

Court of Appeals, Division One

Criminal

1 CA-CR 22-0377

STATE v. ZAZUETA GARCIA

Appellate Case Information

Case Filed: 30-Aug-2022
Case Closed: 20-Aug-2024

Decision

Dept/Composition

Department A

Hon. Randall M Howe
Hon. Jennifer M Perkins
Hon. Daniel J Kiley

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Rebecca Jones, Esq. (AZ Bar No. 28996)

Side 2. MANUEL ZAZUETA GARCIA, Appellant

(Litigant Group) MANUEL ZAZUETA GARCIA

- Manuel Zazueta Garcia

Attorneys for: Appellant

Damon A Rossi, Esq. (AZ Bar No. 17461)

Aaron J Moskowitz, Esq. (AZ Bar No. 22246)

CASE STATUS

Aug 28, 2024....Case Closed

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2019-006505-001, See File, See File, Jo Lynn Gentry, Sentencing, JURY

DESCENDENT CASE(S)

ASC CR-24-0026-PR

2 CASE DECISIONS

05-Dec-2023 OPINION

Randall Howe.....Author
Jennifer Perkins.....Concur
Daniel Kiley.....Concur

Filed: 05-Dec-2023 Mandate:

Decision Disposition

Affirmed

05-Dec-2023 OPINION

Randall Howe.....Author
Daniel Kiley.....Concur
Jennifer Perkins.....Concur

Filed: 05-Dec-2023 Mandate:

Decision Disposition

Affirmed

60 PROCEEDING ENTRIES

- 1. 30-Aug-2022 FILED: Notice of Appeal from Maricopa County Superior Court filed 08/22/22. Notification sent to Court Reporters dated 08/29/2022.
2. 1-Sep-2022 FILED: Appellate Clerk Notice (31.2(g))
3. 2-Sep-2022 FILED: Courtesy copy of Notice Requesting Post-Conviction Relief, filed 08/31/2022 in Maricopa County Superior Court
4. 2-Sep-2022 ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Court Reporters April Escobedo, Scott Kindle, Michael Babicky, Linda Lopez, Vanessa Gartner, and Kristine Mayo and Ken Crenshaw transcripts due by 10/17/2022. Benjamin A Armstrong ProTem Judge - Author
5. 6-Sep-2022 FILED: Amended Appellate Clerk Notice (31.2(g))
6. 7-Sep-2022 ORDERED: Amending the order of 09/02/2022 and correcting the caption to identify State v. Zazueta Garcia, Maricopa County Superior Court No. CR 2019-006505-001, as the superior court case on appeal. FURTHER ORDERED: That all other portions of the order of 09/02/2022 remain in effect. Benjamin A Armstrong ProTem Judge - Author
7. 9-Sep-2022 FILED: Designation of Record for Appeal (Appellant)

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8. 13-Sep-2022 ORDERED: Court Reporter Scott Kindle transcript dated 04/22/2022 due by 10/28/2022. FURTHER ORDERED: Reaffirming this previously set due date of 10/17/2022 for transcripts dated 06/07/2022; 06/08/2022, for Court Reporter Scott Kindle. Hon David B Gass - Author
9. 21-Sep-2022 FILED: Returned US Mail, Order Regarding Counsel and Transcripts dated 09/02/2022, addressed to Manuel Zazueta (Appellant), no longer in custody.
10. 28-Sep-2022 FILED: Reporter's Transcript - 06/06/2022 (Michael Babicky)
11. 6-Oct-2022 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None sent with e-Record
12. 6-Oct-2022 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 06/01/2022 List # 2 3 4 5 6 7 11 12 13 14 15 16 17 18 in manila envelope
Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope
13. 13-Oct-2022 FILED: Reporter's Transcript - 05/24/2022 - Pretrial Conference (Linda Lopez)
14. 13-Oct-2022 FILED: Reporter's Transcript - 06/02/2022 - Trial Day Two (Linda Lopez)
15. 14-Oct-2022 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
16. 17-Oct-2022 FILED: Reporter's Transcripts - 07-12-2021 - Hearing - (Kristine Mayo)
17. 17-Oct-2022 FILED: Reporter's Transcript - 06/01/2022 - Trial Day 1 (Court Reporter Vanessa Gartner)
18. 17-Oct-2022 FILED: Reporter's Transcript - 06/07/2022 - Trial Day 4 (Scott Kindle)
19. 17-Oct-2022 FILED: Reporter's Transcript - 06/08/2022 - Trial Day 5 (Scott Kindle)
20. 18-Oct-2022 FILED: Reporter's Transcript - 04/22/22 - Settlement Conference (Scott Kindle)
21. 19-Oct-2022 FILED: Reporter's Transcript - 08/22/2022 - Sentencing (April Escobedo)
22. 21-Oct-2022 ORDERED: Ken Crenshaw transcripts dated 03/09/2022; 04/12/2022 due by 11/21/2022 or OSC set for 12/07/2022. Hon David B Gass - Author
23. 25-Oct-2022 ORDERED: Upon presentation of this order, unsealing the confidential Court Information Sheet (I.O.R. 3); the Random Jury List (I.O.R. 69); and the Jury Questionnaires (I.O.R. 104, 105, 106, 107, 108, 109, 110, 111, 112) for parties/agents in this appeal only. Benjamin A Armstrong ProTem Judge - Author
24. 7-Dec-2022 FILED: Motion to Extend Time to File Transcripts (Time to File Transcripts)(Ken Crenshaw)
25. 7-Dec-2022 ORDERED: Motion to Extend Time to File Transcripts (Time to File Transcripts)(Ken Crenshaw) = GRANTED. Due Dates EXTENDED to 12/21/2022 for Transcripts dated 04/12/2022, 03/09/2022 or OSC set for 01/04/2023. FURTHER ORDERED: Vacating the Order to Show Cause hearing on 12/07/2022 for Ken Crenshaw. Hon David B Gass - Author
26. 21-Dec-2022 FILED: Reporter's Transcript - 04/12/2022 - Continuance (Kimberly McCright)
27. 3-Jan-2023 FILED: Affidavit Regarding Ordered Transcripts (Ken Crenshaw)
28. 10-Jan-2023 ORDERED: Vacating the 12/21/2022, due date to file a transcript of the 03/09/2022, proceedings. Benjamin A Armstrong ProTem Judge - Author
29. 26-Jan-2023 FILED: Notice of Completion of Record
30. 30-Jan-2023 FILED: Notice of Appearance; Certificate of Service (Appellant)
31. 27-Feb-2023 FILED: Motion to Supplement Record on Appeal; Certificate of Service (Appellant)
32. 7-Mar-2023 ORDERED: Motion to Supplement Record on Appeal (Appellant) = GRANTED directing Ken Crenshaw to arrange for the preparation of an original and two copies of the transcript of the Final Trial Management Conference held on 05/12/2022, before the Honorable Jacki Ireland and furnish one copy to appellant's counsel, one copy to appellee's counsel, and the original to the clerk of this court by 04/05/2023, marked for filing in this appeal. FURTHER ORDERED extending the time to file the opening brief from 03/13/2023 to 05/05/2023. Benjamin A Armstrong ProTem Judge - Author

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33. 11-Apr-2023 ORDERED: Transcript of 5/12/2022 proceedings was due 04/05/2023 by Ken Crenshaw. OSC set on 04/19/2023. Hon David B Gass - Author
34. 14-Apr-2023 FILED: Reporter's Transcript - 05/12/2022 - Final Trial Management Conference (Katherine E. Schlappi)
35. 28-Apr-2023 FILED: Motion for Procedural Order - Extension of Time to File Appellant's Opening Brief; Certificate of Service (Appellant)
36. 1-May-2023 ORDERED: Motion for Procedural Order - Extension of Time to File Appellant's Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 05-05-2023 to Monday, 06-05-2023. Benjamin A Armstrong ProTem Judge - Author
37. 5-Jun-2023 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
38. 8-Jun-2023 FILED: Notice of Appearance; Certificate of Service (Appellee)
39. 13-Jun-2023 FILED: Motion to Supplement; Certificate of Service (Appellee)
40. 16-Jun-2023 ORDERED: Motion to Supplement (Appellee) = GRANTED and supplementing the record with the documents designated above as attached to the motion (see order). Benjamin A Armstrong ProTem Judge - Author
41. 17-Jul-2023 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
42. 31-Jul-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
43. 1-Aug-2023 FILED: Motion for Procedural Order-Extension of Time to File Appellant's Reply Brief; Certificate of Service (Appellant)
44. 1-Aug-2023 ORDERED: Motion for Procedural Order-Extension of Time to File Appellant's Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 08-07-2023 to Monday, 08-28-2023. Benjamin A Armstrong ProTem Judge - Author
45. 10-Aug-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
46. 24-Aug-2023 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
47. 25-Aug-2023 CLNDR: CONFERENCE, Department A, 10-17-23, CONFERENCE ROOM.
48. 5-Dec-2023 OPINION (Affirmed) Hon Randall M Howe - Author; Hon Daniel J Kiley - Concur; Hon Jennifer M Perkins - Concur
49. 5-Dec-2023 FILED: Opinion Distribution List
50. 5-Dec-2023 ORDERED: Withdrawing the Opinion issued by this court on 12/05/2023. FURTHER ORDERED: Directing the Clerk to replace the Opinion filed 12/05/2023, with the Opinion issued 12/05/2023. Hon Randall M Howe - Author
51. 5-Dec-2023 OPINION (Affirmed) Hon Randall M Howe - Author; Hon Jennifer M Perkins - Concur; Hon Daniel J Kiley - Concur
52. 5-Dec-2023 FILED: Amended Opinion Distribution List
53. 19-Dec-2023 FILED: Notice of Appearance; Certificate of Service (Appellant)
54. 19-Dec-2023 FILED: Motion for Reconsideration; Certification of Compliance with Rule 31.12, ARCP; Certificate of Service (Appellant)
55. 4-Jan-2024 ORDERED: Motion for Reconsideration (Appellant) = DENIED. Hon Randall M Howe - Author
56. 22-Jan-2024 FILED: Email Notice from ASC re: Petition for Review filed 01/19/2024; request for partial record
57. 22-Jan-2024 FILED: Letter forwarding partial record to Arizona Supreme Court
58. 25-Jun-2024 FILED: Letter from ASC 06/25/2024 re: Petition for Review CONTINUED on 06/25/2024
59. 23-Aug-2024 FILED: Letter from ASC, 08/23/2024, re: Petition for Review GRANTED on 08/20/2024 as to Issue 2 only. (Vacating paragraphs 23-27 of the court of appeals' opinion.; Remanding this matter to the trial court to state the reasons for consecutive sentences on the record pursuant to State v. Perez-Gutierrez, 548 P.3d 1102 (Ariz. 2024).)
60. 28-Aug-2024 FILED: Copy of Letter forwarding complete record to ASC