

Court of Appeals, Division One

Criminal

1 CA-CR 22-0538

STATE v. TRINIDAD

Appellate Case Information

Case Filed: 17-Nov-2022

Case Closed:

Dept/Composition

Department B

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

Consolidated with: 1 CA-CR 23-0228

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. JORGE TRINIDAD, JR., Appellant

(Litigant Group) JORGE TRINIDAD, JR.

- Jorge Trinidad, Jr.

Attorneys for: Appellant

Jennifer Roach, Esq. (AZ Bar No. 24525)

CASE STATUS

Jul 31, 2024.....Pending in ASC

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2021-100433-001, See File, See File, Jeffrey A Rueter, Sentencing, JURY

DESCENDENT CASE(S)

ASC CR-24-0154-PR

CASE DECISION

30-May-2024 OPINION

David Weinzweig.....Author
Andrew Jacobs.....Concur
Jennifer Perkins.....Concur

Filed: 30-May-2024 Mandate:

Decision Disposition

Affirmed

DECISION APPLIES TO THE FOLLOWING OTHER CASE(S)

1 CA-CR 23-0228 STATE v. TRINIDAD

89 PROCEEDING ENTRIES

- 1. 17-Nov-2022 FILED: Notice of Appeal from Maricopa County Superior Court filed 11/15/22. Notification sent to Court Reporters dated 11/16/2022.
2. 22-Nov-2022 FILED: Appellate Clerk Notice (31.2(g))
3. 28-Nov-2022 FILED: Designation of Record for Appeal (Appellant)
4. 30-Nov-2022 ORDERED: Ken Crenshaw transcripts dated 02/04/2021; 05/13/2021; 09/29/2021; 10/22/2021; 01/13/2022; 02/09/2022; 04/11/2022; 09/13/2022 due by 01/17/2023. FURTHER ORDERED: Court Reporter Lisa Bradley transcripts dated 09/30/2022; 09/21/2022; 09/20/2022; 08/18/2022 due by 01/17/2023. FURTHER ORDERED: Reaffirming this previously set due date of 12/30/2022 for transcripts dated 10/03/2022; 09/27/2022 and 09/26/2022 for Court Reporter Lisa Bradley. FURTHER ORDERED: Court Reporter Scott Kindle transcripts dated 05/24/2022; 05/12/2022 due by 01/17/2023. FURTHER ORDERED: Court Reporter Wendy Ricard transcript dated 03/11/2022 due by 01/17/2023. Hon David B Gass - Author
5. 5-Dec-2022 FILED: Reporter's Transcript - 08/18/2022 (Lisa Bradley)
6. 12-Dec-2022 FILED: Reporter's Transcript - 09/20/2022 (Lisa Bradley)
7. 14-Dec-2022 FILED: Reporter's Transcript - 09/29/2022 - Trial Day 4 (Jennifer Church)
8. 19-Dec-2022 FILED: Notice Requesting Post-Conviction Relief (Appellant)
9. 19-Dec-2022 FILED: Petition for Post-Conviction Relief Under Rule 33 (Appellant)

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10. 19-Dec-2022 FILED: Reporter's Transcript - 09/21/2022 (Lisa Bradley)
11. 19-Dec-2022 FILED: Reporter's Transcript - 09/30/2022 (Lisa Bradley)
12. 27-Dec-2022 FILED: Reporter's Transcript - 09/26/2022 (Lisa Bradley)
13. 29-Dec-2022 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: 174
Exhibits: None sent with e-Record
14. 30-Dec-2022 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 09/21/2022 List # 1 in manila envelope
Hearing Date: 09/26/2022 List # 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 35 45 63 66 68 70 71
72 73 74 75 77 in manila envelope
Hearing Date: 11/07/2022 List # 1 3 4 5 6 7 8 in manila envelope
Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope
15. 30-Dec-2022 FILED: Reporter's Transcript - 09/27/2022 (Lisa Bradley)
16. 2-Jan-2023 FILED: Reporter's Transcript - 10/03/2022 (Lisa Bradley)
17. 3-Jan-2023 FILED: Reporter's Transcript - 11/07/2022 - Sentencing/Priors Trial (Kelly Rexroat)
18. 3-Jan-2023 FILED: Motion for Extension of Time (Time to File Transcripts)(Hope Yeager)
19. 6-Jan-2023 ORDERED: Motion for Extension of Time (Time to File Transcripts)(Hope Yeager) = GRANTED. Due date EXTENDED from Friday, 12-30-2022 to Monday, 01-30-2023 or OSC set for 02/01/2023. Hon David B Gass - Author
20. 9-Jan-2023 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
21. 13-Jan-2023 FILED: Reporter's Transcript - 05/12/2022 - Final Trial Management Conference (Scott Kindle)
22. 13-Jan-2023 FILED: Reporter's Transcript - 05/24/2022 - Trial Procedure Conference (Scott Kindle)
23. 15-Jan-2023 FILED: Request for Extension of Time (Time to File Transcript)(Wendy Ricard)
24. 17-Jan-2023 ORDERED: Upon presentation of this order, unsealing the confidential Court Information Sheet (I.O.R. 3); the Victim's Motion to Continue Trial and Request to File Under Seal (I.O.R. 73); the Random Jury List (I.O.R. 140); the Jury Questionnaires (I.O.R. 149 and 150); and the Restitution Ledger Request (I.O.R. 160) for parties/agents in this appeal only. Benjamin A Armstrong ProTem Judge - Author
25. 18-Jan-2023 ORDERED: Request for Extension of Time (Time to File Transcript)(Wendy Ricard) = GRANTED. Due date EXTENDED from Tuesday, 01-17-2023 to Thursday, 02-16-2023 or OSC set for 03/01/2023. Hon David B Gass - Author
26. 19-Jan-2023 ORDERED: Ken Crenshaw transcripts dated 02/04/2021; 05/13/2021; 09/29/2021; 10/22/2021; 01/13/2022; 02/09/2022; 04/11/2022; 09/13/2022 due by 02/21/2023 or OSC set for 03/01/2023. Hon David B Gass - Author
27. 30-Jan-2023 FILED: Reporter's Transcript - 09/28/2022 - Trial Day 3 - AMPM - (Hope J Yeager)
28. 26-Feb-2023 FILED: Reporter's Transcript - 03/11/2022 (Wendy Ricard)
29. 28-Feb-2023 FILED: Motion for Extension of Time (Time to File Transcripts)(Ken Crenshaw)
30. 2-Mar-2023 ORDERED: Motion for Extension of Time (Time to File Transcripts)(Ken Crenshaw) = GRANTED. Due Dates EXTENDED to 03/23/2023 for Transcripts dated 09/13/2022, 04/11/2022, 02/09/2022, 01/13/2022, 10/22/2021, 09/29/2021, 05/13/2021, 02/04/2021 or OSC set on 04/05/2023. FURTHER ORDERED: If Ken Crenshaw cannot complete the above listed transcript(s) by 03/23/2023, he/she will find an alternate Court Reporter to finish the above listed transcript(s). FURTHER ORDERED: Vacating OSC set on 03/01/2023. Hon David B Gass - Author
31. 24-Mar-2023 FILED: Reporter's Transcript - 01/13/2022 - Final Trial Management Conference (Diana Watkins)
32. 24-Mar-2023 FILED: Reporter's Transcript - 02/04/2021 - Not Guilty Arraignment (Diana Watkins)
33. 24-Mar-2023 FILED: Reporter's Transcript - 02/09/2022 - Status Conference (Michele Johanson)
34. 24-Mar-2023 FILED: Reporter's Transcript - 04/11/2022 - Final Trial Management Conference (Michele Johanson)

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35. 24-Mar-2023 FILED: Reporter's Transcript - 05/13/2021 - Final Trial Management Conference (Laurel Panday)
36. 24-Mar-2023 FILED: Reporter's Transcript - 09/13/2022 - Trial Assignment (Michele Johanson)
37. 24-Mar-2023 FILED: Reporter's Transcript - 09/29/2021 - Final Trial Management Conference (Michele Johanson)
38. 24-Mar-2023 FILED: Reporter's Transcript - 10/21/2021 - Settlement Conference (Lloyd Axtell)
39. 31-Mar-2023 FILED: Notice of Completion of Record
[VACATED per order filed 07/03/2023]
40. 6-Apr-2023 FILED: Notice of Appearance; Certificate of Service (Appellant)
41. 24-Apr-2023 FILED: Reporter's Transcript - 10/22/2021 - Settlement Conference (Lloyd Axtell)
42. 27-Apr-2023 FILED: Motion to Supplement the Record on Appeal and to Extend the Time to File the Opening Brief; Certificate of Service (Appellant)
43. 27-Apr-2023 FILED: Motion to Stay the Appeal to Permit Future Consolidation with an Appeal from a Motion for New Trial; Certificate of Service (Appellant)
44. 3-May-2023 ORDERED: Motion to Stay the Appeal to Permit Future Consolidation with an Appeal from a Motion for New Trial (Appellant) = GRANTED and staying this appeal until 07/05/2023. On 07/06/2023, the stay will be automatically lifted unless before then appellant files a notice of disposition, a motion to dismiss the appeal pursuant to Rule 31.24, a motion to continue the stay, or a motion for rehearing pursuant to Rule 32.14(a). The court does not express an opinion on the merits of the pending Rule 32 petition. FURTHER ORDERED: Directing Clerk of Maricopa County Superior Court to transmit to this court a certified copy of any order entered as a result of the Rule 32 proceedings within 5 days after its entry. FURTHER ORDERED: Extending time to file the opening brief to 08/07/2023. This deadline will be extended if the stay is continued. Benjamin A Armstrong ProTem Judge - Author
45. 3-May-2023 ORDERED: Motion to SUPPLEMENT THE RECORD ON APPEAL and to Extend the Time to File the Opening Brief (Appellant) = GRANTED. Ken Crenshaw transcript of 01/27/2021 due by 06/01/2023. Benjamin A Armstrong ProTem Judge - Author
46. 18-May-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
47. 2-Jun-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
48. 5-Jun-2023 FILED: Reporter's Transcript - 01/27/2021 - Continuance (Kimberly McCright)
49. 23-Jun-2023 FILED: Motion to Consolidate Appeals; Certificate of Service (Appellant)
50. 3-Jul-2023 ORDERED: Motion to Consolidate Appeals (Appellant) = GRANTED and consolidating cases 1 CA-CR 22-0538 and 1 CA-CR 23-0228. Case number 1 CA-CR 22-0538 is designated primary number, and above caption must be used on all future documents filed in this appeal. FURTHER ORDERED: Vacating notice of completion issued in 1 CA-CR 22-0538 on 03/31/2023, and vacating 08/07/2023 due date for opening brief in 1 CA-CR 22-0538. FURTHER ORDERED: Directing clerk of this court to reissue notice of completion in consolidated appeal when record in 1 CA-CR 23-0228 is complete. Benjamin A Armstrong ProTem Judge - Author
51. 5-Jul-2023 FILED: Reporter's Transcript - 09/29/2022 - Trial Day 4 (Jennifer Church)
52. 20-Jul-2023 FILED: Reporter's Transcript - 09/28/2022 - Trial Day 3 (Hope J Yeager)
53. 4-Aug-2023 FILED: Reporter's Transcript - 05/24/2022 - Trial Procedure Conference (Scott Kindle)
54. 4-Aug-2023 FILED: Reporter's Transcript - 05/12/2022 - Final Trial Management Conference (Scott Kindle)
55. 8-Aug-2023 FILED: Reporter's Transcript - 05/13/2021 - Final Trial Management Conference (Kimberly McCright)
56. 8-Aug-2023 FILED: Reporter's Transcript - 09/29/2021 - Final Trial Management Conference (Kimberly McCright)
57. 8-Aug-2023 FILED: Reporter's Transcript - 02/04/2021 - Not Guilty Arraignment (Kimberly McCright)
58. 8-Aug-2023 FILED: Reporter's Transcript - 02/09/2022 - Status Conference (Kimberly McCright)
59. 8-Aug-2023 FILED: Reporter's Transcript - 09/13/2022 - Trial Assignment (Kimberly McCright)
60. 8-Aug-2023 FILED: Reporter's Transcript - 04/11/2022 - Final Trial Management Conference (Kimberly McCright)
61. 9-Aug-2023 FILED: Reporter's Transcript - 01/13/2022 - Status Conference (Kimberly C. McCright)

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62. 9-Aug-2023 ORDERED: Ken Crenshaw transcripts dated 01/27/2021, 10/22/2021 due 09/08/2023, or OSC set for 09/20/2023. Hon Randall M Howe - Author
[VACATED per order filed 08/10/2023]
63. 9-Aug-2023 ORDERED: Court Reporter Kelly Rexroat transcript dated 11/07/2022 due, OSC set for 09/06/2023. Hon Randall M Howe - Author
64. 9-Aug-2023 FILED: Reporter's Transcript - 11/07/2022 - Sentencing/Priors Trial (Kelly Rexroat)
65. 10-Aug-2023 ORDERED: Vacating the court's order dated 08/09/2023, directing Court Reporter Coordinator Ken Crenshaw to file the above specified transcript(s) into 1 CA-CR 23-0228 (See Order). FURTHER ORDERED: Vacating OSC set for 09/20/2023. Hon Randall M Howe - Author
66. 11-Sep-2023 FILED: Reporter's Transcript - 01/27/2021 - Continuance (Kimberly McCright)
67. 11-Sep-2023 FILED: Reporter's Transcript - 10/22/2021 - Settlement Conference/ Trial Continuance Past the Last Day (Kimberly McCright)
68. 11-Sep-2023 FILED: Notice of Completion of Record
69. 26-Oct-2023 FILED: Appellant's Opening Brief; Certificate of Compliance with Ariz. R. Crim. P. 31.12; Certificate of Service (Appellant)
70. 1-Nov-2023 FILED: Notice of Appearance; Certificate of Service (Appellee)
71. 3-Nov-2023 FILED: Notice of Appearance (Duplicate); Certificate of Service (Duplicate) (Appellee)
72. 27-Nov-2023 FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
73. 28-Nov-2023 ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from 12/05/2023 to 01/04/2024 Geoffrey P Butzine ProTem Judge - Author
74. 2-Jan-2024 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
75. 11-Jan-2024 FILED: Motion for Procedural Order: Unopposed Request to Extend the Time to File the Reply Brief; Certificate of Service (Appellant)
76. 11-Jan-2024 ORDERED: Motion for Procedural Order: Unopposed Request to Extend the Time to File the Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 01-22-2024 to Monday, 02-12-2024. Geoffrey P Butzine ProTem Judge - Author
77. 30-Jan-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
78. 9-Feb-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
79. 13-Feb-2024 FILED: Appellant's Reply Brief; Certificate of Compliance with Ariz. R. Crim. P. 31.12; Certificate of Service (Appellant)
[ACCEPTED per order filed 02/13/2024]
80. 13-Feb-2024 FILED: Motion to Request that Appellant's Reply Brief be Accepted One Day Late; Certificate of Service; Exhibit 1 (Appellant)
81. 13-Feb-2024 ORDERED: Motion to Request that Appellant's Reply Brief be Accepted One Day Late (Appellant) = GRANTED and accepting the reply brief filed 02/13/2024. Geoffrey P Butzine ProTem Judge - Author
82. 22-Feb-2024 FILED: Request for Oral Argument; Certificate of Service (Appellant)
83. 26-Feb-2024 CLNDR: CONFERENCE, Department B, 4-9-24, CONFERENCE ROOM.
84. 20-Mar-2024 ORDERED: Request for Oral Argument (Appellant) = DENIED. Hon Andrew M Jacobs - Author
85. 30-May-2024 OPINION (Affirmed) Hon David D Weinzweig - Author; Hon Andrew M Jacobs - Concur; Hon Jennifer M Perkins - Concur
86. 30-May-2024 FILED: Decision Distribution Notification
87. 24-Jun-2024 FILED: ASC Order filed 06/24/2024 re: extending time for filing Petition for Review to 07/31/2024
88. 31-Jul-2024 FILED: Email Notice from ASC re: Petition for Review filed 07/31/2024; request for partial record
89. 1-Aug-2024 FILED: Letter forwarding partial record to Arizona Supreme Court