

Court of Appeals, Division One

Criminal

1 CA-CR 23-0217

STATE v. DAVITT

Appellate Case Information

Case Filed: 9-Jun-2023

Case Closed:

Dept/Composition

Department D

Hon. Michael S Catlett
Hon. Jennifer M Perkins
Hon. Randall M Howe

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Diane L Hunt, Esq. (AZ Bar No. 16566)

Side 2. DANIEL DAVITT, Appellant

(Litigant Group) DANIEL DAVITT

- Daniel Davitt

Attorneys for: Appellant

Stephen M Johnson, Esq. (AZ Bar No. 15831)

CASE STATUS

Sep 4, 2024.....Pending in ASC

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2020-001161-001, Manslaughter, Class 2, 33 years, ADOC, Chuck Whitehead, Sentencing, JURY

DESCENDENT CASE(S)

ASC CR-24-0233-PR

CASE DECISION

01-Aug-2024 MEMORANDUM DECISION

Randall Howe.....Author
Michael Catlett.....Concur
Jennifer Perkins.....Concur

Filed: 01-Aug-2024 Mandate:

Decision Disposition

Affirmed

42 PROCEEDING ENTRIES

- 1. 9-Jun-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 06/02/23. Notification sent to Court Reporters dated 06/08/2023.
2. 9-Jun-2023 FILED: Appellate Clerk Notice (31.2(g))
3. 12-Jun-2023 ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Court reporters Hope Yeager, Monica Hill-Morrisette, Scott Kindle, April Escobedo and Ken Crenshaw transcripts due 07/27/2023. Benjamin A Armstrong ProTem Judge - Author
4. 14-Jul-2023 FILED: Record on Appeal: Combined Instruments/Minute Entries Disposition Report: #144, Filed 6/23/23 Exhibits: Not Sent At This Time
5. 14-Jul-2023 FILED: Physical Exhibits: Hearing DAtE 4/11/23 - Llst and #1, 2, 12, 20, 21, 22 in manila envelope; Confidential Criminal History in sealed manila envelope
6. 21-Jul-2023 FILED: Reporter's Transcript - 04/27/2023 - Trial Day 7 (Afternoon Session) - (Scott Kindle)
7. 26-Jul-2023 FILED: Reporter's Transcript - 04/12/2023 - Jury Trial - (Monica S Hill-Morrisette)
8. 26-Jul-2023 FILED: Reporter's Transcript - 04/17/2023 - Jury Trial - (Monica S Hill-Morrisette)
9. 26-Jul-2023 FILED: Reporter's Transcript - 04/20/2023 - Jury Trial - (Monica S Hill-Morrisette)
10. 26-Jul-2023 FILED: Reporter's Transcript - 04/25/2023 - Jury Trial - (Monica S Hill-Morrisette)

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11. 26-Jul-2023 FILED: Reporter's Transcript - 04/18/2023 - Jury Trial - (Monica S Hill-Morrisette)
12. 26-Jul-2023 FILED: Reporter's Transcript - 04/27/2023 - Jury Trial - (Monica S Hill-Morrisette)
13. 26-Jul-2023 FILED: Reporter's Transcript - 05/01/2023 - Jury Trial - (Monica S Hill-Morrisette)
14. 27-Jul-2023 FILED: Reporter's Transcripts - 05/01/2023 - Trial - Day Eight - AM - (April Escobedo)
15. 31-Jul-2023 FILED: Reporter's Transcript - 04/11/2023 - Trial Day 1 - PM - (Hope J Yeager)
16. 1-Aug-2023 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
17. 1-Aug-2023 ORDERED: Ken Crenshaw transcript dated 06/02/2023 due by 08/31/2023 or OSC set on 09/06/2023. Hon Randall M Howe - Author
18. 4-Aug-2023 ORDERED: Motion to Unseal Documents (Appellant) = GRANTED. Upon presentation of this order, unsealing the Court Information Sheet (I.O.R. 3); the Random Jury List (I.O.R. 118); and the Restitution Ledger Request (I.O.R. 129), for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
19. 5-Sep-2023 FILED: Motion to Extend Time to File Transcripts (Ken Crenshaw)
20. 5-Sep-2023 ORDERED: Motion to Extend Time to File Transcripts (Ken Crenshaw) = GRANTED. Due date EXTENDED from 08/31/2023 to 10/02/2023 for transcript dated 06/02/2023 or OSC set on 10/04/2023. FURTHER ORDERED: Vacating the OSC set for 09/06/2023. Hon Randall M Howe - Author
21. 26-Sep-2023 FILED: Reporter's Transcript - 06/02/2023 -Transcript Re: Sentencing Hearing (Kimberly C. McCright)
22. 27-Sep-2023 FILED: Notice of Completion of Record
23. 29-Sep-2023 FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
24. 10-Oct-2023 ORDERED: Motion to Withdraw and Substitute New Counsel (Appellant) = GRANTED. FURTHER ORDERED: Appointing attorney Stephen Johnson as attorney for appellant in this appeal. FURTHER ORDERED: The 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: Motion to Extend Opening Brief Due Date = GRANTED. Due date EXTENDED from Monday, 11-13-2023 to Thursday, 12-28-2023. Benjamin A Armstrong ProTem Judge - Author
25. 27-Dec-2023 FILED: Request for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
26. 28-Dec-2023 ORDERED: Request for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Thursday, 12-28-2023 to Monday, 01-29-2024 Benjamin A Armstrong ProTem Judge - Author
27. 29-Jan-2024 FILED: Request for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
28. 31-Jan-2024 ORDERED: Request for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 01-29-2024 to Monday, 02-12-2024 Benjamin A Armstrong ProTem Judge - Author
29. 13-Feb-2024 FILED: Request for Extension of Time to File Opening Brief (a Few Hours); Certificate of Service (Appellant)
30. 13-Feb-2024 FILED: Appellant's Opening Brief; Appellant's Opening Brief Certificate of Compliance; Appellant's Opening Brief Certificate of Service (Appellant)  
[ACCEPTED per order filed 02/13/2024]
31. 13-Feb-2024 ORDERED: Request for Extension of Time to File Opening Brief (a Few Hours) (Appellant) = GRANTED and accepting the opening brief filed 02/13/2024. Benjamin A Armstrong ProTem Judge - Author
32. 15-Feb-2024 FILED: Notice of Appearance; Certificate of Service (Appellee)
33. 22-Mar-2024 FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
34. 22-Mar-2024 ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Monday, 03-25-2024 to Monday, 04-15-2024. Geoffrey P Butzine ProTem Judge - Author
35. 15-Apr-2024 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
36. 1-May-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
37. 10-May-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record

**Court of Appeals, Division One**

**Criminal**

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**42 PROCEEDING ENTRIES**

- 38. 28-May-2024 CLNDR: CONFERENCE, Department D, 7-24-24, COURTROOM 2.
- 39. 1-Aug-2024 MEMORANDUM DECISION (Affirmed) Hon Randall M Howe - Author; Hon Michael S Catlett - Concur; Hon Jennifer M Perkins - Concur
- 40. 1-Aug-2024 FILED: Decision Distribution Notification
- 41. 4-Sep-2024 FILED: Email Notice from ASC re: Petition for Review filed 09/03/2024; request for partial record
- 42. 5-Sep-2024 FILED: Letter forwarding partial record to Arizona Supreme Court