

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 23-0237

STATE v. GONZALEZ

Appellate Case Information

Case Filed: 23-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

Alice Jones, Esq. (AZ Bar No. 28062)

Side 2. DAVID A GONZALEZ, Appellant

(Litigant Group) DAVID A GONZALEZ

- David A Gonzalez

Attorneys for: Appellant

Kyle Green, Esq. (AZ Bar No. 26253)

CASE STATUS

Jul 25, 2024.....Under Advisement

Jul 25, 2024.....Assigned

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2020-001873-001, Murder 1st, Natural Life, ADOC; Deg-Premeditated, Class 1; Murder 1st Deg-During Crime, Class 1; Kidnap-Death/Inj/Sex/Aid Fel, Class 2, David O Cunanan, Sentencing, JURY.

OPEN DUE DATE

Opening Brief Filing Due

Due By: Wednesday, September 11, 2024

Re: * ORDERED: Striking the opening brief filed on 12/04/2023, and the pro se supplemental brief filed on 02/15/2024. FURTHER ORDERED: Directing appellant's counsel to file by 09/11/2024, a new opening brief setting forth any arguable issue, including the iss

51 PROCEEDING ENTRIES

- 1. 23-Jun-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 06/16/23. Notification sent to Court Reporters dated 06/22/2023.
2. 23-Jun-2023 FILED: Appellate Clerk Notice (31.2(g))
3. 26-Jun-2023 ORDERED: Appointing Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Court reporters Michael Babicky, Debra Carney, Treva Colwell, Lori Reinhardt, and Tara Kramer transcripts due 08/10/2023. Benjamin A Armstrong ProTem Judge - Author
4. 6-Jul-2023 FILED: Courtesy Copy - Designation of Record for Appeal Filed in Superior Court (Appellant)
5. 7-Jul-2023 ORDERED: Ken Crenshaw transcript(s) dated 08/10/2022, 08/24/2023 due by 08/21/2023. FURTHER ORDERED: Court Reporter Nicole Tatlow transcript(s) dated 04/11/2023 due by 08/21/2023. FURTHER ORDERED: Court Reporter Vanessa Gartner transcript(s) dated 03/20/2023 due by 08/21/2023. FURTHER ORDERED: Court Reporter Diane Donoho transcript(s) dated 03/30/2023, 05/27/2021, due by 08/21/2023. FURTHER ORDERED: Court Reporter Scott Kindle transcript(s) dated 03/27/2023 due by 08/21/2023. FURTHER ORDERED: Court Reporter Robin Lawlor transcript(s) dated 08/26/2021 due by 08/21/2023. Hon Randall M Howe - Author
6. 14-Jul-2023 FILED: Reporter's Transcript - 05/02/2023 - Jury Trial (Tara L. Kramer)
7. 25-Jul-2023 FILED: Reporter's Transcripts - 04/24/2023 - Trial - Day 3 (Treva B. Colwell)
8. 28-Jul-2023 FILED: Affidavit re: Nun Pro Tunc Minute Entry; Minute Entry dated 7/21/23
9. 28-Jul-2023 FILED: Reporter's Transcript - 08/26/2021 - Final Management Conference (Robin Lawlor)
10. 28-Jul-2023 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: 158 Exhibits: None sent with e-Record

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11. 28-Jul-2023 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 04/19/2023 List # 4 6 7 8 9 10 11 12 13 in manila envelope
Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope
12. 2-Aug-2023 FILED: Reporter's Transcript - 04/12/2023 - Status Conference (Nicole Tatlow)
13. 8-Aug-2023 FILED: Untitled Motion for Extension (Time to File Transcripts) (Lori Reinhardt)
14. 9-Aug-2023 ORDERED: Untitled Motion for Extension (Time to File Transcripts) (Lori Reinhardt) = GRANTED. Due Dates EXTENDED to 09/11/2023 for Transcripts dated 04/25/2023, 04/26/2023, 04/27/2023, 05/01/2023, 06/16/2023 or OSC set for 09/13/2023 [sic].
Hon Randall M Howe - Author

[AMENDED per order filed 08/10/2023]
15. 10-Aug-2023 FILED: Reporter's Transcripts - 04/19/2023 - Trial (Michael Babicky)
16. 10-Aug-2023 AMENDED ORDER: Untitled Motion for Extension (Time to File Transcripts) (Lori Reinhardt) = GRANTED. Due Dates EXTENDED to 09/11/2023 for Transcripts dated 04/25/2023, 04/26/2023, 04/27/2023, 05/01/2023, 06/16/2023 or OSC set for 09/06/2023. Hon Randall M Howe - Author

[AMENDED per order filed 08/10/2023]
17. 10-Aug-2023 FILED: Reporter's Transcript - 04/20/2023 - Trial Day 2 (Debra Carney)
18. 10-Aug-2023 AMENDED ORDER: Untitled Motion for Extension (Time to File Transcripts) (Lori Reinhardt) = GRANTED. Due Dates EXTENDED to 09/11/2023 for Transcripts dated 04/25/2023, 04/26/2023, 04/27/2023, 05/01/2023, 06/16/2023 or OSC set for 09/20/2023. Hon Randall M Howe - Author
19. 15-Aug-2023 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
20. 17-Aug-2023 FILED: Reporter's Transcript - 05/27/2021 - Status Conference (Diane Donoho)
21. 17-Aug-2023 FILED: Reporter's Transcript - 03/30/2023 - Trial Procedure Conference (Diane Donoho)
22. 17-Aug-2023 FILED: Reporter's Transcript - 03/27/2023 - Trial Assignment (Scott Kindle)
23. 18-Aug-2023 ORDERED: Motion to Unseal Documents (Appellant) = GRANTED. Upon presentation of this order, unsealing the Court Information Sheet (Index of Record [IR] No. 3); Original Sealed Documents (Brady materials) (IR 48 and IR 49); Random Jury List (IR 129); and Original Sealed Documents (Jury Questionnaires) (IR 136-41), for parties/agents for this appeal only. Geoffrey P Butzine ProTem Judge - Author
24. 21-Aug-2023 FILED: Reporter's Transcript - 08/10/2022 - Final Trial Management Conference (Kimberly McCright)
25. 21-Aug-2023 FILED: Reporter's Transcript - 04/24/2023 - Trial (Kimberly McCright)
26. 21-Aug-2023 FILED: Reporter's Transcripts - 03/20/2023 - Final Trial Management Conference (Vanessa Gartner)
27. 6-Sep-2023 FILED: Reporter's Transcript - 04/26/2023 - Trial Day 5 - (Lori Reinhardt)
28. 6-Sep-2023 FILED: Reporter's Transcript - 04/27/2023 -Trial Day 6 - (Lori Reinhardt)
29. 6-Sep-2023 FILED: Reporter's Transcript - 05/01/2023 -Trial Day 7 - (Lori Reinhardt)
30. 9-Sep-2023 FILED: Reporter's Transcript - 04/25/2023 - Trial Day 4 - (Lori Reinhardt)
31. 9-Sep-2023 FILED: Reporter's Transcript - 06/16/2023 - Sentencing - (Lori Reinhardt)
32. 11-Sep-2023 FILED: Notice of Completion of Record
33. 12-Sep-2023 FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
34. 18-Sep-2023 ORDERED: Motion to Withdraw and Substitute New Counsel (Appellant) = GRANTED. FURTHER ORDERED: Appointing attorney Kyle Green 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: Motion to Extend Opening Brief Due Date = GRANTED. Due date EXTENDED from Thursday, 10-26-2023 to Thursday, 11-02-2023. Benjamin A Armstrong ProTem Judge - Author
35. 2-Nov-2023 FILED: Motion for Extension of Time for Filing Opening Brief; Certificate of Service (Appellant)

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36. 3-Nov-2023 ORDERED: Motion for Extension of Time for Filing Opening Brief (Appellant) = GRANTED. Due date EXTENDED from 11-02-2023 to 12-04-2023. Benjamin A Armstrong ProTem Judge - Author
37. 4-Dec-2023 FILED: Appellant's Opening Brief (Anders Brief); Certificate of Compliance; Certificate of Service (Appellant)
[STRICKEN per order filed 08/12/2024]
38. 4-Dec-2023 FILED: Motion for Appellant to File Supplemental Brief; Certificate of Service (Appellant)
39. 6-Dec-2023 ORDERED: If appellant wishes to file a pro se supplemental opening brief raising additional issues on appeal, appellant must do so by 01/16/2024. 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
40. 26-Dec-2023 FILED: Motion for Procedural Order for Extension of Time to File Pro Se Supplemental Opening Brief, Pursuant to ARCAP 6 (b) (c) and 5 (b), and Request for Clarification on Number of Copies of Pro Se Supplemental Brief to be Filed with the Clerk of the Court (Appellant Pro Per)
41. 3-Jan-2024 ORDERED: Motion for Procedural Order for Extension of Time to File Pro Se Supplemental Opening Brief, Pursuant to Arcap 6 (b) (c) and 5 (b) = GRANTED. Due date EXTENDED from Tuesday, 01-16-2024 to Thursday, 02-15-2024. FURTHER ORDERED: If appellant files a pro se supplemental opening brief, appellant must file an original and one copy with the Clerk of this Court, provide two copies to appellee's counsel, and provide one copy to appellant's counsel. Benjamin A Armstrong ProTem Judge - Author
42. 15-Feb-2024 FILED: Appellant's Pro Per Opening Brief (Appellant Pro Per)
[STRICKEN per order filed 08/12/2024]
43. 16-Feb-2024 FILED: (Stricken per order dated 3/11/2024) Assigning Anders appeal to Dept I for consideration and disposition. [Amy M. Wood, Clerk]
44. 1-Mar-2024 FILED: Letter, 03/01/2024, from Appellant Pro Per to COA1 re: Pro Per Opening Brief Appendix
45. 1-Mar-2024 FILED: Appendix - Excerpts Of Transcripts (Appellant Pro Per)
46. 5-Mar-2024 ORDERED: Accepting the appendix to the pro per supplemental opening brief filed 03/01/2024. Benjamin A Armstrong ProTem Judge - Author
47. 11-Mar-2024 ORDERED: Striking assignment memorandum dated 2/16/2024. Amy M Wood - Author
48. 25-Jul-2024 FILED: Assigning Anders appeal to Dept D for consideration and disposition. [Amy M. Wood, Clerk]
49. 25-Jul-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
50. 5-Aug-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
51. 12-Aug-2024 ORDERED: Striking the opening brief filed on 12/04/2023, and the pro se supplemental brief filed on 02/15/2024. FURTHER ORDERED: Directing appellant's counsel to file by 09/11/2024, a new opening brief setting forth any arguable issue, including the issues stated above, together with argument and applicable authority. FURTHER ORDERED: Directing the appellee to file an answering brief within 40 days after service of appellant's opening brief. Hon Michael S Catlett - Author