-2024 FILED: Motion to Extend Time for Filing Reply Brief by One Week; Certificate of Service of Motion to Extend Time for Filing Reply Brief by One Week (Appellant)
44. 22-Jul-2024 ORDERED: Motion to Extend Time for Filing Reply Brief by One Week (Appellant) = GRANTED. Due date EXTENDED from Monday, 07-22-2024 to Monday, 07-29-2024. Benjamin A Armstrong ProTem Judge - Author

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45. 29-Jul-2024 FILED: Motion to Extend Time for Filing Reply Brief; Certificate of Service of Motion to Extend Time for Filing Reply Brief (Appellant)
46. 29-Jul-2024 ORDERED: Motion to Extend Time for Filing Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 07-29-2024 to Friday, 08-02-2024. Pursuant to Division One Administrative Order 2020-03, the court will not grant any further extension absent a showing of new and unforeseen circumstances constituting good cause. Benjamin A Armstrong ProTem Judge - Author
47. 2-Aug-2024 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service of Reply Brief (Appellant)
48. 9-Aug-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
49. 15-Aug-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
50. 26-Aug-2024 CLNDR: CONFERENCE, Department F, 10-9-24, CONFERENCE ROOM.