

Court of Appeals, Division One

Criminal

1 CA-CR 22-0478

STATE v. HERNANDEZ

Appellate Case Information

Case Filed: 21-Oct-2022

Case Closed:

Dept/Composition

Department E

Hon. Anni Hill Foster
 Hon. Brian Y Furuya
 Hon. Randall M Howe

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Gracynthia Claw, Esq. (AZ Bar No. 30265)

Side 2. JESSE DUONNE HERNANDEZ, Appellant

(Litigant Group) JESSE DUONNE HERNANDEZ

- Jesse Duonne Hernandez

Attorneys for: Appellant

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

CASE STATUS

Jun 27, 2024....**Decision Rendered**

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2019-146173-001	Murder 2nd Deg-Intentional, Class 1; Misconduct Involving Weapons, Class 4	23 Years, ADOC; 6 Years, ADOC	Eartha K Washington, Sentencing	JURY	

DESCENDENT CASE(S)

ASC CR-24-0180-PR

OPEN DUE DATE

Petition for Review to ASC due

Due By: Wednesday, August 28, 2024

[1 extension]

Re: MEMORANDUM DECISION (Affirmed) Hon Anni Hill Foster - Author; Hon Brian Y Furuya - Concur; Hon Randall M Howe - Concur

CASE DECISION

27-Jun-2024 MEMORANDUM DECISION

Anni Foster.....Author

Brian Furuya.....Concur

Randall Howe.....Concur

Filed: **27-Jun-2024**

Mandate:

Decision Disposition

Affirmed

65 PROCEEDING ENTRIES

- 21-Oct-2022 FILED: Notice of Appeal from Maricopa County Superior Court filed 10/18/22. Notification sent to Court Reporters dated 10/20/2022.
- 25-Oct-2022 FILED: Appellate Clerk Notice (31.2(g))
- 21-Nov-2022 FILED: Reporter's Transcript - 04/15/2022 - Evidentiary Hearing - Day 1 (Jennifer Church)
- 28-Nov-2022 FILED: Request for Extension of Time (Time to File Transcript)(Scott Kindle)
- 30-Nov-2022 FILED: Reporter's Transcript - 10/10/2022 - Sentencing Original (Kristyn Lobry)
- 30-Nov-2022 ORDERED: Request for Extension of Time (Time to File Transcript)(Scott Kindle) = GRANTED. Due Dates EXTENDED to 01/03/2023 for Transcripts dated 07/25/2022, 07/27/2022, 07/28/2022, 08/03/2022, 08/04/2022, 08/08/2022 or OSC set for 01/04/2023. Hon David B Gass - Author
- 30-Nov-2022 FILED: Designation of Record for Appeal (Appellant)

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8. 1-Dec-2022 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: 258
Exhibits: None sent with e-Record
9. 2-Dec-2022 FILED: Motion for Extension of Time (Time to File Transcripts)(Hope Yeager)
10. 4-Dec-2022 FILED: Reporter's Transcript - 07/26/2022 (Lisa Bradley)
11. 6-Dec-2022 ORDERED: Motion for Extension of Time (Time to File Transcripts)(Hope Yeager) = GRANTED. Due Dates EXTENDED to 01/03/2023 for Transcripts dated 08/01/2022, 08/02/2022 or OSC set for 01/04/2023. Hon David B Gass - Author
12. 7-Dec-2022 ORDERED: Court Reporter Diane Donoho transcripts dated 12/16/2021; 03/07/2022; 06/07/2022 due by 01/23/2023. FURTHER ORDERED: Court Reporter Lori Reinhardt transcript dated 04/21/2022 due by 01/23/2023. FURTHER ORDERED: Ken Crenshaw transcript dated 10/08/2021 due by 01/23/2023. Hon David B Gass - Author
13. 2-Jan-2023 FILED: Reporter's Transcript - 08/01/2022 - Trial Day 5 - AMPM - (Hope J Yeager)
14. 2-Jan-2023 FILED: Reporter's Transcript - 07/25/2022 - Trial Day 1 (Scott Kindle)
15. 2-Jan-2023 FILED: Reporter's Transcript - 07/27/2022 - Trial Day 3 (Scott Kindle)
16. 2-Jan-2023 FILED: Reporter's Transcript - 07/28/2022 - Trial Day 4 (Scott Kindle)
17. 3-Jan-2023 FILED: Reporter's Transcript - 08/03/2022 - Trial Day 7 (Scott Kindle)
18. 3-Jan-2023 FILED: Reporter's Transcript - 08/04/2022 - Trial Day 8 (Scott Kindle)
19. 3-Jan-2023 FILED: Reporter's Transcript - 08/08/2022 - Trial Day 9 (Scott Kindle)
20. 3-Jan-2023 FILED: Motion for 2nd Extension of Time to File Transcripts (Time to File Transcripts)(Hope Yeager)
21. 3-Jan-2023 ORDERED: Motion for 2nd Extension of Time to File Transcripts (Time to File Transcripts)(Hope Yeager) = GRANTED. Due date EXTENDED from Tuesday, 01-03-2023 to Tuesday, 01-17-2023 for transcript dated 08/02/2022 or OSC set for 01/18/2023. FURTHER ORDERED: Vacating the Order to Show Cause hearing on 01/04/2022 for Court Reporter Hope Yeager. Hon David B Gass - Author
22. 6-Jan-2023 FILED: Reporter's Transcript - 04/21/2022 (Lori Reinhardt)
23. 7-Jan-2023 FILED: Reporter's Transcript - 08/02/2022 - Trial Day 6 - AMPM - (Hope J Yeager)
24. 13-Jan-2023 FILED: Reporter's Transcript - 12/16/2021 - Final Trial Management Conference (Diane Donoho)
25. 13-Jan-2023 FILED: Reporter's Transcript - 03/07/2022 - Final Trial Management Conference (Diane Donoho)
26. 13-Jan-2023 FILED: Reporter's Transcript - 06/07/2022 - Final Trial Management Conference (Diane Donoho)
27. 19-Jan-2023 FILED: Reporter's Transcript - 12/16/2021 - Final Trial Management Conference (Diane Donoho)
28. 19-Jan-2023 FILED: Reporter's Transcript - 03/07/2022 - Final Trial Management Conference (Diane Donoho)
29. 19-Jan-2023 FILED: Reporter's Transcript - 06/07/2022 - Final Trial Management Conference (Diane Donoho)
30. 24-Jan-2023 ORDERED: Ken Crenshaw transcript dated 10/08/2021 due by 02/23/2023 or OSC set for 03/01/2023. Hon David B Gass - Author
31. 23-Feb-2023 FILED: Reporter's Transcript - 10/08/2021 - Settlement Conference (Kimberly McCright)
32. 24-Feb-2023 FILED: Notice of Completion of Record
33. 27-Feb-2023 FILED: Notice of Appearance; Certificate of Service (Appellant)
34. 28-Feb-2023 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
35. 7-Mar-2023 ORDERED: Motion to Unseal Documents (Appellant) = GRANTED. Upon presentation of this order, unsealing the Court Information Sheets, IOR 4 and 8, the Ex Parte Motion to Obtain Authorization for Indigent Funding and Request to File Under Seal, IOR 38, the Original Sealed Documents, IOR 40 and 48, the Random Jury List, IOR 217, the Jury Questionnaires, I. 224, the Restitution Ledger Request, IOR 237, the Victim's Information Sheet, IOR 249, and the Orders for Lifetime No-Contact Injunction, IOR 250, 251, 252 and 253, for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
36. 16-Mar-2023 FILED: Motion for Complex Case Designation; Certificate of Service (Appellant)

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37. 29-Mar-2023 ORDERED: Motion for Complex Case Designation (Appellant) = GRANTED. FURTHER ORDERED: Optional motions to supplement the record on appeal must be filed by 04/27/2023. FURTHER ORDERED: Opening brief must be filed by 07/26/2023. FURTHER ORDERED: Answering brief must be filed by 09/25/2023. FURTHER ORDERED: Reply brief must be filed by 11/27/2023. FURTHER ORDERED: Vacating the 04/10/2023, due date for the opening brief. Hon Kent E Cattani - Author
38. 10-Apr-2023 ORDERED: Optional motions to supplement the record on appeal must be filed by 05/09/2023. FURTHER ORDERED: Opening brief must be filed by 08/07/2023. FURTHER ORDERED: Answering brief must be filed by 10/09/2023. FURTHER ORDERED: Reply brief must be filed by 12/11/2023. Benjamin A Armstrong ProTem Judge - Author
39. 18-May-2023 FILED: Letter, dated 05/12/2023, to Appellant from Counsel re: Forwarding records on appeal (Appellant)
40. 22-May-2023 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 10/10/2022 List # 1 in manila envelope
Hearing Date: 07/25/2022 List # 1 2 20 21 44 49 50 51 52 in manila envelope
Hearing Date: 04/15/2022 List # 1 2 3 4 6 7 8 9 10 11 13 14 15 16 17 18 19 20 21 in manila envelope
(All manila envelopes delivered and located in a box)
41. 25-Jul-2023 FILED: Motion to Remand for the Trial Court to Produce and File a July 21, 2022 Minute Entry Order, Order for the Court Reporter to Produce the Transcript, and Vacate the Opening Brief's Deadline; Certificate of Service (Appellant)
42. 1-Aug-2023 ORDERED: Motion to Remand for the Trial Court to Produce and File a July 21, 2022 Minute Entry Order (Appellant) = GRANTED and staying this appeal until 08/30/2023, and re-vesting jurisdiction in the Maricopa County Superior Court to permit that court and the parties to reconstruct/settle the record. FURTHER ORDERED: Authorizing the superior court to rule on and settle the record in furtherance of this appeal. FURTHER ORDERED: Directing the clerk of the superior court to transmit to this court by 08/31/2023, a certified copy of any order and/or minute entry entered by the superior court on remand, marked for filing in this appeal. FURTHER ORDERED: Stay will be automatically lifted on 08/31/2023. FURTHER ORDERED: Motion to Order for the Court Reporter to Produce the Transcript. If the superior court determines a proceeding took place on 07/21/2022, and files a minute entry for that proceeding that indicates the proceeding was recorded, this court will order the preparation of the transcript of that proceeding. FURTHER ORDERED: Motion to Vacate the Opening Brief's Deadline = GRANTED. The opening brief is due by 10/02/2023. FURTHER ORDERED: Answering brief is due by 12/01/2023. FURTHER ORDERED: Reply brief is due by 01/30/2024. FURTHER ORDERED: Briefing schedule will be extended if the court supplements the record with an additional transcript. Benjamin A Armstrong ProTem Judge - Author
43. 16-Aug-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes ME: Hearing 07/27/2023)
44. 17-Aug-2023 ORDERED: Lifting the stay ordered in this case on 08/01/2023. FURTHER ORDERED: Ken Crenshaw Transcript dated 07/21/2022 due by 09/18/2023. FURTHER ORDERED: Opening brief due 10/18/2023. FURTHER ORDERED: Answering brief due 12/18/2023. FURTHER ORDERED: Reply brief due 02/15/2024. Geoffrey P Butzine ProTem Judge - Author
45. 7-Sep-2023 FILED: Reporter's Transcript - 07/21/2022 - Matters Discussed (Brian Gemma)
46. 6-Oct-2023 FILED: Motion for Extension of Time to File Appellant's Opening Brief; Certificate of Service (Appellant)
47. 6-Oct-2023 ORDERED: Motion for Extension of Time to File Appellant's Opening Brief (Appellant) = GRANTED and extending the time to file the opening brief from Wednesday, 10-18-2023 to Wednesday, 11-01-2023. FURTHER ORDERED: Extending the time to file the answering brief from Monday, 12-18-2023 to Friday, 01-05-2024. Geoffrey P Butzine ProTem Judge - Author
48. 27-Oct-2023 FILED: Letter, dated 10/27/2023, to Appellant from Counsel re: Forwarding records on appeal (Appellant)
49. 1-Nov-2023 FILED: Appellant's Opening Brief; Certification Of Compliance With Rule 31.12, Arcp; Certificate of Service (Appellant)
50. 8-Nov-2023 FILED: Notice of Appearance; Certificate of Service (Appellee)
51. 19-Dec-2023 FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
52. 21-Dec-2023 ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from 12-11-2023 to 02-20-2024. FURTHER ORDERED: The reply brief is due by 04/22/2024. Benjamin A Armstrong ProTem Judge - Author
53. 9-Feb-2024 FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief and Reply Brief) (Second Request); Certificate of Service (Appellee)
54. 12-Feb-2024 ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief and Reply Brief) (Second Request) (Appellee) = GRANTED. Due date EXTENDED from 02/20/2024 to 03/12/2024 for the answering brief. FURTHER ORDERED: The reply brief is due by 05/13/2024. Benjamin A Armstrong ProTem Judge - Author
55. 11-Mar-2024 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)

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65 PROCEEDING ENTRIES

- 56. 29-Mar-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
- 57. 8-Apr-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
- 58. 26-Apr-2024 CLNDR: CONFERENCE, Department E, 6-6-24, CONFERENCE ROOM.
- 59. 10-May-2024 FILED: Appellant's Reply Brief; Certification of Compliance With Rule 31.12, ARCP; Certificate of Service (Appellant)
- 60. 27-Jun-2024 MEMORANDUM DECISION (Affirmed) Hon Anni Hill Foster - Author; Hon Brian Y Furuya - Concur; Hon Randall M Howe - Concu
- 61. 27-Jun-2024 FILED: Decision Distribution Notification
- 62. 24-Jul-2024 FILED: Letter dated, 07/24/2024, to Appellant from Counsel re: Right to File Petition for Review (Appellant)
- 63. 25-Jul-2024 FILED: ASC Order filed 07/25/2024 re: extending time for filing Petition for Review to 08/28/2024; matter subject to dismissal if the petition for review is not filed by 08/28/2024.
- 64. 2-Aug-2024 FILED: Letter, 8/2/24, from Court of Appeals to Arizona Supreme Court, forwarding document received 7/26/24
- 65. 6-Aug-2024 FILED: ASC Order filed 08/06/2024 re: denying the motion as moot. Appellant, through counsel, previously filed a motion for extension of time on 07/24/2024, which was granted. The Petition for Review is due on 08/28/2024.