

Court of Appeals, Division One

Criminal

1 CA-CR 22-0565

STATE v. SULU-KERR

Appellate Case Information

Case Filed: 29-Nov-2022

Case Closed:

Dept/Composition

Department C

Hon. D Steven Williams
Hon. Samuel A Thumma
Hon. Paul J McMurdie

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Andrew Reilly, Esq. (AZ Bar No. 29138)

Side 2. TIA LYN NICOLE SULU-KERR, Appellant

(Litigant Group) TIA LYN NICOLE SULU-KERR

- Tia Lyn Nicole Sulu-Kerr

Attorneys for: Appellant

Robert J Trebilcock, Esq. (AZ Bar No. 12004)

CASE STATUS

Apr 3, 2024.....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
YUM S1400CR202100038	See File	See File	Brandon S Kinsey, Sentencing	JURY	

DESCENDENT CASE(S)

ASC CR-24-0049-PR

CASE DECISION

25-Jan-2024 **OPINION**

D Williams.....Author
Samuel Thumma.....Concur
Paul McMurdie.....Concur

Filed: 25-Jan-2024 Mandate:

Decision Disposition

**Affirmed in Part
Vacated in Part
Remanded**

52 PROCEEDING ENTRIES

- 29-Nov-2022 FILED: Notice of Appeal from Yuma County Superior Court filed 11/14/22. Notification sent to Court Reporters dated 11/14/2022.
- 29-Nov-2022 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: None Exhibits: None sent with e-Record (Includes transcript dated 09/28/2021)
- 2-Dec-2022 FILED: Additional Record on Appeal Physical Exhibits: Hearing Date: 07/11/2022 List # 1 2 in manila envelope
- 5-Dec-2022 FILED: Appellate Clerk Notice (31.2(g))
- 9-Dec-2022 FILED: Motion for Extension of Time (Time to File Transcripts)(Elizabeth M Hengstebeck)
- 9-Dec-2022 FILED: Reporter's Transcript - 11/08/2022 - Sentencing (Katherine Pitotti)
- 9-Dec-2022 FILED: Notice of Service (Katherine Pitotti)
- 10-Dec-2022 FILED: Reporter's Transcript - 06/08/2022 - Jury Trial Day One (Elizabeth Hengstebeck)
- 10-Dec-2022 FILED: Notice of Service of Transcript (Elizabeth Hengstebeck)

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10. 12-Dec-2022 FILED: Reporter's Transcript - 11/01/2022 - Aggravation/Mitigation Hearing (Katherine Pitotti)
11. 12-Dec-2022 FILED: Notice of Service (Katherine Pitotti)
12. 13-Dec-2022 ORDERED: Motion for Extension of Time (Time to File Transcripts)(Elizabeth M Hengstebeck) = GRANTED. Due Dates EXTENDED to 01/30/2023 for Transcripts dated 06/08/2022, 06/09/2022, 06/10/2022, 06/15/2022 or OSC set for 02/01/2023. Hon David B Gass - Author
13. 17-Dec-2022 FILED: Reporter's Transcript - 06/09/2022 - Jury Trial Day 2 (Elizabeth Hengstebeck)
14. 17-Dec-2022 FILED: Notice of Service of Transcript (Elizabeth Hengstebeck)
15. 19-Dec-2022 FILED: Reporter's Transcript - 05/13/2022 - Final Pretrial Conference/Status Hearing (Julie K. Knowlton)
16. 19-Dec-2022 FILED: Reporter's Transcript - 05/26/2022 - Oral Arguments on All Pending Motions (Julie K. Knowlton)
17. 19-Dec-2022 FILED: Affidavit: Notice of Service of Transcript (Julie K. Knowlton)
18. 28-Dec-2022 FILED: Reporter's Transcript - 06/10/2022 - Jury Trial Day Three (Elizabeth Hengstebeck)
19. 28-Dec-2022 FILED: Notice of Service of Transcript (Elizabeth Hengstebeck)
20. 29-Dec-2022 FILED: Reporter's Transcript - 06/16/2022 - Jury Trial Day Five (Dana Peabody)
21. 29-Dec-2022 FILED: Reporter's Transcript - 07/11/2022 - Aggravation/Mitigation Hearing (Dana Peabody)
22. 29-Dec-2022 FILED: Notice of Service of Transcript (Dana Peabody)
23. 31-Dec-2022 FILED: Reporter's Transcript - 06/15/2022 - Jury Trial Day 4 (Elizabeth Hengstebeck)
24. 31-Dec-2022 FILED: Notice of Service of Transcript (Elizabeth Hengstebeck)
25. 5-Jan-2023 FILED: Notice of Completion of Record
26. 22-Feb-2023 FILED: Notice of Appearance; Certificate of Service (Appellant)
27. 22-Feb-2023 FILED: Motion to Extend Time for Opening Brief; Certificate of Service (Appellant)
28. 23-Feb-2023 ORDERED: Motion to Extend Time for Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 02-21-2023 to Monday, 04-03-2023. Benjamin A Armstrong ProTem Judge - Author
29. 31-Mar-2023 FILED: Motion To Extend Time For Opening Brief; Certificate of Service (Appellant)
30. 4-Apr-2023 ORDERED: Motion To Extend Time For Opening Brief (Appellant)= GRANTED. Due date EXTENDED from Monday, 04-03-2023 to Wednesday, 05-03-2023. Benjamin A Armstrong ProTem Judge - Author
31. 3-May-2023 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
32. 11-May-2023 FILED: Notice of Appearance; Certificate of Service (Appellee)
33. 5-Jun-2023 FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
34. 6-Jun-2023 ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Monday, 06-12-2023 to Wednesday, 07-12-2023 Benjamin A Armstrong ProTem Judge - Author
35. 12-Jul-2023 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
36. 31-Jul-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
37. 11-Aug-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
38. 25-Aug-2023 CLNDR: CONFERENCE, Department C, 10-11-23, COURTROOM 1.
39. 11-Oct-2023 ORDERED: Directing both parties to file simultaneous supplemental briefs addressing the following question: Was it fundamental error for the superior court not to instruct jurors on the law set forth in A.R.S. § 13-1418? FURTHER ORDERED: The briefs shall be no longer than 5,000 words and shall be filed no later than 5:00 p.m. on 10/26/2023. Hon D Steven Williams - Author
40. 24-Oct-2023 FILED: Motion for Clarification of Order for Supplemental Briefing; Certificate of Service (Appellant)

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41. 24-Oct-2023 ORDERED: Clarifying and amending the Order for Supplemental Briefing to direct both parties to file simultaneous supplemental briefs addressing the following question: Was it fundamental error for the superior court not to instruct jurors on the law set forth in A.R.S. § 13-418? The Order for Supplemental Briefing is otherwise unchanged. Hon D Steven Williams - Author
42. 26-Oct-2023 FILED: Appellant's Supplemental Brief; Certificate of Compliance; Certificate of Service (Appellant)
43. 26-Oct-2023 FILED: Appellee's Simultaneous Supplemental Brief; Certificate of Compliance; Certificate of Service (Appellee)
44. 8-Dec-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
45. 25-Jan-2024 OPINION (Affirmed in Part, Vacated in Part, Remanded) Hon D Steven Williams - Author; Hon Samuel A Thumma - Concur; Hon Paul J McMurdie - Concur
46. 25-Jan-2024 FILED: Decision Distribution Notification
47. 14-Feb-2024 FILED: Motion to Reconsider; Certificate of Compliance; Certificate of Service (Appellant)
48. 22-Feb-2024 ORDERED: Motion to Reconsider (Appellant) = DENIED. Hon D Steven Williams - Author
49. 22-Feb-2024 FILED: ASC Order filed 02/22/2024 re: extending time for filing Petition for Review to 03/27/2024; matter subject to dismissal if the petition for review is not filed by 03/27/2024.
50. 22-Mar-2024 FILED: ASC Order filed 03/22/2024 re: extending time for filing Petition for Review to 04/03/2024; matter subject to dismissal if the petition for review is not filed by 04/03/2024.
51. 3-Apr-2024 FILED: Email Notice from ASC re: Petition for Review filed 4/3/24; request for partial record
52. 4-Apr-2024 FILED: Letter forwarding partial record to Arizona Supreme Court