

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 23-0071

STATE v. HOPSON

Appellate Case Information

Case Filed: 28-Feb-2023

Case Closed:

Dept/Composition

Department E

Hon. James B Morse
Hon. Cynthia J Bailey
Hon. Brian Y Furuya

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Phillip Tomas, Esq. (AZ Bar No. 37879)

Side 2. DEJUAN MARKEISS HOPSON, Appellant

(Litigant Group) DEJUAN MARKEISS HOPSON

- Dejuan Markeiss Hopson

Attorneys for: Appellant

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

CASE STATUS

Apr 23, 2024.....Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2018-139646-002, Poss WPN by Prohib Person, Class 4, 12 Years, ADOC, Adam D Driggs, Sentencing, JURY.

DESCENDENT CASE(S)

ASC CR-24-0118-PR

OPEN DUE DATE

Petition for Review to ASC due

Due By: Wednesday, August 7, 2024

[2 extensions]

Re: MEMORANDUM DECISION (Affirmed) Hon Brian Y Furuya - Author; Hon James B Morse Jr. - Concur; Hon Cynthia J Bailey - Concur (Motion for reconsideration extended thirty days from date of this decision.)

CASE DECISION

23-Apr-2024 MEMORANDUM DECISION

Brian Furuya.....Author

James Morse.....Concur

Cynthia Bailey.....Concur

Filed: 23-Apr-2024

Mandate:

Decision Disposition

Affirmed

54 PROCEEDING ENTRIES

- 1. 28-Feb-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 02/03/23 [sic]. Notification sent to Court Reporters dated 02/27/2023.
2. 6-Mar-2023 FILED: Appellate Clerk Notice (31.2(g))
3. 24-Mar-2023 FILED: Notice of Appearance; Certificate of Service (Appellant)
4. 27-Mar-2023 FILED: Courtesy Copy - Designation of Record for Appeal Filed in Superior Court (Appellant)
5. 28-Mar-2023 ORDERED: Ken Crenshaw transcripts dated 08/20/2018, 09/06/2018, 10/05/2018, 11/05/2018, 03/22/2019, 05/01/2019, 10/16/20219, 01/17/2020 due by 05/12/2023. FURTHER ORDERED: Court Reporter Scott Coniam transcript dated 07/20/2022 due by 05/12/2023. FURTHER ORDERED: Court Reporter Michele Kaley transcript dated 07/14/2022 due by 05/12/2023. FURTHER ORDERED Court Reporter Lori Reinhardt transcript dated 08/28/2020 due by 05/12/2023. FURTHER ORDERED: Court Reporter Treva Colwell transcripts dated 09/01/2022, 10/17/2019 due by 05/12/2023. FURTHER ORDERED: Court Reporter Jeanna Kappedal transcript dated 10/14/2019 due by 05/12/2023. FURTHER ORDERED: Court Reporter Kelly Rexroad transcript dated 08/23/2019 due by 05/12/2023. FURTHER ORDERED: Court Reporter Vanessa Gartner transcript dated 05/10/2019 due by 05/12/2023. Hon David B Gass - Author
6. 30-Mar-2023 FILED: Courtesy Copy - Amended Designation of Record for Appeal Filed in Superior Court (Appellant)

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7. 4-Apr-2023 FILED: Reporter's Transcript - 10/10/2019 - Trial Management Conference (Kristyn L. Lobry)
8. 5-Apr-2023 FILED: Reporters transcript - 08/28/2020 - Evidentiary Hearing (Lori Reinhardt)
9. 7-Apr-2023 FILED: Additional Record on Appeal  
Physical Exhibits:  
Hearing Date: 08/20/2018 List # 1 in manila envelope  
Hearing Date: 08/23/2019 List # 3 in manila envelope  
Hearing Date: 10/14/2019 List # 2 3 4 5 6 7 8 9 10 11 12 13 14 1 16 17 18 19 20 21 22 23 31 38 in manila envelope  
Hearing Date: 08/28/2020 List # 1 2 3 in manila envelope
10. 7-Apr-2023 FILED: e-Record on Appeal:  
Instruments/Minute Entries: Combined  
Disposition Report: 157  
Exhibits: None sent with e-Record
11. 14-Apr-2023 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
12. 25-Apr-2023 FILED: Reporter's Transcripts - 10/16/2019 - Trial - Day 2 (Treva B. Colwell)
13. 25-Apr-2023 FILED: Reporter's Transcripts - 10/17/2019 - Trial - Day 3 (Treva B. Colwell)
14. 25-Apr-2023 FILED: Reporter's Transcripts - 09/01/2022 - Sentencing (Treva B. Colwell)
15. 25-Apr-2023 ORDERED: Motion to Unseal Documents (Appellant) = GRANTED. Upon presentation of this order, unsealing the Court Information Sheets (I.O.R. 4 and 8) and the Random Jury List (I.O.R. 91), for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
16. 26-Apr-2023 FILED: Reporter's Transcript - 07/20/2022 - Status Conference (Scott M. Coniam)
17. 27-Apr-2023 FILED: Reporter's Transcript - 09/06/2018 - Final Trial Management Conference, Status Conference, Nonwitness Violation Hearing (Sandra L. Kumar)
18. 27-Apr-2023 FILED: Reporter's Transcript - 10/05/2018 - Initial Pretrial Conference (Sandra L. Kumar)
19. 27-Apr-2023 FILED: Reporter's Transcript - 11/05/2018 - Trial Continuance Past Last Day (Sandra L. Kumar)
20. 27-Apr-2023 FILED: Reporter's Transcript - 01/17/2020 - Continuance (Sandra L. Kumar)
21. 27-Apr-2023 FILED: Reporter's Transcript - 03/22/2019 - Settlement Conference (Sandra L. Kumar)
22. 27-Apr-2023 FILED: Reporter's Transcript - 05/01/2019 - Continuance (Sandra L. Kumar)
23. 27-Apr-2023 FILED: Reporter's Transcript - 08/20/2018 - Evidentiary Hearing (Sandra L. Kumar)
24. 9-May-2023 FILED: Reporter's Transcript - 10/14/2019 - Trial (Marylynn LeMoine Cotton for Jeanne Kappedal)
25. 13-May-2023 FILED: Reporter's Transcripts - 05/10/2019 - Evidentiary Hearing re: Defendant's Motions to Suppress (Vanessa Gartner)
26. 14-May-2023 FILED: Reporter's Transcript - 08/23/2019 - Evidentiary Hearing (Kelly Rexroat)
27. 15-May-2023 FILED: Reporter's Transcript - 07/14/2022 - Resentencing Continued (Michele Kaley)
28. 15-May-2023 FILED: Notice of Completion of Record
29. 22-May-2023 FILED: Notice of Appearance; Certificate of Service (Appellant)
30. 19-Jun-2023 FILED: Motion for Procedural Order: Request to Extend Time to File the Opening Brief; Certificate of Service (Appellant)
31. 20-Jun-2023 ORDERED: Motion for Procedural Order: Request to Extend Time to File the Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Thursday, 06-29-2023 to Monday, 07-31-2023. Benjamin A Armstrong ProTem Judge - Author
32. 31-Jul-2023 FILED: Motion for Procedural Order: Motion for Leave to Allow Appellant to File a Supplemental Brief in Propria Persona; Certificate of Service (Appellant)
33. 31-Jul-2023 FILED: Appellant's Opening Brief; Certification of Compliance With Rule 31.12, ARCP; Certificate of Service (Appellant)
34. 1-Aug-2023 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 09/11/2023. FURTHER ORDERED: Answering brief to await court order. Benjamin A Armstrong ProTem Judge - Author

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35. 7-Aug-2023 FILED: Notice of Filing: Anders Compliance Letter; Certificate of Service; Exhibit A (Appellant)
36. 18-Sep-2023 FILED: Assigning Anders appeal to Dept E for consideration and disposition. [Amy M. Wood, Clerk]
37. 18-Sep-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
38. 27-Sep-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
39. 29-Jan-2024 ORDERED: The parties file simultaneous briefs of no more than 1,750 words explaining whether the presentence credit is correct and how, and, if not, why. FURTHER ORDERED: Briefs may be filed no later than 02/28/2024, by close of business. FURTHER ORDERED: Upon completion of briefing, the court may take further action deemed appropriate, including resolution of the issue. Hon James B Morse Jr. - Author
40. 1-Feb-2024 FILED: Notice of Appearance; Certificate of Service (Appellee)
41. 2-Feb-2024 FILED: Notice of Substitution of Counsel; Certificate of Service (Appellee)
42. 15-Feb-2024 FILED: Motion to Supplement the Record on Appeal to Prepare Ordered Supplemental Briefing (and Extension Simultaneous Supplemental); Certificate of Service (Appellant)
43. 15-Feb-2024 FILED: Appendix 1 (to Motion to Supplement the Record on Appeal to Prepare Ordered Supplemental Briefing) (Appellant)
44. 15-Feb-2024 FILED: Appendix 11 (to Motion to Supplement the Record on Appeal to Prepare Ordered Supplemental Briefing) (Appellant)
45. 21-Feb-2024 ORDERED: Granting appellant's motion to extend the deadline for simultaneous briefing two weeks after the court issues its order regarding appellant's motion to supplement the record. Because the motion to supplement the record makes no representation of the State's position on the matter, the court defers its decision on Hopson's motion to supplement the record until the State responds. FURTHER ORDERED: That, upon completion of briefing, the court may take further action deemed appropriate, including resolution of the issue. Hon James B Morse Jr. - Author
46. 21-Feb-2024 FILED: Response to Hopson's Motion to Supplement the Record on Appeal to Prepare Ordered Supplemental Briefing; Certificate of Service (Appellee)
47. 22-Feb-2024 ORDERED: Motion to Supplement the Record On Appeal to Prepare Ordered Supplemental Briefing (Appellant) = GRANTED. FURTHER ORDERED: In accordance with this court's prior order, extending the deadline for simultaneous briefing such that briefs may be filed no later than 03/13/2024, by close of business. FURTHER ORDERED: Upon completion of briefing, the court may take further action deemed appropriate, including resolution of the issue. Hon James B Morse Jr. - Author
48. 13-Mar-2024 FILED: Appellant's Supplemental Brief; Certificate of Compliance; Certificate of Service (Appellant)
49. 13-Mar-2024 FILED: Appellee's Supplemental Brief; Certificate of Compliance; Certificate of Service (Appellee)
50. 23-Apr-2024 MEMORANDUM DECISION (Affirmed) Hon Brian Y Furuya - Author; Hon James B Morse Jr. - Concur; Hon Cynthia J Bailey - Concur (Motion for reconsideration extended thirty days from date of this decision.)
51. 23-Apr-2024 FILED: Decision Distribution Notification
52. 3-May-2024 FILED: Letter, dated 05/03/2024, to Appellant from Counsel re: Right to File Petition for Review (Appellant)
53. 6-May-2024 FILED: ASC Order filed 05/06/2024 re: extending time for filing Petition for Review to 07/08/2024; matter subject to dismissal if the petition for review is not filed by 07/08/2024.
54. 8-Jul-2024 FILED: ASC Order filed 07/08/2024 re: extending time for filing Petition for Review to 08/07/2024; matter subject to dismissal if the petition for review is not filed by 08/07/2024.