

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 22-0573

STATE v. ECKARD

Appellate Case Information

Case Filed: 4-Dec-2022

Case Closed:

Dept/Composition

Department B

Hon. Michael J Brown
Hon. Andrew M Jacobs
Hon. Angela K Paton

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Alice Jones, Esq. (AZ Bar No. 28062)

Side 2. SHAWN ECKARD, Appellant

(Litigant Group) SHAWN ECKARD

- Shawn Eckard

Attorneys for: Appellant

Matthew Lara, Esq. (AZ Bar No. 29911)

CASE STATUS

Dec 20, 2023....Under Advisement

Dec 20, 2023....Assigned

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: NAV, S0900CR202000158, First Degree Felony Murder, Class 1, Life, ADOC, Dale P Nielson, Sentencing, JURY.

37 PROCEEDING ENTRIES

- 1. 4-Dec-2022 FILED: Notice of Appeal from Navajo County Superior Court filed 10/10/22. Notification sent to Court Reporters dated 11/14/2022
2. 4-Dec-2022 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None sent with e-Record
3. 7-Dec-2022 FILED: Reporter's Transcript - 08/16/2022 - Jury Trial (Kelly E Palmer)
4. 7-Dec-2022 FILED: Reporter's Transcript - 08/17/2022 - Jury Trial (Kelly E Palmer)
5. 7-Dec-2022 FILED: Reporter's Transcript - 08/18/2022 - Jury Trial (Kelly E Palmer)
6. 7-Dec-2022 FILED: Reporter's Transcript - 08/19/2022 - Jury Trial (Kelly E Palmer)
7. 7-Dec-2022 FILED: Reporter's Transcript - 08/23/2022 - Jury Trial (Kelly E Palmer)
8. 7-Dec-2022 FILED: Reporter's Transcript - 08/24/2022 - Jury Trial (Kelly E Palmer)
9. 7-Dec-2022 FILED: Reporter's Transcript - 09/27/2022 - Sentencing (Kelly E Palmer)
10. 13-Dec-2022 FILED: Appellate Clerk Notice (31.2(g))
11. 13-Dec-2022 FILED: Notice of Completion of Record
12. 27-Jan-2023 FILED: Appellant's Motion for Procedural Order for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
13. 27-Jan-2023 FILED: Motion to Withdraw; Certificate of Service (Appellant)
14. 7-Feb-2023 ORDERED: Appellant's Motion for Procedural Order for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 01-27-2023 to Friday, 04-07-2023. FURTHER ORDERED: Motion to Withdraw (Appellant) = GRANTED because the superior court appointed attorney Weagant to represent appellant on appeal. FURTHER ORDERED: Directing the Navajo County superior court to assign new court-appointed counsel to represent appellant in this appeal and provide this court the name of newly-appointed counsel by 02/21/2023. FURTHER ORDERED: That attorney Megan Weagant must forward all files, records, transcripts, and other documents that relate to this appeal to newly-appointed counsel immediately upon learning the identity of newly-appointed counsel. Benjamin A Armstrong ProTem Judge - Author
15. 1-Mar-2023 ORDERED: Directing the Navajo County superior court to appoint new counsel to represent appellant in this appeal and provide this court the name of newly-appointed counsel by 03/21/2023. FURTHER ORDERED: Opening brief due by 05/01/2023. Benjamin A Armstrong ProTem Judge - Author
16. 10-Mar-2023 FILED: Letter, 03/06/2023, from the Navajo County Superior Court, Division III re: Order Appointing Counsel.

Court of Appeals, Division One

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37 PROCEEDING ENTRIES

- 17. 9-May-2023 ORDERED: Extending the time to file the opening brief to 06/19/2023. Benjamin A Armstrong ProTem Judge - Author
- 18. 9-May-2023 FILED: Motion to Withdraw and Request for New Counsel; Certificate of Service (Appellant)
- 19. 17-May-2023 ORDERED: Motion to Withdraw and Request for New Counsel (Appellant) = GRANTED. FURTHER ORDERED: directing Navajo County Superior Court to appoint new counsel to represent appellant in this appeal and to provide name of assigned counsel by 06/06/2023. Benjamin A Armstrong ProTem Judge - Author
- 20. 14-Jun-2023 ORDERED: Directing Navajo County Superior Court to appoint new counsel to represent appellant in this appeal and to provide this court the name of assigned counsel by 07/05/2023. Benjamin A Armstrong ProTem Judge - Author
- 21. 19-Jun-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Notice of appointment)
- 22. 26-Jun-2023 ORDERED: Opening brief must be filed by 08/11/2023. Benjamin A Armstrong ProTem Judge - Author
- 23. 11-Aug-2023 FILED: Motion for Order Seeking Extension of Time to File Opening Brief; Motion for Order Seeking Extension of Time to File Opening Brief (Certificate of Service) (Appellant)
- 24. 15-Aug-2023 ORDERED: Motion for Order Seeking Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 08-11-2023 to Monday, 09-11-2023. Geoffrey P Butzine ProTem Judge - Author
- 25. 11-Sep-2023 FILED: Motion for Order Seeking Extension of Time to File Opening Brief; Motion for Order Seeking Extension of Time to File Opening Brief (Certificate of Service); Emails between Navajo County Clerk's Office and Undersigned Counsel (Appellant)
- 26. 12-Sep-2023 ORDERED: Motion for Order Seeking Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 09-11-2023 to Wednesday, 10-11-2023. Benjamin A Armstrong ProTem Judge - Author
- 27. 11-Oct-2023 FILED: Appellant Opening Brief; Certificate of Compliance; Certificate of Service for Opening Brief (Appellant)
- 28. 30-Oct-2023 FILED: Motion to Vacate Answering Brief Deadline; Certificate of Service (Appellee)
- 29. 6-Nov-2023 ORDERED: Motion to Vacate Answering Brief Deadline (Appellee) = GRANTED and vacating the answering brief due date. FURTHER ORDERED: Allowing appellant to file supplemental brief in propria persona. FURTHER ORDERED: Counsel to send copy of record to appellant, and copy of transmittal letter to Clerk/AG. FURTHER ORDERED: Appellant may raise additional points on/before 12/13/2023. FURTHER ORDERED: Answering brief to await court order. Benjamin A Armstrong ProTem Judge - Author
- 30. 14-Nov-2023 FILED: Notice of Filing Transmittal Letter; Certificate of Service; Letter, dated 11/14/2023, to Appellant from Counsel re: Forwarding records on appeal (Appellant)
- 31. 20-Dec-2023 FILED: Assigning Anders appeal to Dept B for consideration and disposition. [Amy M. Wood, Clerk]
- 32. 20-Dec-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
- 33. 28-Dec-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
- 34. 20-Feb-2024 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 08/17/2022 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 126A 127 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 190 191 192 193 194 195 196 196A 197 197A 197B 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 in a box
- 35. 23-May-2024 ORDERED: Supplementing the record with the transcripts of the following proceedings: Hearing on Motion to Suppress (8/9/22); Oral Argument (8/11/22). FURTHER ORDERED: directing Navajo County Superior Court administrator to arrange for the preparation of transcripts, furnish one to appellant's counsel, one to appellee's counsel, and original to clerk of this court by 6/24/24. FURTHER ORDERED: staying this appeal until the court receives the transcripts, at which point the stay will be automatically lifted. Hon Michael J Brown - Author
- 36. 13-Jun-2024 FILED: Reporter's Transcript - 08/09/2022 (Kelly Palmer)
- 37. 13-Jun-2024 FILED: Reporter's Transcript - 08/11/2022 - Oral Argument Re Motion for Rule 11 (Kelly Palmer)