

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 23-0186

STATE v. WARE

Appellate Case Information

Case Filed: 12-May-2023

Case Closed:

Dept/Composition

Department B

Hon. Michael J Brown
Hon. D Steven Williams
Hon. Daniel J Kiley

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. LEAH NIKOLE WARE, Appellant

(Litigant Group) LEAH NIKOLE WARE

- Leah Nikole Ware

Attorneys for: Appellant

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

CASE STATUS

Jul 19, 2024.....Under Advisement

Jul 19, 2024.....Assigned

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2021-103825-001, See file, See file, David O Cunanan, Sentencing, JURY.

OPEN DUE DATE

Answering Brief due

Due By: Wednesday, October 2, 2024

Re: FILED: Appellant's Supplemental Opening (Person) Brief; Certificate of Compliance; Certificate of Service (Appellant)

60 PROCEEDING ENTRIES

- 1. 12-May-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 05/04/23. Notification sent to Court Reporters dated 05/11/2023.
2. 12-May-2023 FILED: Appellate Clerk Notice (31.2(g))
3. 16-May-2023 ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Court Reporters Wanda Bauer, Monica Hill-Morrisette, Debra Carney, Luz Franco transcripts due 06/29/2023. Benjamin A Armstrong ProTem Judge - Author
4. 2-Jun-2023 ORDERED: Ken Crenshaw transcripts dated 11/16/2021, 05/09/2022, 05/24/2022, 09/15/2022, 10/24/2022, 11/01/2022, 11/14/2022, 12/01/2022, 01/06/2023, 02/01/2023, 02/09/2023, 02/17/2023, 04/28/2023 due by 07/17/2023. FURTHER ORDERED: Court Reporter Treva B Colwell transcript dated 04/28/2023 due by 07/17/2023. FURTHER ORDERED: Court Reporter Tara L Kramer transcript dated 10/18/2021 due by 07/17/2023. FURTHER ORDERED: Court Reporter Lauren Kuhnenn transcripts dated 09/07/2021 due by 07/17/2023. FURTHER ORDERED: Court Reporter Marylynn LeMoine Cotton transcripts dated 01/05/2022 due by 07/17/2023. FURTHER ORDERED: Court Reporter Catherine Turner transcripts dated 03/03/2022 due by 07/17/2023. FURTHER ORDERED: Court Reporter Monica S Hill-Morrisette transcripts dated 02/23/2023 due by 07/17/2023. FURTHER ORDERED: Reaffirming this previously set due date of 06/29/2023, as it relates to the transcripts of 02/21/2023, 02/27/2023, and 02/28/2023 for Court Reporter Monica S Hill-Morrisette. Hon David B Gass - Author
5. 2-Jun-2023 FILED: Courtesy Copy - Designation of Record for Appeal Filed in Superior Court (Mikel Steinfeld) (Appellant)
6. 4-Jun-2023 FILED: Reporter's Transcript - 02/21/2023 - Jury Trial (Monica S Hill-Morrisette)
7. 4-Jun-2023 FILED: Reporter's Transcript - 02/27/2023 - Jury Trial (Monica S Hill-Morrisette)
8. 6-Jun-2023 FILED: Courtesy Copy - Amended Designation of Record for Appeal Filed in Superior Court (Appellant)
9. 16-Jun-2023 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: 144 Exhibits: None sent with e-Record

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10. 16-Jun-2023 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 02/21/2023 List # 7 8 9 10 11 12 13 14 15 16 17 18 19
20 21 22 23 24 25 26 29 in manila envelope
Hearing Date: 02/24/2022 - CD
Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope
11. 16-Jun-2023 FILED: Reporter's Transcript - 02/24/2022 - Reporter's Transcript of Proceedings (Wanda Bauer)
12. 18-Jun-2023 FILED: Reporter's Transcript - 03/03/2022 - Final Trial Management Conference (Catherine Turner)
13. 21-Jun-2023 FILED: Reporter's Transcript - 10/18/2021 - Trial Continuance Past Last Day (Tara L. Kramer)
14. 23-Jun-2023 FILED: Reporter's Transcripts - 04/28/2023 - Continuance (Treva B. Colwell)
15. 26-Jun-2023 FILED: Reporter's Transcript - 02/28/2023 - Jury Trial (Monica Hill-Morrisette)
16. 27-Jun-2023 FILED: First Motion for Extension of Time to File Transcripts (Debra Carney)
17. 27-Jun-2023 FILED: Reporter's Transcript - 01/05/2022 - Trial Management Conference (Marylynn LeMoine Cotton)
18. 27-Jun-2023 FILED: Reporter's Transcript - 05/04/2023 - Sentencing (Luz Franco)
19. 28-Jun-2023 ORDERED: First Motion for Extension of Time to File Transcripts (Debra Carney) = GRANTED. Due Dates EXTENDED to 07/31/2023 for Transcripts dated 02/21/2023, 02/22/2023, 02/23/2023 or OSC set on 08/02/2023. Hon David B Gass - Author
20. 28-Jun-2023 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
21. 30-Jun-2023 ORDERED: Motion to Unseal Documents (Appellant) = GRANTED. Upon presentation of this order, unsealing the Court Information Sheets (I.O.R. 2 and 11); the Random Jury List (I.O.R. 112); the Sealed Jury Questionnaires (I.O.R. 116, 117, and 118); the Continuity Care Plan (I.O.R. 122); and the Restitution Ledger Request (I.O.R. 130), for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
22. 6-Jul-2023 FILED: Reporter's Transcripts - 09/07/2021 - Final Trial Management Conference (Lauren Kuhnhenh)
23. 17-Jul-2023 FILED: Untitled Motion for Extension (Time to File Transcripts) (Kimberly McCright)
24. 17-Jul-2023 ORDERED: Untitled Motion for Extension (Time to File Transcripts) (Kimberly McCright) = GRANTED. Due Dates EXTENDED to 08/16/2023 for Transcripts dated 11/16/2021, 05/09/2022, 05/24/2022, 09/15/2022, 10/24/2022, 11/01/2022, 11/14/2022, 12/01/2022, 01/06/2023, 02/01/2023, 02/09/2023, 02/17/2023, 04/28/2023 or OSC set on 08/30/2023. Hon Randall M Howe - Author

[AMENDED per order filed 08/09/2023]
25. 26-Jul-2023 FILED: Reporter's Transcript - 02/21/2023 - Trial Day 1 - PM Session (Debra Carney)
26. 26-Jul-2023 FILED: Reporter's Transcript - 02/22/2023 - Trial Day 2 (Debra Carney)
27. 26-Jul-2023 FILED: Reporter's Transcript - 02/23/2023 - Trial Day 3 (Debra Carney)
28. 9-Aug-2023 AMENDED ORDER: Untitled Motion for Extension (Time to File Transcripts) (Kimberly McCright) = GRANTED. Due Dates EXTENDED to 08/16/2023 for Transcripts dated 11/16/2021, 05/09/2022, 05/24/2022, 09/15/2022, 10/24/2022, 11/01/2022, 11/14/2022, 12/01/2022, 01/06/2023, 02/01/2023, 02/09/2023, 02/17/2023, 04/28/2023 or OSC set on 09/06/2023. Hon Randall M Howe - Author
29. 16-Aug-2023 FILED: Reporter's Transcript - 02/01/2023 - Trial Procedure Conference (Kimberly C. McCright)
30. 16-Aug-2023 FILED: Reporter's Transcript - 02/09/2023 - Settlement Conference (Kimberly C. McCright)
31. 16-Aug-2023 FILED: Reporter's Transcript - 02/17/2023 - Final Trial Management Conference (Kimberly C. McCright)
32. 16-Aug-2023 FILED: Reporter's Transcript - 04/28/2023 - Continuance (Kimberly C. McCright)
33. 16-Aug-2023 FILED: Reporter's Transcript - 11/16/2021 - Settlement Conference (Kimberly C. McCright)
34. 16-Aug-2023 FILED: Reporter's Transcript - 05/09/2022 - Final Trial Management Conference (Kimberly C. McCright)
35. 16-Aug-2023 FILED: Reporter's Transcript - 05/24/2022 - Trial Continuance Past Last Day (Kimberly C. McCright)
36. 16-Aug-2023 FILED: Reporter's Transcript - 09/15/2022 - Continuance (Kimberly C. McCright)

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37. 16-Aug-2023 FILED: Reporter's Transcript - 10/24/2022 - Final Trial Management Conference (Kimberly C. McCright)
38. 16-Aug-2023 FILED: Reporter's Transcript - 11/14/2022 - Trial Procedure Conference (Kimberly C. McCright)
39. 16-Aug-2023 FILED: Reporter's Transcript - 12/01/2022 - Status Conference (Kimberly C. McCright)
40. 16-Aug-2023 FILED: Reporter's Transcript - 01/06/2023 - Oral Arguement (Kimberly C. McCright)
41. 16-Aug-2023 FILED: Reporter's Transcript - 11/01/2022 - Trial Assignment (Kimberly C. McCright)
42. 17-Aug-2023 FILED: Notice of Completion of Record
43. 21-Aug-2023 FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
44. 29-Aug-2023 ORDERED: Motion to Withdraw and Substitute New Counsel (Appellant) = GRANTED. FURTHER ORDERED: Appointing attorney Stephen Duncan as attorney for appellant in this appeal. FURTHER ORDERED: 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: Opening brief is due by 11/16/2023. Benjamin A Armstrong ProTem Judge - Author Benjamin A Armstrong ProTem Judge - Author
45. 16-Nov-2023 FILED: Motion for Procedural Order (Extension of Time to File Opening Brief); Certificate of Service (Appellant)
46. 17-Nov-2023 ORDERED: Motion for Procedural Order (Extension of Time to File Opening Brief) (Appellant) = GRANTED. Due date EXTENDED from Thursday, 11-16-2023 to Monday, 12-18-2023. Benjamin A Armstrong ProTem Judge - Author
47. 18-Dec-2023 FILED: Motion for Procedural Order (Extension of Time to File Opening Brief); Certificate of Service (Appellant)
48. 19-Dec-2023 ORDERED: Motion for Procedural Order (Extension of Time to File Opening Brief) (Appellant) = GRANTED. Due date EXTENDED from Monday, 12-18-2023 to Wednesday, 01-17-2024 or OSC set on 02/07/2024 Benjamin A Armstrong ProTem Judge - Author
49. 17-Jan-2024 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
50. 19-Jan-2024 ORDERED: If appellant wishes to file a pro se supplemental opening brief raising additional issues on appeal, appellant must do so by 02/28/2024. 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
51. 2-Apr-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
52. 12-Apr-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
53. 19-Jul-2024 FILED: Assigning Anders appeal to Dept B for consideration and disposition. [Amy M. Wood, Clerk]
54. 19-Jul-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
55. 22-Jul-2024 ORDERED: Directing appellant's counsel to file a supplemental opening brief setting forth any arguable issue, including the issue identified above, together with argument and applicable authority, by 08/23/2024. FURTHER ORDERED: Directing appellee to file an answering brief within 40 days after service of appellant's supplemental opening brief. Hon Michael J Brown - Author
56. 29-Jul-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
57. 22-Aug-2024 FILED: Letter, 8/18/24, from Appellant to Court, re: status
58. 23-Aug-2024 FILED: Appellant's Supplemental Opening (Penson) Brief; Certificate of Compliance; Certificate of Service (Appellant)
59. 28-Aug-2024 FILED: Notice of Appearance; Certificate of Service (Appellee)
60. 11-Sep-2024 FILED: Letter, 9/11/24, from Court to Appellant, enclosing copy of docket