

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 23-0150

STATE v. GASTELUM

Appellate Case Information

Case Filed: 5-Apr-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. COSMOS GUADALUPE GASTELUM, Appellant

(Litigant Group) COSMOS GUADALUPE GASTELUM

- Cosmos Guadalupe Gastelum

Attorneys for: Appellant

Stephen L Duncan, Esq. (AZ Bar No. 14403)

CASE STATUS

Dec 11, 2023...Record Complete-Notice Completion Sent

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: YAV, P1300CR202200032, See file, See file, Debra R Phelan, Sentencing, JURY

OPEN DUE DATE

Anders Supplemental Brief Due

Due By: Wednesday, September 25, 2024

Re: * ORDERED: Allowing appellant to file supplemental brief in propria persona. FURTHER ORDERED:

[3 extensions]

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 05/0

46 PROCEEDING ENTRIES

- 1. 5-Apr-2023 FILED: Notice of Appeal from Yavapai County Superior Court filed 03/29/23. Notification sent to Court Reporters dated 03/31/2023.
2. 5-Apr-2023 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: 36 94 Exhibits: Hearing Date: 02/20/2023 List # P1 P2 P3 P4 P5 P6 P7 P8 P9 P10 P11 P12 P13 P14 P15 P16 P17 P18 P19 P20 P21 P22 P23 P24 P25 P26 P27 P28 Hearing Date: 02/23/2023 List # P29 P30
3. 14-Apr-2023 FILED: Appellate Clerk Notice (31.2(g))
4. 23-Apr-2023 FILED: Affidavit of No Appellant Attorney Assigned (Lisa A. Chaney)
5. 25-Apr-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 07/10/2023. FURTHER ORDERED: Additional orders regarding the preparation and filing of transcripts will be issued once the court receives the name of contract counsel. Benjamin A Armstrong ProTem Judge - Author
6. 26-Apr-2023 FILED: Notice of Assignment; Certificate of Service (Appellant)
7. 28-Apr-2023 ORDERED: Court Reporters Lisa Chaney, Mina Hunt, Susanne Nardoizzi and Laura Ashbrook transcripts due by 06/12/2023. Benjamin A Armstrong ProTem Judge - Author
8. 10-May-2023 FILED: Reporter's Transcript - 02/23/2023 - Trial Day Three (Mina G. Hunt)
9. 17-May-2023 FILED: Returned US Mail, Appellate Clerk Notice (31.2(g)) dated 04/14/2023, addressed to Cosmos Guadalupe Gastelum, no longer at address.
10. 22-May-2023 FILED: Returned US Mail, Order Regarding Counsel and Transcripts dated 04/28/2023, addressed to Cosmos Guadalupe Gastelum, Not in Custody
11. 29-May-2023 FILED: Request for Extension (Time to File Transcripts) (Lisa Chaney)

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12. 30-May-2023 ORDERED: Request for Extension (Time to File Transcripts) (Lisa Chaney) = GRANTED. Due Dates EXTENDED to 07/12/2023 for Transcripts dated 02/21/2023, 02/22/2023, 03/27/2023 or OSC set on 07/19/2023. FURTHER ORDERED: If Court Reporter Lisa A Chaney cannot complete the above listed transcript(s) by 07/12/2023, he/she will find an alternate Court Reporter to finish the above listed transcript(s). Hon David B Gass - Author
13. 5-Jun-2023 FILED: Reporter's Transcript - 08/08/2022 - Pretrial Conference/Donald Hearing (Laura Ashbrook)
14. 5-Jun-2023 FILED: Reporter's Transcript - 10/25/2022 - Settlement Conference (Laura Ashbrook)
15. 5-Jun-2023 FILED: Reporter's Transcript - 02/21/2023 - Jury Trial - Day 1 - Morning Session (Laura Ashbrook)
16. 6-Jun-2023 FILED: Reporter's Transcript - 02/22/2023 - Jury Trial - Day 2 - Afternoon Session (Laura Ashbrook)
17. 7-Jun-2023 FILED: Reporter's Transcript - 02/24/2023 - Jury Trial - Day 4 (Laura Ashbrook)
18. 12-Jun-2023 FILED: Reporter's Transcript - 10/20/2022 - Status Conference (Susanne Nardozzi)
19. 13-Jun-2023 FILED: Reporter's Transcript - 02/23/2022 - Jury Trial Day 3 (Susanne Nardozzi)
20. 26-Jun-2023 FILED: Reporter's Transcript - 02/21/2023 - Jury Trial Day 1 (PM) (Lisa Chaney)
21. 1-Jul-2023 FILED: Reporter's Transcript - 02/22/2023 - Jury Trial Day 2 - AM Session (Lisa A. Chaney)
22. 1-Jul-2023 FILED: Reporter's Transcript - 03/27/2023 - Judgment of Guilt and Sentence (Lisa A. Chaney)
23. 11-Dec-2023 FILED: Notice of Completion of Record
24. 29-Dec-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Reporter's Transcripts: 02/21/2023 (Lisa Chaney), 10/20/2022 (Susanne Nardozzi), 02/23/2023 (Susanne Nardozzi), 02/22/2023 (Lisa Chaney), 03/27/2023 (Lisa Chaney), 02/23/2023 (Mina G Hunt), Amended Digital Exhibit List, Order Amending Sentencing Order)
25. 24-Jan-2024 FILED: Motion for Procedural Order (Extension of Time to File Opening Brief); Certificate of Service (Appellant)
26. 26-Jan-2024 ORDERED: Motion for Procedural Order (Extension of Time to File Opening Brief) (Appellant) = GRANTED. Due date EXTENDED from Thursday, 01-25-2024 to Monday, 02-26-2024 Benjamin A Armstrong ProTem Judge - Author
27. 26-Feb-2024 FILED: Motion for Procedural Order (Extension of Time to File Opening Brief); Certificate of Service (Appellant)
28. 27-Feb-2024 ORDERED: Motion for Procedural Order (Extension of Time to File Opening Brief) (Appellant) = GRANTED. Due date EXTENDED from 02/26/2024 to 03/27/2024 or OSC set on 04/03/2024. Benjamin A Armstrong ProTem Judge - Author
29. 27-Mar-2024 FILED: Appellant' Opening Brief (Includes Anders Request); Certificate of Compliance; Certificate of Service (Appellant)
30. 28-Mar-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 05/07/2024. FURTHER ORDERED: Answering brief to await court order. Benjamin A Armstrong ProTem Judge - Author
31. 1-Apr-2024 FILED: Notice of Change of Address (Appellant Pro Per)
32. 19-Apr-2024 FILED: Letter, 4/19/24, from Counsel to Appellant, forwarding record on appeal (Appellant)
33. 3-May-2024 FILED: Motion to Extend for Filing a Pro Per Supplemental Brief (Appellant Pro Per)
34. 6-May-2024 ORDERED: Motion to Extend for Filing a Pro Per Supplemental Brief (Appellant Pro Per) = GRANTED. Due date EXTENDED from Tuesday, 05-07-2024 to Thursday, 06-06-2024. Benjamin A Armstrong ProTem Judge - Author
35. 6-May-2024 FILED: Transcripts received from Appellant Pro Per to Court of Appeals
36. 6-May-2024 FILED: Record on Appeal for 1CA-CR 23-0186 received from Appellant Pro Per to Court of Appeals
37. 10-Jun-2024 FILED: Motion to Extend Time for Filing a Pro Per Supplemental Brief "Expedited Ruling Requested." (Appellant Pro Per)
38. 11-Jun-2024 ORDERED: Motion to Extend Time for Filing a Pro Per Supplemental Brief "Expedited Ruling Requested." (Appellant Pro Per) = GRANTED. Due date EXTENDED from Thursday, 06-06-2024 to Monday, 07-08-2024. FURTHER ORDERED: Denying the motion to provide copies of transcripts. Benjamin A Armstrong ProTem Judge - Author
39. 11-Jul-2024 FILED: Record on Appeal for 1CA-CR 23-0186 received from Appellant Pro Per to Court of Appeals
40. 11-Jul-2024 FILED: Motion for Extend for Filing Pro Per Supplemental Brief (Appellant Pro Per)

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41. 15-Jul-2024 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, contained in the record on appeal in State v. Gastelum, 1 CA-CR 23-0150. Counsel shall provide the Clerk of this Court and appellee a copy of counsel's transmittal letter, specifying the documents forwarded to appellant, by 07/26/2024. FURTHER ORDERED: Motion for Extend for Filing Pro Per Supplemental Brief (Appellant Pro Per) = GRANTED. Due date EXTENDED to Monday, 08-26-2024. Benjamin A Armstrong ProTem Judge - Author
42. 18-Jul-2024 FILED: Letter, dated 07/18/2024, to Appellant from Counsel re: Forwarding records on appeal (Appellant)
43. 29-Jul-2024 FILED: Returned US Mail, Order to Provide Appellant a Paper Copy of The Correct Record dated 07/15/2024, addressed to Cosmos Gastelum, Unknown, Unable to Forward (Resent 07/29/2024)
44. 31-Jul-2024 FILED: Notice of Change of Address (Appellant Pro Per)
45. 26-Aug-2024 FILED: Motion to Extend Time for Filing Brief (Anders Supplemental Brief) (Appellant Pro Per)
46. 27-Aug-2024 ORDERED: Motion to Extend Time for Filing Brief (Anders Supplemental Brief)(Appellant Pro Per) = GRANTED. Due date EXTENDED from Monday, 08-26-2024 to Wednesday, 09-25-2024 Benjamin A Armstrong ProTem Judge - Author