

Court of Appeals, Division One

Criminal

1 CA-CR 23-0188

STATE v. NASH

Appellate Case Information

Case Filed: 15-May-2023

Case Closed:

Dept/Composition

Department D

Hon. Samuel A Thumma
Hon. Jennifer B Campbell
Hon. Michael J Brown

Consolidated with: 1 CA-CR 23-0422

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Deborah Celeste Kinney, Esq. (AZ Bar No. 30741)

Side 2. TROY MICHAEL NASH, Appellant

(Litigant Group) TROY MICHAEL NASH

- Troy Michael Nash

Attorneys for: Appellant

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

CASE STATUS

Aug 20, 2024....Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2022-001520-001, Fraudulent Schemes/Artifices, Class 2, 9.25 years, ADOC, David W Garbarino, Sentencing, JURY

2 OPEN DUE DATES

Motion for Reconsideration due

Due By: Wednesday, September 4, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Michael J Brown - Author; Hon Samuel A Thumma - Concur; Hon Jennifer B Campbell - Concur

Petition for Review to ASC due

Due By: Thursday, September 19, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Michael J Brown - Author; Hon Samuel A Thumma - Concur; Hon Jennifer B Campbell - Concur

CASE DECISION

20-Aug-2024 MEMORANDUM DECISION

Michael Brown.....Author
Samuel Thumma.....Concur
Jennifer Campbell.....Concur

Filed: 20-Aug-2024

Mandate:

Decision Disposition

Affirmed

DECISION APPLIES TO THE FOLLOWING OTHER CASE(S)

1 CA-CR 23-0422 STATE v. NASH

56 PROCEEDING ENTRIES

- 1. 15-May-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 05/05/23. Notification sent to Court Reporters dated 05/12/2023.
2. 15-May-2023 FILED: Appellate Clerk Notice (31.2(g))
3. 17-May-2023 ORDERED: Appellant shall, on/before 6/16/23, make arrangements with court reporter(s) to pay for preparation of transcript(s) and shall promptly advise this court by letter as to arrangements made. If appellant fails by that date to notify this court, this appeal shall be dismissed. FURTHER ORDERED: If appellant believes he/she is entitled to proceed as indigent, copy of any indigency application shall be filed in this court on/before 6/16/23. FURTHER ORDERED: Absent satisfactory financial arrangements, or further order from this court, no transcripts are due to be filed in this case. Benjamin A Armstrong ProTem Judge - Author [Vacated per order filed 05/22/2023]
4. 19-May-2023 FILED: Affidavit - Request for Clarification of Order - (Tara L. Kramer); 4/21/23 Sentencing Order

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5. 22-May-2023 ORDERED: Vacating the 05/17/2023, order directing appellant to make financial arrangements for the preparation of the transcripts. FURTHER ORDERED: Appointing the Maricopa County Public Defender to represent appellant. FURTHER ORDERED: Court Reporters Vanessa Gartner, Kassie Kosmal, Lori Reinhardt, Scott Kindle, and Tara Kramer transcripts due 07/06/2023. Benjamin A Armstrong ProTem Judge - Author
6. 2-Jun-2023 FILED: Courtesy Copy - Designation of Record for Appeal Filed in Superior Court (Mikel Steinfeld) (Appellant)
7. 2-Jun-2023 ORDERED: Ken Crenshaw Transcripts dated 06/02/2022, 06/13/2022, 10/13/2022, 02/15/2023, 02/22/2023, 02/28/2023 due by 07/17/2023. Hon David B Gass - Author
8. 5-Jun-2023 FILED: Reporter's Transcript - 03/14/2023 - Jury Trial (Tara L. Kramer)
9. 12-Jun-2023 FILED: Reporter's Transcript - 03/15/2023 - Jury Trial (Tara L. Kramer)
10. 15-Jun-2023 FILED: Reporter's Transcript - 03/16/2023 - Jury Trial (Tara L. Kramer)
11. 16-Jun-2023 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None sent with e-Record
12. 16-Jun-2023 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 03/02/2023 List # 1 2 3 4 5 6 7 8 9 10 12 13 54 55 57
58 59 60 61 62 (Renumbered & located as Exhibit 1 from HD: 04/21/2023) 63 (Renumbered & located as Exhibit 2 from HD: 04/21/2023) 64 in a box
Hearing Date: 04/21/2023 List # 1 2 3 4 5 6 7 8 9 10 12 13 14 manila envelope
Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope
13. 21-Jun-2023 FILED: Reporter's Transcript - 03/20/2023 - Jury Trial (Tara L. Kramer)
14. 21-Jun-2023 FILED: Reporter's Transcript - 04/21/2023 - Trial on Priors/Sentencing (Tara L. Kramer)
15. 28-Jun-2023 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
16. 29-Jun-2023 FILED: Untitled Motion for Extension (Time to File Transcripts) (Kassie Kosmal)
17. 29-Jun-2023 ORDERED: Untitled Motion for Extension (Time to File Transcripts) (Kassie Kosmal) = GRANTED. Due Dates EXTENDED to 08/07/2023 for Transcripts dated 03/06/2023, 03/08/2023 or OSC set on 08/16/2023. Hon David B Gass - Author
18. 30-Jun-2023 FILED: Reporter's Transcript - 03/07/2023 - Trial Day 3 (Lori Reinhardt)
19. 30-Jun-2023 ORDERED: Motion to Unseal Documents (Appellant) = GRANTED. Upon presentation of this order, unsealing the Court Information Sheet (I.O.R. 3); the Doctor's Letter (I.O.R. 62); the Random Jury List (I.O.R. 104); the Intervenor's Motion to Quash (I.O.R. 107); the Intervenor's Motion to Seal (I.O.R. 108); the Jury Questionnaires (I.O.R. 138, 139, 140, and 141); and the Presentence Supporting Documents Coversheet (I.O.R. 168), for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
20. 5-Jul-2023 FILED: Reporter's Transcript - 03/09/2023 - Trial Day 5 (Scott Kindle)
21. 6-Jul-2023 FILED: Reporter's Transcript - 06/02/2022- Not Guilty Arraignment (Courtney Noble)
22. 6-Jul-2023 FILED: Reporter's Transcript - 06/13/2022- Case Dismissed (Courtney Noble)
23. 6-Jul-2023 FILED: Reporter's Transcript - 10/13/2022 - Trial Continuance Past Current Last Day (Courtney Noble)
24. 6-Jul-2023 FILED: Reporter's Transcript - 02/15/2023 - Final Trial Management Conference/Trial Date Affirmed (Courtney Noble)
25. 6-Jul-2023 FILED: Reporter's Transcript - 02/22/2023 - Trial Assignment (Courtney Noble)
26. 6-Jul-2023 FILED: Reporter's Transcripts - 03/02/2023 - Trial Day 1 (Vanessa Gartner)
27. 6-Jul-2023 FILED: Reporter's Transcripts - 03/21/2023 - Trial Day 10 (Vanessa Gartner)
28. 17-Jul-2023 FILED: Reporter's Transcript - 02/28/2023 - Trial Procedure Conference (Tiffany Miller)
29. 7-Aug-2023 FILED: Reporter's Transcript - 03/06/2023 - Trial - (Kassie Kosmal)
30. 7-Aug-2023 FILED: Reporter's Transcript - 03/08/2023 - Trial (Kassie Kosmal)

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31. 8-Aug-2023 FILED: Notice of Completion of Record
32. 22-Aug-2023 FILED: Notice of Appearance; Certificate of Service (Appellant)
33. 7-Sep-2023 FILED: Motion to Stay the Appeal to Permit Future Consolidation with an Appeal from a Motion for New Trial; Certificate of Service (Appellant)
34. 8-Sep-2023 ORDERED: Motion to Stay the Appeal to Permit Future Consolidation with an Appeal from a Motion for New Trial (Appellant) = GRANTED and staying this appeal until 11/07/2023. On 11/08/2023, the stay will be automatically lifted unless before then appellant files a notice of disposition, a motion to dismiss the appeal pursuant to Rule 31.24, or a motion to continue the stay. The court does not express an opinion on the merits of the pending petition for post-conviction relief. FURTHER ORDERED: Extending the time to file the opening brief to 12/08/2023. This deadline will be extended if the stay is extended or the appeal is consolidated. FURTHER ORDERED: Directing the Clerk of the Maricopa County Superior Court to transmit to this court a certified copy of any order entered as a result of the Rule 32 proceedings within five days after its entry. Benjamin A Armstrong ProTem Judge - Author
35. 27-Sep-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes ME: PCR/Extension of time/filing granted)
36. 9-Oct-2023 FILED: Motion to Consolidate Appeals; Certificate of Service (Appellant)
37. 16-Oct-2023 ORDERED: Motion to Consolidate Appeals (Appellant) = GRANTED and consolidating cases 1 CA-CR 23-0188 and 1 CA-CR 23-422. Case No. 1 CA-CR 23-0188 is designated the primary number, and the above caption shall be used on all future documents filed in this appeal. FURTHER ORDERED: Lifting the stay in 1CA-CR 23-0188. FURTHER ORDERED: Vacating the notice of completion issued on 08/08/2023, in 1 CA-CR 23-0188, as well as the 12/08/2023, due date for the opening brief in 1 CA-CR 23-0188. FURTHER ORDERED: Directing the clerk of this court to reissue a notice of completion for the consolidated appeals when the record in 1 CA-CR 23-0422 is complete. Benjamin A Armstrong ProTem Judge - Author
38. 18-Oct-2023 FILED: Courtesy Copy - Designation of Record for Appeal from the Denial of the Motion for New Trial Filed in Superior Court (Appellant)
39. 3-Nov-2023 FILED: Notice of Completion of Record
40. 5-Dec-2023 FILED: Motion for Procedural Order: Unopposed Request to Extend Time to File the Opening Brief; Certificate of Service (Appellant)
41. 6-Dec-2023 ORDERED: Motion for Procedural Order: Unopposed Request to Extend Time to File the Opening Brief (Appellant) = GRANTED. Due date EXTENDED from 12-18-2023 to 01-17-2024 Benjamin A Armstrong ProTem Judge - Author
42. 17-Jan-2024 FILED: Appellant's Opening Brief; Certificate of Compliance with Ariz. R. Crim. P. 31.12; Certificate of Service (Appellant)
43. 23-Jan-2024 FILED: Notice of Appearance; Certificate of Service (Appellee)
44. 20-Feb-2024 FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
45. 20-Feb-2024 ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Monday, 02-26-2024 to Wednesday, 03-27-2024. Geoffrey P Butzine ProTem Judge - Author
46. 27-Mar-2024 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
47. 27-Mar-2024 FILED: Unopposed Motion for Procedural Order (Exceed Word Limit for Answering Brief); Certificate of Service (Appellee)
48. 1-Apr-2024 ORDERED: Unopposed Motion for Procedural Order (Exceed Word Limit for Answering Brief) (Appellee) = GRANTED and accepting the answering brief filed on 03/27/2024. FURTHER ORDERED: A reply brief may be filed no later than 04/22/2024. Hon David B Gass - Author
49. 2-Apr-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
50. 12-Apr-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
51. 15-Apr-2024 FILED: Motion for Procedural Order: Unopposed Request To Extend Time To File the Reply Brief; Certificate of Service (Appellant)
52. 16-Apr-2024 ORDERED: Motion for Procedural Order: Unopposed Request To Extend Time To File the Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 04-22-2024 to Monday, 05-13-2024. Benjamin A Armstrong ProTem Judge - Author
53. 26-Apr-2024 CLNDR: CONFERENCE, Department D, 6-5-24, COURTROOM 2.
54. 13-May-2024 FILED: Appellant's Reply Brief; Certificate of Compliance With Ariz. R. Crim. P. 31.12; Certificate of Service (Appellant)
55. 20-Aug-2024 MEMORANDUM DECISION (Affirmed) Hon Michael J Brown - Author; Hon Samuel A Thumma - Concur; Hon Jennifer B Campbell - Concur

Court of Appeals, Division One

Criminal

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56. 20-Aug-2024 FILED: Decision Distribution Notification