

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 23-0040

STATE v. THOMAS

Appellate Case Information

Case Filed: 3-Feb-2023

Case Closed: 15-Aug-2024

Decision

Dept/Composition

Department B

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

Consolidated with: 1 CA-CR 23-0315

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. JEFFREY JOHN THOMAS, Appellant

(Litigant Group) JEFFREY JOHN THOMAS

- Jeffrey John Thomas

PRO SE

Advisory Counsel for: Appellant

Adam Zickerman, Esq. (AZ Bar No. 22320)

CASE STATUS

Aug 15, 2024...Case Closed

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: YAV, V1300CR202080255, See File, See File, John David Napper, Sentencing, JURY.

CASE DECISION

09-Jul-2024 MEMORANDUM DECISION

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

Filed: 09-Jul-2024 Mandate: 15-Aug-2024

Table with 1 column: Decision Disposition. Row 1: Affirmed as Modified

DECISION APPLIES TO THE FOLLOWING OTHER CASE(S)

1 CA-CR 23-0315 STATE v. THOMAS

62 PROCEEDING ENTRIES

- 1. 3-Feb-2023 FILED: Notice of Appeal from Yavapai County Superior Court filed 01/20/23. Notification sent to Court Reporters dated 01/25/2023.
2. 3-Feb-2023 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: 22(SEALED) 141(SEALED) Exhibits: Hearing Date: 09/20/2022 List (SEALED) # 7 12 13 15 16 18 Hearing Date: 09/13/2022 List (SEALED) # 44 Hearing Date: 09/16/2022 List (SEALED) # 45 46 48 51 117 121 122 126 139 140 Hearing Date: 09/08/2022 List (SEALED) # 81 110 Hearing Date: 09/09/2022 List (SEALED) # 56
3. 8-Feb-2023 FILED: Additional Record on Appeal Physical Exhibits: List # 95 105 130 131 132 133 137 138 in (SEALED) manila envelope
4. 10-Feb-2023 FILED: Appellate Clerk Notice (31.2(g))
5. 13-Feb-2023 ORDERED: Directing the Contract Administrator of the Yavapai County Public Defender to assign new contract counsel to represent appellant in this appeal and to provide this court the name of assigned counsel by 02/27/2023. Benjamin A Armstrong ProTem Judge - Author
6. 14-Feb-2023 FILED: Notice of Assignment; Certificate of Service (Appellant)
7. 14-Feb-2023 FILED: Notice of Limited Appearance; Certificate of Service re: Notice of Limited Appearance (Appellant)

Court of Appeals, Division One**Criminal - Anders Appeal****1 CA-CR 23-0040****STATE v. THOMAS****62 PROCEEDING ENTRIES**

8. 16-Feb-2023 FILED: Request for Extension of Time (Time to File Transcript)(Lisa A Chaney)
9. 17-Feb-2023 ORDERED: Request for Extension of Time (Time to File Transcript)(Lisa A Chaney) = GRANTED. Due Dates EXTENDED to 04/05/2023 for Transcripts dated 09/20/2022, 09/08/2022, 09/07/2022 or OSC set for 04/19/2023. Hon David B Gass - Author
10. 26-Feb-2023 FILED: Reporter's Transcript - 09/09/2022 - Trial Day 3 (M Lisa Edgar)
11. 26-Feb-2023 FILED: Request for Extension of Time (Court Reporter Susanne Nardozzi)
12. 27-Feb-2023 FILED: Reporter's Transcript - 09/21/2022 - Jury Trial - Day 9 (Laura A Ashbrook)
13. 27-Feb-2023 ORDERED: Request for Extension of Time (Court Reporter Susanne Nardozzi) = GRANTED. Due Dates EXTENDED to 04/05/2023 for Transcripts dated 09/20/2022, 09/09/2022, 09/08/2022 or OSC set on 04/19/2023. Hon David B Gass - Author
14. 1-Mar-2023 FILED: Request for Extension of Time (Time to File Transcript)(Carol Dillon)
15. 2-Mar-2023 ORDERED: Request for Extension of Time (Time to File Transcript)(Carol Dillon) = GRANTED. Due Dates EXTENDED to 04/05/2023 for Transcripts dated 09/16/2022, 09/15/2022, 09/14/2022, 09/13/2022 or OSC set on 04/19/2023. Hon David B Gass - Author
16. 5-Mar-2023 FILED: Reporter's Transcript - 01/19/2023 - Judgement of Guilt and Sentence (Mina G Hunt)
17. 5-Mar-2023 FILED: Reporter's Transcript - 01/19/2023 - Judgement of Guilt and Sentence (Mina G Hunt)
18. 6-Mar-2023 FILED: Reporter's Transcript - 09/07/2022 - Final Pretrial Conference and Jury Trial Day 1 (Lisa A Chaney)
19. 19-Mar-2023 FILED: Reporter's Transcript - 09/08/2022 - Jury Trial-Day 2 (AM) (Lisa A. Chaney)
20. 22-Mar-2023 FILED: Reporter's Transcript - 09/20/2022 - Jury Trial - Day 8 (PM) (Lisa A. Chaney)
21. 27-Mar-2023 FILED: Notice of Errata filed 03/27/2023 re: Transcript dated 09/16/2022.
22. 29-Mar-2023 FILED: Request for Extension (Time to File Transcripts)(Lisa Chaney)
23. 30-Mar-2023 ORDERED: Request for Extension (Time to File Transcripts)(Lisa Chaney) = GRANTED. Due date EXTENDED from 04/05/2023 to 05/05/2023 for transcript dated 09/16/2022 or OSC 05/17/2023. Hon David B Gass - Author
24. 3-Apr-2023 FILED: Second Request for Extension of Time (Time to File Transcripts)(Susanne Nardozzi)
25. 5-Apr-2023 FILED: Second Request for Extension (Time to File Transcripts) (Carol Dillon)
26. 6-Apr-2023 FILED: Reporter's Transcript - 09/13/2022 - Jury Trial - Day 4 (Carol Dillon)
27. 6-Apr-2023 ORDERED: Second Request for Extension of Time (Time to File Transcripts)(Susanne Nardozzi) = GRANTED. Due date EXTENDED to 05/22/2023 for Transcripts dated 09/20/2022, 09/09/2022, 09/08/2022 or OSC set on 06/07/2023. FURTHER ORDERED: Vacating the order to show cause hearing that is currently set for 4/19/2023. Hon David B Gass - Author
28. 6-Apr-2023 ORDERED: Second Request for Extension (Time to File Transcripts) (Carol Dillon) = GRANTED. Due Dates EXTENDED to 04/20/2023 for Transcripts dated 09/13/2022, 09/14/2022, and 09/15/2022 or OSC set on 05/03/23. FURTHER ORDERED: if Court Reporter Carol Dillon cannot complete the above listed transcript(s) by 04/20/2023, he/she will find an alternate Court Reporter to finish the above listed transcript(s). FURTHER ORDERED: Vacating the order to show cause hearing that is currently set for 04/19/2023. Hon David B Gass - Author
29. 9-Apr-2023 FILED: Reporter's Transcript - 09/14/2022 - Jury Trial - Day 5 (Carol Dillon)
30. 9-Apr-2023 FILED: Reporter's Transcript - 09/15/2022 - Jury Trial - Day 6 (Carol Dillon)
31. 12-Apr-2023 FILED: Reporter's Transcript - 09/16/2022 - Jury Trial - Day 7 (Lisa A Chaney)
32. 20-Apr-2023 FILED: Motion to Unseal Court Records; Certificate of Service re: Motion to Unseal Court Records (Appellant)
33. 25-Apr-2023 ORDERED: Motion to Unseal Court Records (Appellant) = GRANTED. Upon presentation of this order, unsealing the record on appeal, for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
34. 22-May-2023 FILED: Reporter's Transcript - 09/20/2022 - Jury Trial Day 8 (Susanne Nardozzi)
35. 22-May-2023 FILED: Reporter's Transcript - 09/08/2022 - Jury Trial Day 2 (Susanne Nardozzi)
36. 23-May-2023 FILED: Reporter's Transcript - 09/09/2022 - Jury Trial Day 3 (Susanne Nardozzi)

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37. 23-May-2023 FILED: Notice of Completion of Record
38. 28-Jun-2023 FILED: Motion to Extend for Thirty-Day Extension for Appeal Opening Brief; Certificate of Service Re: Motion to Extended [sic] for Thirty-Days [sic] Extension for Appeal Opening Brief (Appellant)
39. 29-Jun-2023 ORDERED: Motion to Extend for Thirty-Day Extension for Appeal Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 07-07-2023 to Monday, 08-07-2023. Benjamin A Armstrong ProTem Judge - Author
40. 7-Aug-2023 FILED: Motion to Extend for Seventy-Four Days Extension for Appeal Opening Brief; Certificate of Service Re: Motion to Extended [sic] for Seventy-Four Days Extension for Appeal Opening Brief (Appellant)
41. 8-Aug-2023 ORDERED: Consolidating cases 1 CA-CR 23-0040 and 1 CA-CR 23-0315. Case no. 1 CA-CR 23-0040 is designated the primary number and the above caption must be used on all future documents filed in this appeal. FURTHER ORDERED: Vacating the notice of completion issued on 05/23/2023, in 1 CA-CR 23-0040, and the 08/07/2023, due date for the opening brief in 1 CA-CR 23-0040. FURTHER ORDERED: Directing the clerk of this court to reissue the notice of completion for the consolidated appeals when the record in 1 CA-CR 23-0315 is complete. Benjamin A Armstrong ProTem Judge - Author
42. 7-Sep-2023 FILED: Reporter's Transcript - 02/27/2023 - Restitution Hearing (Mina G. Hunt)
43. 20-Sep-2023 FILED: Motion for Extension of Time to File Transcripts (Laura A. Ashbrook)
44. 21-Sep-2023 ORDERED: Motion for Extension of Time to File Transcripts (Laura A. Ashbrook) = GRANTED. Due date EXTENDED from 09/21/2023 to 10/23/2023 for transcript dated 05/03/2023 for Court Reporter Laura Ashbrook or OSC set on 11/01/2023. Hon Randall M Howe - Author
45. 16-Oct-2023 FILED: Reporter's Transcript - 05/03/2023 - Restitution Hearing - (Laura Ashbrook)
46. 20-Oct-2023 FILED: Notice of Completion of Record
47. 11-Dec-2023 ORDERED: That the opening brief must be filed by 12/21/2023. FURTHER ORDERED: That if the brief is not filed timely, attorney Adam Zickerman must appear before this court in Courtroom 1 on Wednesday, 01/03/2024, at 2:30 p.m., to show cause why the court should not impose sanctions. Benjamin A Armstrong ProTem Judge - Author
48. 18-Dec-2023 FILED: Appellant's Opening Brief (Anders Brief); Certification of Compliance re: Appellant's Opening Brief (Anders Brief); Certificate of Service re: Anders Brief (Appellant)
49. 18-Dec-2023 ORDERED: If appellant wishes to file a pro se supplemental opening brief raising additional issues on appeal, appellant must do so by 01/29/2024. If appellant chooses to file a supplemental opening brief, appellant must file an original and one copy with the Clerk of this Court, provide two copies to appellee and provide one copy to appellant's counsel. FURTHER ORDERED: Directing appellant's counsel to furnish appellant a paper copy of the opening brief, together with a paper copy of all records on appeal, including all transcripts in counsel's possession. Counsel shall provide the Clerk of this Court and appellee a copy of counsel's transmittal letter, specifying the documents forwarded to appellant. FURTHER ORDERED: The filing of an answering brief shall await further order of the Court. Benjamin A Armstrong ProTem Judge - Author
50. 6-Feb-2024 FILED: (Stricken per order dated 03/12/2024) Assigning Anders appeal to Dept I for consideration and disposition. [Amy M. Wood, Clerk]
51. 12-Mar-2024 ORDERED: Striking assignment memorandum dated 02/06/2024. Amy M Wood - Author
52. 2-Apr-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Reporter's Transcripts previously filed ion COA1; Presentence Investigation Report)
53. 11-Apr-2024 ORDERED: Supplementing the record on appeal by including the victim financial loss statement and supporting documents that the State hand-delivered to the superior court. FURTHER ORDERED: Directing the Clerk of the Yavapai County Superior Court to forward to this court by 04/22/2024, a certified copy of the documents designated above, marked for filing in this appeal. Benjamin A Armstrong ProTem Judge - Author
54. 16-Apr-2024 FILED: Motion to Withdraw as Attorney of Record; Certificate of Service Re: Motion to Withdraw as Attorney of Record (Appellant)
55. 16-Apr-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Notice of Filing Statement of Victim Financial Loss) (1 CA-CR 23-0040)
56. 22-Apr-2024 ORDERED: Motion to Withdraw as Attorney of Record (Appellant) = DENIED. FURTHER ORDERED: Adam Zickerman shall remain in this matter as advisory counsel for appellant Benjamin A Armstrong ProTem Judge - Author
57. 24-Apr-2024 FILED: Assigning Anders appeal to Dept B for consideration and disposition. [Amy M. Wood, Clerk]
58. 9-Jul-2024 MEMORANDUM DECISION (Affirmed as Modified) Hon David D Weinzweig - Author; Hon Andrew M Jacobs - Concur; Hon Jennifer M Perkins - Concur (Motion for reconsideration extended thirty days from date of this decision.)

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 23-0040

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62 PROCEEDING ENTRIES

- 59. 9-Jul-2024 FILED: Decision Distribution Notification
- 60. 9-Jul-2024 FILED: Notice of Filing; Transmittal Letter; Certificate of Service Re: Notice of Filing: Transmittal Letter (Appellant)
- 61. 15-Aug-2024 FILED: Mandate, Physical record to clerk, Yavapai County Superior Court.
- 62. 15-Aug-2024 FILED: Letter dated 08/15/2024, to Dept Public Safety Re: Copy of Mandate/Decision/Disposition Report