

Court of Appeals, Division One

Criminal

1 CA-CR 23-0157

STATE v. PORTER

Appellate Case Information

Case Filed: 20-Apr-2023

Case Closed:

Dept/Composition

Department B

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

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Brian Coffman, Esq. (AZ Bar No. 34580)

Side 2. DIABOLIQUE DEONTEH PORTER, Appellant

(Litigant Group) DIABOLIQUE DEONTEH PORTER

- Diabolique Deonteh Porter

Attorneys for: Appellant

Aaron J Moskowitz, Esq. (AZ Bar No. 22246)

CASE STATUS

Sep 5, 2024.....Decision Rendered

| PREDECESSOR CASE(S) | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments> | Trial | Dispo |
|-----------------------|---|-------------------|----------------------------|-------|-------|
| MAR CR2021-114392-001 | Narcotic Drug-Possess for Sale, Class 2 | 15.75 years, ADOC | Jo Lynn Gentry, Sentencing | JURY | |

2 OPEN DUE DATES

Motion for Reconsideration due

Due By: Friday, September 20, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Jennifer M Perkins - Author; Hon Andrew M Jacobs - Concur; Hon David D Weinzweig - Concur

Petition for Review to ASC due

Due By: Monday, October 7, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Jennifer M Perkins - Author; Hon Andrew M Jacobs - Concur; Hon David D Weinzweig - Concur

CASE DECISION

05-Sep-2024 MEMORANDUM DECISION

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

Filed: **05-Sep-2024**

Mandate:

| |
|----------------------|
| Decision Disposition |
| Affirmed |

46 PROCEEDING ENTRIES

- 20-Apr-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 04/11/23. Notification sent to Court Reporters dated 04/19/2023.
- 20-Apr-2023 FILED: Appellate Clerk Notice (31.2(g))
- 27-Apr-2023 FILED: Courtesy Copy - Designation of Record for Appeal Filed in Superior Court (Appellant)
- 28-Apr-2023 ORDERED: Ken Crenshaw transcripts of 02/15/2023, 02/22/2023 (9:53am-9:59am) due by 06/12/2023. FURTHER ORDERED: Reaffirming due date of 05/26/2023 for transcripts of 09/21/2022, 02/22/2023 (2:31pm-2:42pm). Hon David B Gass - Author
- 24-May-2023 FILED: Reporter's Transcript - 09/21/2022 - Settlement Conference (Leslie Leblanc)
- 24-May-2023 FILED: Reporter's Transcript - 02/15/2023 - Final Trial Management Conference (Leslie Leblanc)
- 24-May-2023 FILED: Reporter's Transcript - 02/22/2023 - Bench Warrant Issued (Leslie Leblanc)
- 24-May-2023 FILED: Reporter's Transcript - 02/22/2023 - Trial Assignment (Leslie Leblanc)
- 24-May-2023 FILED: Untitled Motion for Extension (Time to File Transcripts) (Kassie Kosmal)

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10. 24-May-2023 ORDERED: Untitled Motion for Extension (Time to File Transcripts) (Kassie Kosmal) = GRANTED. Due Dates EXTENDED to 06/26/2023 for Transcripts dated 02/27/2023, 02/28/2023 or OSC set on 07/05/2023. Hon David B Gass - Author
11. 24-May-2023 AMENDED ORDER: Untitled Motion for Extension (Time to File Transcripts) (Kassie Kosmal) = GRANTED. Due Dates EXTENDED to 06/26/2023 for Transcripts dated 02/27/2023, 02/28/2023, 03/01/2023, or OSC set on 07/05/2023. Hon David B Gass - Author
12. 25-May-2023 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: 94
Exhibits: None sent with e-Record
13. 25-May-2023 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 02/27/2023 List # 1 2 3 4 5 6 7 8 13 14 15 16 17 18 19
20 21 22 in manila envelope
14. 25-May-2023 FILED: Reporter's Transcript - 04/05/2023 - Sentencing (Debra Carney)
15. 25-May-2023 FILED: Reporter's Transcript - 03/01/2023 - Trial Day 3 - Afternoon Session (Nicole Tatlow)
16. 31-May-2023 FILED: Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope
17. 1-Jun-2023 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
18. 5-Jun-2023 ORDERED: Motion to Unseal Documents (Appellant) = GRANTED. Upon presentation of this order, unsealing the Court Information Sheet (I.O.R. 2) and the Random Jury List (I.O.R. 48), for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
19. 26-Jun-2023 FILED: Reporter's Transcript - 02/27/2023 - Trial Day 1 (Kassie Kosmal)
20. 26-Jun-2023 FILED: Reporter's Transcript - 02/28/2023 - Trial Day 2 (Kassie Kosmal)
21. 26-Jun-2023 FILED: Reporter's Transcript - 03/01/2023 - Trial Day 3 (AM) (Kassie Kosmal)
22. 27-Jun-2023 FILED: Notice of Completion of Record
23. 30-Jun-2023 FILED: Notice of Appearance; Certificate of Service (Appellant)
24. 27-Jul-2023 FILED: Motion to Supplement the Record and Motion to Vacate the Opening Brief's Deadline; Certificate of Service (Appellant)
25. 31-Jul-2023 ORDERED: Motion to Supplement the Record (Appellant) = GRANTED and supplementing the record with transcripts dated 10/18/2022, and 11/22/2022. FURTHER ORDERED: Court reporter Michael Babicky transcripts due by 08/30/2023. FURTHER ORDERED: Motion to Vacate the Opening Brief's Deadline = GRANTED. Due date EXTENDED from Friday, 08-11-2023 to Friday, 09-29-2023. Benjamin A Armstrong ProTem Judge - Author
26. 30-Aug-2023 FILED: Reporter's Transcripts - 11/22/2022 - Hearing - (Michael Babicky)
27. 31-Aug-2023 FILED: Reporter's Transcript - 10/18/2022 - Hearing (Michael Babicky)
28. 22-Sep-2023 FILED: Motion for Extension of Time to File Appellant's Opening Brief; Certificate of Service (Appellant)
29. 25-Sep-2023 ORDERED: Motion for Extension of Time to File Appellant's Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 09-29-2023 to Monday, 10-30-2023. Benjamin A Armstrong ProTem Judge - Author
30. 30-Oct-2023 FILED: Appellant's Opening Brief; Certification of Compliance With Rule 31.12, Arcp; Certificate of Service (Appellant)
31. 3-Nov-2023 FILED: Notice of Appearance; Certificate of Service (Appellee)
32. 5-Dec-2023 FILED: Appellee's Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
33. 6-Dec-2023 ORDERED: Appellee's Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Monday, 12-11-2023 to Wednesday, 01-10-2024. Benjamin A Armstrong ProTem Judge - Author
34. 9-Jan-2024 FILED: Appellee's Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
35. 10-Jan-2024 ORDERED: Appellee's Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Wednesday, 01-10-2024 to Friday, 02-09-2024. Benjamin A Armstrong ProTem Judge - Author
36. 9-Feb-2024 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)

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37. 26-Feb-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
38. 29-Feb-2024 FILED: Appellant's Reply Brief; Certificate of Compliance with Rule 31.12, ARCP; Certificate of Service (Appellant)
39. 5-Mar-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
40. 26-Mar-2024 CLNDR: CONFERENCE, Department B, 5-14-24, CONFERENCE ROOM.
41. 24-Jun-2024 FILED: Notice of Supplemental Legal Authority; Certificate of Service (Appellant)
42. 27-Jun-2024 ORDERED: Directing the parties to file simultaneous supplemental briefs on or before 07/24/2024, addressing how, if at all, the analysis in Erlinger impacts this case. The supplemental briefs shall not exceed 7,000 words, and need not include a table of contents, table of citations, etc., see ARCAP 3(a). Inclusion of an "argument" and "conclusion" is sufficient. Hon Andrew M Jacobs - Author
43. 24-Jul-2024 FILED: Appellee's Supplemental Brief; Certificate of Compliance; Certificate of Service (Appellee)
44. 24-Jul-2024 FILED: Appellant's Supplemental Brief; Certificate of Compliance; Certificate of Service (Appellant)
45. 5-Sep-2024 MEMORANDUM DECISION (Affirmed) Hon Jennifer M Perkins - Author; Hon Andrew M Jacobs - Concur; Hon David D Weinzweig - Concur
46. 5-Sep-2024 FILED: Decision Distribution Notification