

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 23-0221

STATE v. BROOKS

Appellate Case Information

Case Filed: 12-Jun-2023

Case Closed:

Dept/Composition

Department E

Hon. Brian Y Furuya
Hon. James B Morse
Hon. David D Weinzweig

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. HEATHER LYNN BROOKS, Appellant

(Litigant Group) HEATHER LYNN BROOKS

- Heather Lynn Brooks

Attorneys for: Appellant

Kenneth S Countryman, Esq. (AZ Bar No. 15682)

CASE STATUS

Sep 3, 2024.....Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: YAV, P1300CR202201101, Theft of Means of Transportation, Class 3; Theft, Class 6, 10 years, ADOC; 2.25 years, ADOC, Krista M Carman, Sentencing, JURY

2 OPEN DUE DATES

Motion for Reconsideration Due

Due By: Wednesday, September 18, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Brian Y Furuya - Author; Hon James B Morse Jr. - Concur; Hon David D Weinzweig - Concur

Petition for Review to ASC due

Due By: Thursday, October 3, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Brian Y Furuya - Author; Hon James B Morse Jr. - Concur; Hon David D Weinzweig - Concur

CASE DECISION

03-Sep-2024 MEMORANDUM DECISION

Brian Furuya.....Author
James Morse.....Concur
David Weinzweig.....Concur

Filed: 03-Sep-2024 Mandate:

Decision Disposition

Affirmed

37 PROCEEDING ENTRIES

- 1. 12-Jun-2023 FILED: Notice of Appeal from Yavapai County Superior Court filed 05/26/23. Notification sent to Court Reporters dated 05/26/2023.
2. 12-Jun-2023 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: None Exhibits: Hearing Date: 04/23/2023 List # P1 P7 P8 P9 P10 P12 P13 P17 P18 P20 P21 P22 P23 P24 P25 P26 P27 P28 P29 P30 P31 P32 P33 P34 P35 P36 Hearing Date: 04/27/2023 List # P38 Hearing Date: 05/25/2023 List # P1 P2 P3 P4 P5 P6
3. 12-Jun-2023 FILED: Appellate Clerk Notice (31.2(g))
4. 16-Jun-2023 FILED: Request for Extension (Time to File Transcripts) (Lisa Chaney)
5. 16-Jun-2023 ORDERED: Request for Extension (Time to File Transcripts) (Lisa Chaney) = GRANTED. Due date EXTENDED from Monday, 07-10-2023 to Wednesday, 08-09-2023 (Transcript for 04/27/2023 by Reporter Lisa A Chaney due.) or OSC set on 08/16/2023. Hon David B Gass - Author

Court of Appeals, Division One**Criminal - Anders Appeal****1 CA-CR 23-0221****STATE v. BROOKS****37 PROCEEDING ENTRIES**

6. 30-Jun-2023 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 07/14/2023. Benjamin A Armstrong ProTem Judge - Author
7. 30-Jun-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Notice of Assignemnt of Appellate Counsel)
8. 3-Jul-2023 FILED: Request for Extension of Time (Time to File Transcripts) (Susanne Nardozzi)
9. 3-Jul-2023 FILED: Notice of Assignment; Certificate of Service (Appellant)
10. 3-Jul-2023 ORDERED: Request for Extension of Time (Time to File Transcripts) (Susanne Nardozzi) = GRANTED. Due Dates EXTENDED to 08/09/2023 for Transcripts dated 04/26/2023, 04/27/2023 or OSC set on 08/16/2023. Hon Randall M Howe - Author
[VACATED per order filed 08/04/2023]
11. 5-Jul-2023 ORDERED: Acknowledging the assignment of counsel. Benjamin A Armstrong ProTem Judge - Author
12. 6-Jul-2023 FILED: Reporter's Transcript - 04/26/2023 - Trial Day One (Mina G. Hunt)
13. 10-Jul-2023 FILED: Reporter's Transcript - 05/26/2023 - Hearing on Priors and Sentencing (Laura Ashbrook)
14. 14-Jul-2023 FILED: Returned US Mail, Order Regarding Assignment of Counsel dated 07/05/2023, addressed to Heather Lynn Brooks, No Longer in Custody, (Resent 07/18/2023)
15. 23-Jul-2023 FILED: Reporter's Transcript - 04/27/2023 - Jury Trial - Day 2 - PM Session (Lisa A. Chaney)
16. 3-Aug-2023 FILED: Request for Extension of Time (Time to File Transcripts) (Susanne Nardozzi)
17. 4-Aug-2023 ORDERED: Request for Extension of Time (Time to File Transcripts) (Susanne Nardozzi) = GRANTED. Due Dates EXTENDED to 09/08/2023 for Transcripts dated 04/26/2023, 04/27/2023 or OSC set for 09/13/2023 [sic]. FURTHER ORDERED: Vacating OSC set for 08/16/2023. Hon Randall M Howe - Author
[AMENDED per order filed 08/10/2023]
18. 10-Aug-2023 AMENDED ORDER: Request for Extension of Time (Time to File Transcripts) (Susanne Nardozzi) = GRANTED. Due Dates EXTENDED to 09/08/2023 for Transcripts dated 04/26/2023, 04/27/2023 or OSC set for 09/20/2023. FURTHER ORDERED: Vacating OSC set for 08/16/2023. Hon Randall M Howe - Author
19. 9-Sep-2023 FILED: Reporter's Transcript - 04/27/2023 - Jury Trial Day 2 (Susanne Nardozzi)
20. 9-Sep-2023 FILED: Reporter's Transcript - 04/26/2023 - Jury Trial Day 1 (Susanne Nardozzi)
21. 11-Sep-2023 FILED: Notice of Completion of Record
22. 3-Nov-2023 ORDERED: Opening brief due by 11/14/2023 or OSC set on 11/15/2023. Benjamin A Armstrong ProTem Judge - Author
[VACATED per order filed 11/13/2023]
23. 13-Nov-2023 FILED: Motion for Extension of Time to File Appellant's Opening Brief; Motion for Extension of Time to File Appellant's Opening Brief (Duplicate) (Certificate of Service) (Appellant)
24. 13-Nov-2023 ORDERED: Motion for Extension of Time to File Appellant's Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 11-14-2023 to Wednesday, 12-13-2023. FURTHER ORDERED: Vacating the OSC set for 11/15/2023. Benjamin A Armstrong ProTem Judge - Author
25. 13-Dec-2023 FILED: Motion for Extension of Time to File Appellant's Opening Brief; Motion for Extension of Time to File Appellant's Opening Brief (Certificate of Service) (Duplicate) (Appellant)
26. 13-Dec-2023 ORDERED: Motion for Extension of Time to File Appellant's Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 12-13-2023 to Friday, 12-22-2023. Benjamin A Armstrong ProTem Judge - Author
27. 22-Dec-2023 FILED: Motion for Extension of Time to File Appellant's Opening Brief; Motion for Extension of Time to File Appellant's Opening Brief (Duplicate) (Certificate of Service); Minute Entry (Yavapai County, 12/21/2023) (Appellant)
28. 22-Dec-2023 ORDERED: Motion for Extension of Time to File Appellant's Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 12-22-2023 to Tuesday, 12-26-2023. Geoffrey P Butzine ProTem Judge - Author
29. 26-Dec-2023 FILED: Appellant's Opening Brief (Anders Brief); Certificate of Compliance; Certificate of Service (Appellant)

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Criminal - Anders Appeal

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37 PROCEEDING ENTRIES

- 30. 27-Dec-2023 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 02/05/2024 FURTHER ORDERED: Answering brief to await court order. Benjamin A Armstrong ProTem Judge - Author
- 31. 13-Feb-2024 FILED: (Stricken per order dated 03/12/2024) Assigning Anders appeal to Dept I for consideration and disposition. [Amy M. Wood, Clerk]
- 32. 12-Mar-2024 ORDERED: Striking assignment memorandum dated 02/13/2024. Amy M Wood - Author
- 33. 25-Mar-2024 FILED: Returned US Mail, Order Striking Assignment Memorandum dated 03/12/2024, addressed to Heather Lynn Brooks, Not in Custody (Resent 05/21/2024)
- 34. 7-May-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Presentence Investigation Report; DPS Disposition Report; Reporter's Transcript: 04/26/2023 (Susanne Nardozi))
- 35. 14-Aug-2024 FILED: Assigning Anders appeal to Dept E for consideration and disposition. [Amy M. Wood, Clerk]
- 36. 3-Sep-2024 MEMORANDUM DECISION (Affirmed) Hon Brian Y Furuya - Author; Hon James B Morse Jr. - Concur; Hon David D Weinzweig - Concur
- 37. 3-Sep-2024 FILED: Decision Distribution Notification