

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 23-0092

STATE v. MALDONADO

Appellate Case Information

Case Filed: 8-Mar-2023

Case Closed:

Dept/Composition

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. EDWARD MALDONADO, Appellant

(Litigant Group) EDWARD MALDONADO

- Edward Maldonado
AZ Bar No. 22229
[Suspended]

Attorneys for: Appellant

Stephen N Mercer, Esq. (AZ Bar No. 20242)

CASE STATUS

Jun 24, 2024....At Issue

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2019-001197-001, Sexual Assault, Class 2; Sexual Abuse, Class 5, 6 Years, ADOC; 10 Years Probation, Sam J Myers, Sentencing, JURY

78 PROCEEDING ENTRIES

- 1. 8-Mar-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 03/05/23. Notification sent to Court Reporters dated 03/07/2023.
2. 21-Mar-2023 FILED: Appellate Clerk Notice (31.2(g))
3. 23-Mar-2023 ORDERED: Appointing Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Directing Court Reporters Robin Bobbie, Lauren Kuhnhehn, Luz Franco, Lori Reinhardt, Kristine Mayo, Kristyn Lobry, Scott Kindle, Catherine Turner, and Michael Babicky transcripts due 05/08/2023. Benjamin A Armstrong ProTem Judge - Author
4. 28-Mar-2023 FILED: Notice of Incorrect Court Reporter for 8/30/2022
5. 3-Apr-2023 FILED: Courtesy Copy - Designation of Record for Appeal Filed in Superior Court (Appellant)
6. 13-Apr-2023 FILED: Amended Designation of Record for Appeal (Appellant)
7. 13-Apr-2023 FILED: Reporter's Transcript - 01/26/2023 - PM - Trial Continuing (Luz Franco)
8. 18-Apr-2023 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 01/07/2022 List # 1 in manila envelope
Hearing Date: 01/17/2022 List # 1 2 3 4.001 5 14 15 16 17 26 26.001 in manila envelope
Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope
9. 18-Apr-2023 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: 261
Exhibits: None sent with e-Record
10. 23-Apr-2023 FILED: Reporter's Transcript - 09/01/2022 - Trial Day 9 (Kristyn Lobry)
11. 23-Apr-2023 FILED: Reporter's Transcript - 11/08/2022 - Final Trial Management Conference (Kristyn Lobry)
12. 23-Apr-2023 FILED: Reporter's Transcript - 08/30/2022 - Trial Day 7 (Kristyn Lobry)
13. 23-Apr-2023 FILED: Reporter's Transcript - 08/29/2022 - Trial Day 6 (Kristyn Lobry)
14. 23-Apr-2023 FILED: Reporter's Transcript - 08/24/2022 - Trial Day 5 (Kristyn Lobry)
15. 23-Apr-2023 FILED: Reporter's Transcript - 08/23/2022 - Trial Day 4 (Kristyn Lobry)

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16. 23-Apr-2023 FILED: Reporter's Transcript - 08/18/2022 - Trial Day 3 (Kristyn Lobry)
17. 24-Apr-2023 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
18. 24-Apr-2023 FILED: Reporter's Transcript - 01/25/2023 (Lori Reinhardt)
19. 24-Apr-2023 ORDERED: Court Reporter Michael Babicky Transcripts of 10/28/2020, 11/12/2020, 05/06/2021, 07/29/2021, 08/04/2021, [sic] 08/18/2021, 09/09/2021, 09/23/2021, 11/15/2021, 12/03/2021, 01/07/2022 due by 05/30/2023. FURTHER ORDERED: Reaffirming previously set due date of 05/08/2023 for Transcripts of 08/04/2021 for Court Reporter Michael Babicky. FURTHER ORDERED: Ken Crenshaw Transcripts of 03/18/2019, 08/10/2022, 11/15/2022, 12/15/2022 due by 05/30/2023. FURTHER ORDERED: Court Reporter Lauren Kuhnhenh Transcripts of 03/31/2021, 08/09/2022 due by 05/30/2023. FURTHER ORDERED: Reaffirming previously set due date of 05/08/2023 for Transcripts of 01/23/2023, 01/26/2023, 01/30/2023, 01/31/2023, 02/01/2023 for Court Reporter Lauren Kuhnhenh. FURTHER ORDERED: Court Reporter Catherine Turner Transcripts of 01/27/2023 due by 05/30/2023. FURTHER ORDERED: Reaffirming previously set due date of 05/08/2023 for Transcripts of 08/16/2022 for Court Reporter Catherine Turner. FURTHER ORDERED: Court Reporter Monica Hill-Morrisette Transcripts of 09/20/2022, 10/05/2022 due by 05/30/2023. Hon David B Gass - Author
20. 25-Apr-2023 AMENDED ORDER: Court Reporter Michael Babicky Transcripts of 10/28/2020, 11/12/2020, 05/06/2021, 07/29/2021, 08/18/2021, 09/09/2021, 09/23/2021, 11/15/2021, 12/03/2021, 01/07/2022 due by 05/30/2023. FURTHER ORDERED: Reaffirming previously set due date of 05/08/2023 for Transcripts of 08/04/2021 for Court Reporter Michael Babicky. FURTHER ORDERED: Ken Crenshaw Transcripts of 03/18/2019, 08/10/2022, 09/28/2022, 11/15/2022, 12/15/2022 due by 05/30/2023. FURTHER ORDERED: Court Reporter Lauren Kuhnhenh Transcripts of 03/31/2021, 08/09/2022 due by 05/30/2023. FURTHER ORDERED: Reaffirming previously set due date of 05/08/2023 for Transcripts of 01/23/2023, 01/26/2023, 01/30/2023, 01/31/2023, 02/01/2023 for Court Reporter Lauren Kuhnhenh. FURTHER ORDERED: Court Reporter Catherine Turner Transcripts of 01/27/2023 due by 05/30/2023. FURTHER ORDERED: Reaffirming previously set due date of 05/08/2023 for Transcripts of 08/16/2022 for Court Reporter Catherine Turner. FURTHER ORDERED: Court Reporter Monica Hill-Morrisette Transcripts of 09/20/2022, 10/05/2022 due by 05/30/2023. Hon David B Gass - Author
21. 27-Apr-2023 FILED: Reporter's Transcripts - 01/18/2023 - Trial Day 2 (Kristine Mayo)
22. 27-Apr-2023 FILED: Reporter's Transcript - 08/16/2022 - Oral Argument/Jury Trial (Catherine Turner)
23. 2-May-2023 FILED: Reporter's Transcripts - 02/01/2023 - Jury Trial (Lauren Kuhnhenh)
24. 2-May-2023 FILED: Reporter's Transcripts - 01/31/2023 - Jury Trial (Lauren Kuhnhenh)
25. 2-May-2023 ORDERED: Motion to Unseal Documents (Appellant) = GRANTED. Upon presentation of this order, unsealing the Court Information Sheet (I.O.R. 3); the Minute Entry dated 02/04/2019 (I.O.R. 11); the Records from Jaburg Wilk (I.O.R. 111); the Records from Jones, Skelton and Hochuli (I.O.R. 112); the Random Jury Lists (I.O.R. 181 and 232); the Juror Questionnaires (I.O.R. 191, 192, 193 and 194); the Letter (I.O.R. 214); the Completed Juror Questionnaires (I.O.R. I. 236, 237, 238, 239, 240 and 241); the State's Sentencing Memorandum (I.O.R. 246); the Notice to Licensing Board (I.O.R. 254); and the Request for a Lifetime Injunction (I.O.R. 255) , for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
26. 4-May-2023 FILED: Reporter's Transcript - 08/31/2022 - Trial Day 8 (Scott Kindle)
27. 4-May-2023 FILED: Reporter's Transcript - 01/17/2023 - Jury Trial - Day 1 (Robin Lawlor)
28. 4-May-2023 FILED: Reporter's Transcript - 01/19/2023 - Jury Trial - Day 3 (Robin Lawlor)
29. 4-May-2023 FILED: Reporter's Transcript - 03/03/2023 - Sentencing (Robin Lawlor)
30. 6-May-2023 FILED: Reporter's Transcripts - 01/26/2023 - Jury Trial (Lauren Kuhnhenh)
31. 7-May-2023 FILED: Reporter's Transcript - 08/17/2022 - Trial Day 2 (Kristyn Lobry)
32. 7-May-2023 FILED: Untitled Motion (Motion for Extension) (Time to File Transcripts) (Lauren Kuhnhenh)
33. 9-May-2023 ORDERED: Untitled Motion (Motion for Extension) (Time to File Transcripts) (Lauren Kuhnhenh) = GRANTED. Due Dates EXTENDED to 06/07/2023 for Transcripts dated 01/30/2023, 01/23/2023 or OSC set on 06/21/2023. Hon David B Gass - Author
34. 10-May-2023 FILED: Reporter's Transcripts - 08/04/2021 - Hearing (Michael Babicky)
35. 10-May-2023 FILED: Reporter's Transcripts - 05/06/2021 - Hearing (Michael Babicky)
36. 12-May-2023 FILED: Reporter's Transcript - 01/27/2022 - Final Trial Management Conference (Catherine Turner)
37. 12-May-2023 FILED: Reporter's Transcripts - 07/29/2021 - Hearing (Michael Babicky)
38. 12-May-2023 FILED: Reporter's Transcript - 08/18/2021 - Hearing (Michael Babicky)
39. 12-May-2023 FILED: Reporter's Transcripts - 03/31/2021 - Final Trial Management Conference Via Microsoft Teams (Lauren Kuhnhenh)

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40. 12-May-2023 FILED: Correction Nunc Pro Tunc Minute Entry - (Lauren Kuhnhenh)
41. 12-May-2023 ORDERED: Vacating that portion of the Court's order dated April 25, 2023, directing Court Reporter Lauren Kuhnhenh to file the transcript from hearing date August 9, 2022. FURTHER ORDERED: On or before June 26, 2023, Court Reporter Coordinator Ken Crenshaw shall file in this Court the transcript(s) of proceeding(s) held on: August 9, 2022. Hon David B Gass - Author
42. 24-May-2023 FILED: Reporter's Transcript - 12/15/2022 - Continuance (Kimberly McCright)
43. 24-May-2023 FILED: Reporter's Transcript - 03/18/2019 - Initial Pretrial Conference (Kimberly McCright)
44. 24-May-2023 FILED: Reporter's Transcript - 08/10/2022 - Settlement Conference (Kimberly McCright)
45. 24-May-2023 FILED: Reporter's Transcript - 09/28/2022 - Settlement Conference (Kimberly McCright)
46. 24-May-2023 FILED: Reporter's Transcript - 11/15/2022 - Trial Assignment (Kimberly McCright)
47. 24-May-2023 FILED: Reporter's Transcript - 09/20/2022 - Status Conference (Monica S Hill-Morrisette)
48. 24-May-2023 FILED: Reporter's Transcript - 10/05/2022 - Settlement Conference (Monica S Hill-Morrisette)
49. 26-May-2023 FILED: Reporter's Transcripts - 01/23/2023 - Jury Trial (Lauren Kuhnhenh)
50. 29-May-2023 FILED: Reporter's Transcripts - 09/09/2021 - Hearing (Michael Babicky)
51. 29-May-2023 FILED: Reporter's Transcripts - 09/23/2021 - Hearing (Michael Babicky)
52. 29-May-2023 FILED: Affidavit for Extension of Time (Time to File Transcripts) (Michael A Babicky)
53. 30-May-2023 ORDERED: Affidavit for Extension of Time (Time to File Transcripts) (Michael A Babicky) = GRANTED. Due Dates EXTENDED to 06/29/2023 for Transcripts dated 10/28/2020, 11/12/2020, 11/15/2021, 12/03/2021, 01/07/2022 or OSC set on 07/05/2023. Hon David B Gass - Author
- [VACATED per order filed 07/13/2023]
54. 7-Jun-2023 FILED: Reporter's Transcripts - 01/30/2023 - Jury Trial (Lauren Kuhnhenh)
55. 25-Jun-2023 FILED: Reporter's Transcript - 11/15/2021 (Michael Babicky)
56. 25-Jun-2023 FILED: Reporter's Transcript - 01/07/2022 (Michael Babicky)
57. 25-Jun-2023 FILED: Reporter's Transcript - 10/28/2020 (Michael Babicky)
58. 25-Jun-2023 FILED: Reporter's Transcript - 11/12/2020 (Michael Babicky)
59. 25-Jun-2023 FILED: Reporter's Transcript - 09/09/2021 (Michael Babicky) (DUPLICATE)
60. 25-Jun-2023 FILED: Reporter's Transcript - 09/23/2021 (Michael Babicky) (DUPLICATE)
61. 26-Jun-2023 FILED: Reporter's Transcript - 08/09/2022 - Hearing (Kelly Borngen)
62. 29-Jun-2023 FILED: Affidavit for 12/03/2021 Transcript (Michael A Babicky)
63. 13-Jul-2023 ORDERED: Ken Crenshaw transcript due by 10/30/2023. FURTHER ORDERED: Vacating the order of 05/30/2023, directing Michael Babicky to prepare the transcript designated above by 06/29/2023, or appear at an OSC hearing on 07/05/2023. Benjamin A Armstrong ProTem Judge - Author
64. 17-Nov-2023 ORDERED: Ken Crenshaw transcripts dated 12/03/2021 due by 12/18/2023 or OSC set on 12/20/2023. Hon Randall M Howe - Author
65. 18-Dec-2023 FILED: Motion to Extend Time to File Transcripts (Ken Crenshaw)
66. 19-Dec-2023 ORDERED: Motion to Extend Time to File Transcripts (Ken Crenshaw) = GRANTED. Due date EXTENDED from 12-18-2023 to 01-17-2024 for Transcript dated 12/03/2021 or OSC set on 02/07/2024. FURTHER ORDERED: Vacating the order to show cause hearing that is currently set for 12/20/2023. Beginning 02/01/2024, any extension requests will not be considered if the reasoning as to why the request is needed is not presented in the filing. Hon Randall M Howe - Author
67. 9-Jan-2024 FILED: Reporter's Transcript - 12/03/2021 - Transcript Re: Oral Argument (Kimberly C. McCright)
68. 9-Jan-2024 FILED: Notice of Completion of Record

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Criminal - Anders Appeal

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78 PROCEEDING ENTRIES

69. 12-Jan-2024 FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
70. 22-Feb-2024 FILED: Notice of Appearance; Certificate of Service (Appellant)
71. 22-Feb-2024 FILED: Motion for the Extension of Time; Certificate of Compliance (Appellant)
72. 26-Feb-2024 ORDERED: Motion To Withdraw And Substitute New Counsel; Motion to Extend Opening Brief Due Date (Appellant) = GRANTED and appointing attorney Stephen Mercer as attorney for appellant for all remaining proceedings on appeal. FURTHER ORDERED: That the Maricopa County Public Defender must immediately forward all files, records, transcripts, and other documents that relate to this appeal to newly appointed counsel. FURTHER ORDERED: The opening brief is due by 04/08/2024. Benjamin A Armstrong ProTem Judge - Author
73. 2-Apr-2024 FILED: Motion for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
74. 3-Apr-2024 ORDERED: Motion for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 04-08-2024 to Wednesday, 05-08-2024 Benjamin A Armstrong ProTem Judge - Author
75. 8-May-2024 FILED: Appellant's Opening Brief (Anders); Certificate of Compliance (Appellant)
76. 13-May-2024 FILED: Certificate of Service (Appellant)
77. 14-May-2024 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 06/24/2024. FURTHER ORDERED: Answering brief to await court order. Benjamin A Armstrong ProTem Judge - Author
78. 2-Jul-2024 FILED: Certificate of Compliance; Certificate of Service (Appellant)