

Court of Appeals, Division One
Criminal Petition Review Post Conviction Relief

1 CA-CR 22-0266 PRPC

STATE v. CONLEY

Appellate Case Information

Case Filed: 14-Jun-2022

Case Closed: 19-Mar-2024

Reinstated x 1: 27-Mar-2024 Decision

Re-Closed:

Dept/Composition

Department B

Hon. Andrew M Jacobs
 Hon. Jennifer M Perkins
 Hon. David D Weinzweig

Side 1. STATE OF ARIZONA, Respondent

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Respondent

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

Jessi C Wade, Esq. (AZ Bar No. 21375)

Side 2. JOSEPH LEE CONLEY, Petitioner

(Litigant Group) JOSEPH LEE CONLEY

- Joseph Lee Conley

Attorneys for: Petitioner

Kerrie M Droban Zhivago, Esq. (AZ Bar No. 16464)

CASE STATUS

Mar 27, 2024....Reinstated Case

Mar 25, 2024....Pending in ASC

PREDECESSOR CASE(S)

MAR CR2004-035015-001

Cause/Charge/Class

Judgment/Sentence

Judge, Role <Comments>

Trial

Dispo

Patricia A Starr, Judge on
 PC

DESCENDENT CASE(S)

ASC CR-24-0075-PR

CASE DECISION

06-Feb-2024 MEMORANDUM DECISION

Filed: 06-Feb-2024

Mandate: 19-Mar-2024

Percurium

Andrew Jacobs.....Concur

Jennifer Perkins.....Concur

David Weinzweig.....Concur

Decision Disposition

Review Granted

Relief Denied

23 PROCEEDING ENTRIES

- 14-Jun-2022 FILED: Petition for Review Re: Dismissal Petition for Post Conviction Relief; Denial Motion for Rehearing; Certificate of Service (Petitioner)
- 15-Jun-2022 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 08/01/2022. Amy M Wood - Author
- 14-Jul-2022 FILED: Notice of Appearance; Certificate of Service for Notice of Appearance (Respondent)
- 14-Jul-2022 FILED: State's Response to Conley's Petition for Review From Dismissal of his Successive Petition for Postconviction Relief; Certificate of Service for State's Response to Conley's Petition for Review From Dismissal of his Successive Petition for Postconviction Relief; Certificate of Compliance for State's Response to Conley's Petition for Review From Dismissal of his Successive Petition for Postconviction Relief (Respondent)

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23 PROCEEDING ENTRIES

5. 29-Jul-2022 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 03/16/2007 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 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 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 292 294 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 in box
Hearing Date: 05/25/2007 List # 1 in box
Sealed Exhibits:
Hearing Date: 12/05/2005 List # 1 2 3 in box
6. 29-Jul-2022 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None sent with e-Record
(Includes transcripts dated 03/20/22007, 09/01/2006, 12/15/2006, 03/19/2007, 12/05/2005, 12/12/2005, 04/02/2007, 04/03/2007, 04/04/2007, 04/17/2007, 05/25/2017, 03/27/2007, 03/28/2007, 03/29/2007, 03/21/2007, 03/22/2007, 03/26/2007, 03/02/2007)
7. 3-Jan-2023 FILED: Motion to Stay Conley's Petition for Review from the Dismissal of His Successive Petition for Postconviction Relief; Certificate of Service for Motion to Stay Conley's Petition for Review from the Dismissal of His Successive Petition for Postconviction Relief (Respondent)
8. 9-Jan-2023 ORDERED: Motion to Stay Conley's Petition for Review from the Dismissal of His Successive Petition for Postconviction Relief (Respondent) = GRANTED. Staying this review proceeding until 04/10/2023. FURTHER ORDERED: The stay will be automatically lifted without further order on 04/11/2023, unless before then petitioner or respondent files a notice of disposition, a motion to dismiss this review proceeding, or a motion to continue the stay. Benjamin A Armstrong ProTem Judge - Author
9. 6-Apr-2023 FILED: Motion To Continue Stay Of Conley's Petition For Review From The Dismissal Of His Successive Petition For Postconviction Relief; Certificate Of Service For Motion To Continue Stay Of Conley's Petition For Review From The Dismissal Of His Successive Petition For Postconviction Relief (Respondent)
10. 12-Apr-2023 ORDERED: Motion To Continue Stay Of Conley's Petition For Review From The Dismissal Of His Successive Petition For Postconviction Relief (Respondent) = GRANTED. Continuing stay of this review proceeding until 06/12/2023. FURTHER ORDERED: Stay will be automatically lifted without further order on 06/13/2023, unless before then petitioner or respondent files a notice of disposition, a motion to dismiss this review proceeding, or a motion to continue the stay. Benjamin A Armstrong ProTem Judge - Author
11. 8-Jun-2023 FILED: Motion to Continue Stay of Conley's Petition for Review from the Dismissal of his Successive Petition for Postconviction Relief; Certificate of Service for Motion to Continue Stay of Conley's Petition for Review from the Dismissal of his Successive Petition for Postconviction Relief (Respondent)
12. 12-Jun-2023 ORDERED: Motion to Continue Stay of Conley's Petition for Review from the Dismissal of his Successive Petition for Postconviction Relief (Respondent) = GRANTED. ORDERED: Continuing the stay of this review proceeding until 08/14/2023. FURTHER ORDERED: Stay will be automatically lifted without further order on 08/15/2023, unless before then petitioner or respondent files a notice of disposition, a motion to dismiss this review proceeding, or a motion to continue the stay. Benjamin A Armstrong ProTem Judge - Author
13. 8-Aug-2023 FILED: Motion to Continue Stay of Conley's Petition for Review from the Dismissal of his Successive Petition for Postconviction Relief; Certificate of Service for Motion to Continue Stay of Conley's Petition for Review from the Dismissal of his Successive Petition for Postconviction Relief (Respondent)
14. 14-Aug-2023 ORDERED: Motion to Continue Stay of Conley's Petition for Review from the Dismissal of his Successive Petition for Postconviction Relief (Respondent) = GRANTED and continuing the stay of this review until 10/16/2023. FURTHER ORDERED: Stay will be automatically lifted without further order on 10/17/2023, unless before then Petitioner or Respondent files a notice of disposition, a motion to dismiss the review proceeding, or a motion to continue the stay. Geoffrey P Butzine ProTem Judge - Author
15. 3-Oct-2023 ORDERED: Lifting the stay effective immediately. Benjamin A Armstrong ProTem Judge - Author
16. 6-Feb-2024 MEMORANDUM DECISION (Review Granted, Relief Denied) Hon Andrew M Jacobs - Concur; Hon Jennifer M Perkins - Concur; Hon David D Weinzwieg - Concur PERCURRIUM
17. 6-Feb-2024 FILED: Decision Distribution Notification

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18. 19-Mar-2024 FILED: Mandate, Physical record to clerk, Maricopa County Superior Court.
19. 19-Mar-2024 FILED: ASC Order filed 03/19/2024 re: extending time for filing Petition for Review to 04/18/2024
20. 26-Mar-2024 FILED: Email Notice from ASC re: Petition for Review filed 3/25/24; request for partial record
21. 27-Mar-2024 FILED: Letter forwarding partial record to Arizona Supreme Court
22. 27-Mar-2024 ORDERED: Reinstating this Petition for Review of Post-Conviction Relief for the purpose of transferring documents requested by the Arizona Supreme Court for review. Amy M Wood - Author
23. 1-Apr-2024 FILED: ASC Order filed 04/01/2024 re: ORDERED: Denying the State's motion to dismiss. FURTHER ORDERED: Directing that the court of appeals recall the mandate that issued in this matter on 03/19/2024. The Petition for Review will be considered in due course.