

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 23-0203

STATE v. FULLEN

Appellate Case Information

Case Filed: 31-May-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. JOHN HOYT FULLEN, Appellant

(Litigant Group) JOHN HOYT FULLEN

- John Hoyt Fullen

Attorneys for: Appellant

Michael J Dew, Esq. (AZ Bar No. 4543)

CASE STATUS

Jun 4, 2024.....At Issue

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: YAV, P1300CR202000806, Fraudulent Schemes and Artifices, Class 2; Forgery, Class 4; Forgery, Class 4., 10.5 years, ADOC; 6 years, ADOC; 6 years, ADOC., Krista M Carman, Sentencing, JURY

56 PROCEEDING ENTRIES

- 1. 31-May-2023 FILED: Notice of Appeal from Yavapai County Superior Court filed 05/16/23. Notification sent to Court Reporters dated 05/24/2023.
2. 31-May-2023 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: 13 121 Exhibits: None sent with e-Record Hearing Date: 02/15/2022 List # 2 3 4
3. 31-May-2023 FILED: Appellate Clerk Notice (31.2(g))
4. 1-Jun-2023 FILED: Request for Extension (Time to File Transcripts) (Lisa Chaney)
5. 1-Jun-2023 ORDERED: Request for Extension (Time to File Transcripts) (Lisa Chaney) = GRANTED. Due Dates EXTENDED to 07/30/2023 for Transcripts dated 02/22/2023, 05/24/2023 or OSC set on 08/02/2023. Hon David B Gass - Author
6. 27-Jun-2023 FILED: Motion for Extension of Time to file Trial Transcripts (Laura Ashbrook)
7. 27-Jun-2023 FILED: Request for Extension of Time (Time to File Transcripts) (Susanne Nardozzi)
8. 28-Jun-2023 ORDERED: Motion for Extension of Time to file Trial Transcripts (Laura Ashbrook) = GRANTED. Due Dates EXTENDED to 07/31/2023 for Transcripts dated 04/21/2022, 01/17/2023 or OSC set on 08/02/2023. Hon David B Gass - Author
9. 28-Jun-2023 ORDERED: Request for Extension of Time (Time to File Transcripts) (Susanne Nardozzi) = 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
10. 28-Jun-2023 FILED: Motion for [sic] to Withdraw as Appellate Counsel due to Conflict of Interest; Certificate of Service Re: Motion for [sic] to Withdraw as Appellate Counsel due to Conflict of Interest (Appellant)
11. 28-Jun-2023 FILED: Reporter's Transcript - 02/15/2022 - Evidentiary Hearing (Mina G. Hunt)
12. 28-Jun-2023 FILED: Reporter's Transcript - 02/21/2023 - Trial Day One (Mina G. Hunt)
13. 28-Jun-2023 FILED: Reporter's Transcript - 02/23/2023 - Trial Day Three (Mina G. Hunt)
14. 6-Jul-2023 ORDERED: Motion for [sic] to Withdraw as Appellate Counsel due to Conflict of Interest (Appellant) = GRANTED. FURTHER 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 07/21/2023. Benjamin A Armstrong ProTem Judge - Author
15. 6-Jul-2023 FILED: Notice of Assignment; Certificate of Service (Appellant)

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16. 7-Jul-2023 ORDERED: Acknowledging the assignment of new counsel. Benjamin A Armstrong ProTem Judge - Author
17. 10-Jul-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
18. 20-Jul-2023 FILED: Reporter's Transcript - 02/22/2023 - Jury Trial Day 2 - PM Session (Lisa A. Chaney)
19. 20-Jul-2023 FILED: Reporter's Transcript - 05/15/2023 - Hearing To Prove Priors and Judgment of Guilt and Sentence (Lisa A. Chaney)
20. 24-Jul-2023 FILED: Reporter's Transcript - 04/21/2022 - Jury Trial - Day 4 - Afternoon Session - (Laura Ashbrook)
21. 24-Jul-2023 FILED: Reporter's Transcript - 01/17/2023 - Evidentiary Hearing/Oral Argument - (Laura Ashbrook)
22. 31-Jul-2023 FILED: Reporter's Transcript - 02/21/2023 - Final Pretrial Conference/ Jury Trial Day 1 (Susanne Nardozzi)
23. 31-Jul-2023 FILED: Reporter's Transcript - 02/23/2023 - Jury Trial Day 3 (Susanne Nardozzi)
24. 31-Jul-2023 FILED: Reporter's Transcript - 02/22/2023 - Re: Jury Trial Day 2 (Susanne Nardozzi)
25. 1-Aug-2023 FILED: Notice of Completion of Record
26. 21-Aug-2023 FILED: Motion Requesting Attorneys Information (Appellant)
27. 30-Aug-2023 ORDERED: Motion Requesting Attorneys Information (Appellant) = GRANTED and directing attorney Katherine Winkley to provide counsel's contact information to appellant in writing by 09/08/2023, if counsel has not already done so. Benjamin A Armstrong ProTem Judge - Author
28. 25-Sep-2023 ORDERED: Opening Brief due 10/05/2023 or OSC on 10/18/2023. Benjamin A Armstrong ProTem Judge - Author
[VACATED per order filed 09/27/2023]
29. 26-Sep-2023 FILED: Appellate Counsel's Motion to Modify the Deadline to File Opening Brief and Notice of Apology to the Court; Certificate of Service (Appellant)
30. 27-Sep-2023 ORDERED: Appellate Counsel's Motion to Modify the Deadline to File Opening Brief and Notice of Apology to the Court (Appellant) = GRANTED. Due date EXTENDED from Thursday, 10-05-2023 to Thursday, 11-09-2023. FURTHER ORDERED: Vacating the 10/18/2023 OSC. Benjamin A Armstrong ProTem Judge - Author
31. 16-Nov-2023 ORDERED: Opening brief due by 11/27/2023 or OSC set on 11/29/2023. Benjamin A Armstrong ProTem Judge - Author
32. 27-Nov-2023 FILED: Appellant's Motion to Modify the Deadline to File Opening Brief; Certificate of Service (Appellant)
33. 28-Nov-2023 ORDERED: Appellant's Motion to Modify the Deadline to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from 11/27/2023 to 01/08/2024. FURTHER ORDERED: That if appellant does not file the opening brief by 01/08/2024, attorney Katherine Winkley must appear before this court on 01/17/2024, at 2:30 p.m., in Courtroom 1, to show cause why the court should not impose sanctions. FURTHER ORDERED: That any additional request to extend the time to file the opening brief will be addressed at the order to show cause hearing on 01/17/2024. FURTHER ORDERED: Directing appellant to immediately contact appellant's trial counsel regarding obtaining copies of materials appellant seeks to obtain from trial counsel. FURTHER ORDERED: Directing appellant to immediately contact either the court reporters or the clerk of this court regarding how appellant may obtain copies of any transcripts not in appellant's possession. FURTHER ORDERED: That in any criminal appeal in which appellant's counsel appears in this court, counsel must comply with Division One Administrative Order 2020-03 regarding motions to extend the time to file briefs. FURTHER ORDERED: Vacating the order to show cause hearing set for 11/29/2023. Benjamin A Armstrong ProTem Judge - Author
34. 15-Jan-2024 FILED: Appellate Counsel's Motion to Withdraw and Appoint New Counsel; Certificate of Service (Appellant)
35. 16-Jan-2024 ORDERED: Appellate Counsel's Motion to Withdraw and Appoint New Counsel (Appellant) = GRANTED. FURTHER ORDERED: Directing the Contract Administrator of the Yavapai County Public Defender to assign new counsel to represent appellant in this appeal and to provide this court the name of assigned counsel by 02/06/2024. FURTHER ORDERED: Vacating the 01/08/2024 deadline to file the opening brief. FURTHER ORDERED: Vacating the order to show cause hearing set for 01/17/2024. Benjamin A Armstrong ProTem Judge - Author
36. 17-Jan-2024 FILED: Notice of Appointment of Appellate Counsel; Certificate of Service (Appellant)
37. 17-Jan-2024 FILED: Notice of Assignment; Certificate of Service (Appellant)
38. 18-Jan-2024 ORDERED: That Attorney Katherine Winkley 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 03/04/2024. Benjamin A Armstrong ProTem Judge - Author
39. 26-Feb-2024 FILED: Appellant's Opening Brief (Anders Brief); Certificate of Compliance; Certificate of Service (Appellant)

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40. 29-Feb-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 04/09/2024. FURTHER ORDERED: Answering brief to await court order. Benjamin A Armstrong ProTem Judge - Author
41. 2-Mar-2024 FILED: Notice of Filing Defendant's Letter of Transmittal; Certificate of Service (Appellant)
42. 25-Mar-2024 FILED: Motion for Orders to Produce and Deliver Evidentiary Trial Material not in Appellant's Possession but Required for Completion of the Pro Se Supplemental Opening Brief, for Cause; and Proposed Subpoenas (Appellant Pro Per)
43. 4-Apr-2024 ORDERED: Motion for Orders to Produce and Deliver Evidentiary Trial Material not in Appellant's Possession but Required for Completion of the Pro Se Supplemental Opening Brief, for Cause; and Proposed Subpoenas (Appellant Pro Per) = DENIED. Appellant is advised to contact his counsel regarding obtaining copies of exhibits contained in the record on appeal. FURTHER ORDERED: Denying all other relief sought in the motion. FURTHER ORDERED: A pro se supplemental opening brief may be filed no later than 05/13/2024. Benjamin A Armstrong ProTem Judge - Author
44. 5-Apr-2024 FILED: Motion for Extension of Time to File Supplemental Opening Brief in Pro Se (Appellant Pro Per)
45. 8-Apr-2024 ORDERED: The Court will take no action regarding the Motion for Extension of Time to File Supplemental Opening Brief in Pro Se filed by Appellant Pro Per. Benjamin A Armstrong ProTem Judge - Author
46. 10-May-2024 FILED: Motion for Extension of Time to File Supplemental Opening Brief, for Cause Pursuant to Rule 34.3(e), Ariz. R. Crim, Proc. and a Motion for Procedural Order (Appellant Pro Per)
47. 13-May-2024 ORDERED: Motion for Extension of Time to File Supplemental Opening Brief, for Cause Pursuant to Rule 34.3(e), Ariz. R. Crim, Proc. and a Motion for Procedural Order (Appellant Pro Per) = GRANTED. Due date EXTENDED from Monday, 05-13-2024 to Wednesday, 06-12-2024. Benjamin A Armstrong ProTem Judge - Author
48. 28-May-2024 FILED: Motion for Procedural Order Re: Transcripts of Jury Voir Dire, for Cause; and New Designation of Record to Include Voir Dire Transcripts (Appellant Pro Per)
49. 3-Jun-2024 ORDERED: Motion for Procedural Order Re: Transcripts of Jury Voir Dire, for Cause; and New Designation of Record to Include Voir Dire Transcripts (Appellant Pro Per) = DENIED. FURTHER ORDERED: Appellant may file a pro se supplemental opening brief no later than 07/12/2024. Benjamin A Armstrong ProTem Judge - Author
50. 4-Jun-2024 FILED: Pro Se Supplemental Opening Brief (Appellant Pro Per)
51. 8-Jul-2024 FILED: Notice of Change of Address (Petitioner Pro Per)
52. 17-Jul-2024 FILED: Motion for Oral Argument under Rule 31.17 (AR Crim. Procedure) (Appellant Pro Per)
53. 17-Jul-2024 FILED: Letter, 7/12/24, from Appellant to Court, requesting copy of docket
54. 29-Jul-2024 FILED: Letter, 7/26/24, from Court to Appellant, enclosing copy of docket
55. 29-Jul-2024 ORDERED: Motion for Oral Argument under Rule 31.17 (AR Crim. Procedure) (Appellant Pro Per) = DENIED. Hon David B Gass - Author
56. 30-Jul-2024 ORDERED: Motion for Oral Argument under Rule 31.17 (AR Crim. Procedure) (Appellant Pro Per) = DENIED. Hon David B Gass - Author