

Court of Appeals, Division One

Criminal

1 CA-CR 23-0273

STATE v. RIOS

Appellate Case Information

Case Filed: 12-Jul-2023

Case Closed:

Dept/Composition

Department D

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

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Rebecca Jones, Esq. (AZ Bar No. 28996)

Side 2. GERARDO NEVAREZ RIOS, Appellant

(Litigant Group) GERARDO NEVAREZ RIOS

- Gerardo Nevarez Rios

Attorneys for: Appellant

Seth M Apfel, Esq. (AZ Bar No. 32225)

CASE STATUS

Aug 19, 2024....Pending in ASC

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2020-002331-001, See file, See file, Justin Beresky, Sentencing, JURY, Dispo.

DESCENDENT CASE(S)

ASC CR-24-0210-PR

CASE DECISION

08-Aug-2024 OPINION

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

Filed: 08-Aug-2024 Mandate:

Decision Disposition

Affirmed

63 PROCEEDING ENTRIES

- 1. 12-Jul-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 07/06/23. Notification sent to Court Reporters dated 07/11/2023.
2. 12-Jul-2023 FILED: Appellate Clerk Notice (31.2(g))
3. 13-Jul-2023 ORDERED: Directing that all transcripts produced in this appeal shall be prepared at public expense. Benjamin A Armstrong ProTem Judge - Author
4. 28-Jul-2023 FILED: Reporter's Transcript - 12/13/2021 - Final Trial Management Conference (Robin Lawlor)
5. 7-Aug-2023 FILED: Reporter's Transcript - 11/10/2021 - Reporter's Transcript of Proceedings (Wanda Bauer)
6. 7-Aug-2023 FILED: Reporter's Transcript - 05/01/2023 - Trial Day 3 (Nicole Tatlow)
7. 8-Aug-2023 FILED: Reporter's Transcript - 07/06/2023 - Sentencing (Michele Kaley)
8. 8-Aug-2023 FILED: Reporter's Transcript - 07/06/2023 - Sentencing (Michele Kaley) (Amended)
9. 9-Aug-2023 FILED: Reporter's Transcript - 05/02/2023 - Trial Day 4 (Nicole Tatlow)
10. 15-Aug-2023 FILED: Reporter's Transcript - 05/03/2023 - Trial Day 5 (Nicole Tatlow)
11. 18-Aug-2023 FILED: Reporter's Transcript - 01/13/2022 - Status Conference (Scott Kindle)
12. 18-Aug-2023 FILED: Reporter's Transcript - 11/14/2022 - Status Conference (Debra Carney)

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13. 18-Aug-2023 FILED: Record on Appeal:
Combined Instruments/Minute Entries
Disposition Report: #124, Filed 7/13/23
Exhibits: Not Sent At This Time
14. 20-Aug-2023 FILED: Reporter's Transcript - 09/27/2022 - Status Conference (Hope J Yeager)
15. 21-Aug-2023 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 04/26/2023 List # 1 1.001 2 3 5 6 7 8 9 10 11 23 24 25
26 27 28 29 in manila envelope
Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope
16. 28-Aug-2023 ORDERED: Court Reporter Kit Walker transcripts dated 04/26/2023, 04/27/2023, OSC set on 09/06/2023. Hon Randall M Howe - Author
17. 28-Aug-2023 ORDERED: Court Reporter Scott Kindle transcripts dated 01/13/2022, OSC set on 09/06/2023. Hon Randall M Howe - Author
[VACATED per order filed 08/28/2023]
18. 28-Aug-2023 ORDERED: Ken Crenshaw transcripts dated 01/28/2021, 02/16/2021, 08/11/2021, 03/31/2022, 05/03/2022, 05/10/2022, 06/21/2022, 07/26/2022, 08/23/2022, 08/30/2022, 09/06/2022, 09/13/2022, 12/12/2022, 01/26/2023, 02/15/2023, 03/01/2023, 03/31/2023, 04/12/2023, 04/19/2023, 04/21/2023, due 09/27/2023 or OSC set on 10/04/2023. Hon Randall M Howe - Author
[VACATED per order filed 10/02/2023]
19. 28-Aug-2023 ORDERED: Vacating OSC on 09/06/2023 for Court Reporter Scott Kindle. Hon Randall M Howe - Author
20. 29-Aug-2023 FILED: Reporter's Transcript - 04/26/2023 - Jury Trial - (Kit Walker)
21. 29-Aug-2023 FILED: Reporter's Transcript - 04/27/2023 - Jury Trial - (Kit Walker)
22. 29-Sep-2023 FILED: Motion to Extend Time to File Transcripts (Ken Crenshaw)
23. 2-Oct-2023 ORDERED: Motion to Extend Time to File Transcripts (Ken Crenshaw) = GRANTED. Due Dates EXTENDED to 10/30/2023 for Transcripts dated 01/28/2021, 02/16/2021, 08/11/2021, 03/31/2022, 05/03/2022, 05/10/2022, 06/21/2022, 07/26/2022, 08/23/2022, 08/30/2022, 09/06/2022, 09/13/2022, 12/12/2022, 01/26/2023, 02/15/2023, 03/01/2023, 03/31/2023, 04/12/2023, 04/19/2023, 04/21/2023 or OSC set on 11/01/2023. Hon Randall M Howe - Author
[AMENDED per order filed 10/02/2023]
24. 2-Oct-2023 AMENDED ORDER: Motion to Extend Time to File Transcripts (Ken Crenshaw) = GRANTED. Due Dates EXTENDED to 10/30/2023 for Transcripts dated 01/28/2021, 02/16/2021, 08/11/2021, 03/31/2022, 05/03/2022, 05/10/2022, 06/21/2022, 07/26/2022, 08/23/2022, 08/30/2022, 09/06/2022, 09/13/2022, 12/12/2022, 01/26/2023, 02/15/2023, 03/01/2023, 03/31/2023, 04/12/2023, 04/19/2023, 04/21/2023 or OSC set on 11/01/2023. FURTHER ORDERED: Vacating the OSC currently set for 10/04/2023 Hon Randall M Howe - Author
25. 30-Oct-2023 FILED: Reporter's Transcript - 08/23/2022 - Criminal Competency Hearing Continuance (Kimberly McCright)
26. 30-Oct-2023 FILED: Reporter's Transcript - 08/30/2022 - Criminal Competency Hearing Continuance (Kimberly McCright)
27. 30-Oct-2023 FILED: Reporter's Transcript - 09/06/2022 - Defendant Competent - A.R.S. Section 13-4519(B) - Submission (Kimberly McCright)
28. 30-Oct-2023 FILED: Reporter's Transcript - 09/13/2022 - Trial Set (Kimberly McCright)
29. 30-Oct-2023 FILED: Reporter's Transcript - 01/28/2021 - Bench Warrant Issued (Kimberly C. McCright)
30. 30-Oct-2023 FILED: Reporter's Transcript - 02/16/2021 - Not Guilty Arraignment (Kimberly C. McCright)
31. 30-Oct-2023 FILED: Reporter's Transcript - 08/11/2021 - Trial Continuance Past Last Day (Kimberly C. McCright)
32. 30-Oct-2023 FILED: Reporter's Transcript - 03/31/2022 - Final Trial Management Conference (Kimberly C. McCright)
33. 30-Oct-2023 FILED: Reporter's Transcript - 03/31/2023 - Evidentiary Hearing (Kimberly McCright)
34. 30-Oct-2023 FILED: Reporter's Transcript - 04/12/2023 - Final Trial Management Conference (Kimberly McCright)
35. 30-Oct-2023 FILED: Reporter's Transcript - 04/19/2023 - Trial Assignment (Kimberly McCright)
36. 30-Oct-2023 FILED: Reporter's Transcript - 04/21/2023 - Trial Management Conference (Kimberly McCright)

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37.	30-Oct-2023	FILED: Reporter's Transcript - 05/03/2022 - Criminal Competency Hearing Continuance (Kimberly C. McCright)
38.	30-Oct-2023	FILED: Reporter's Transcript - 05/10/2022 - Criminal Competency Hearing Continuance (Kimberly C. McCright)
39.	30-Oct-2023	FILED: Reporter's Transcript - 06/21/2022 - Criminal Competency Hearing Continuance (Kimberly C. McCright)
40.	30-Oct-2023	FILED: Reporter's Transcript - 07/26/2022 - Criminal Competency Hearing Continuance (Kimberly C. McCright)
41.	30-Oct-2023	FILED: Reporter's Transcript - 12/12/2022 - Final Trial Management Conference Re-set (Kimberly McCright)
42.	30-Oct-2023	FILED: Reporter's Transcript - 01/26/2023 - Final Trial Management Conference Re-set (Kimberly McCright)
43.	30-Oct-2023	FILED: Reporter's Transcript - 02/15/2023 - Settlement Conference (Kimberly McCright)
44.	30-Oct-2023	FILED: Reporter's Transcript - 03/01/2023 - Final Trial Management Conference Re-set (Kimberly McCright)
45.	6-Nov-2023	FILED: Notice of Completion of Record
46.	6-Dec-2023	FILED: Motion for Procedural Order: Request to Extend Time; Certificate of Service (Appellant)
47.	7-Dec-2023	ORDERED: Motion for Procedural Order: Request to Extend Time (Appellant) = GRANTED. Due date EXTENDED from Thursday, 12-21-2023 to Monday, 01-22-2024. Benjamin A Armstrong ProTem Judge - Author
48.	28-Dec-2023	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
49.	5-Jan-2024	FILED: Notice of Appearance; Certificate of Service (Appellee)
50.	22-Jan-2024	FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
51.	23-Jan-2024	ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Tuesday, 02-06-2024 to Thursday, 03-07-2024. Benjamin A Armstrong ProTem Judge - Author
52.	14-Feb-2024	FILED: Opposed Motion to Supplement Record; Certificate of Service; State's Motions In Limine I-III; Email Exhibit (to Opposed Motion to Supplement Record) (Appellee)
53.	15-Feb-2024	FILED: Objection to State Motion to Expand Record; Certificate of Service (Appellant)
54.	16-Feb-2024	ORDERED: Opposed Motion to Supplement Record (Appellee) = GRANTED and supplementing the record with the motion in limine and the email referenced above. Benjamin A Armstrong ProTem Judge - Author
55.	6-Mar-2024	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
56.	7-Mar-2024	FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
57.	29-Mar-2024	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
58.	8-Apr-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record
59.	26-Apr-2024	CLNDR: CONFERENCE, Department D, 6-5-24, COURTROOM 2.
60.	8-Aug-2024	OPINION (Affirmed) Hon Samuel A Thumma - Author; Hon Jennifer B Campbell - Concur; Hon Michael J Brown - Concur
61.	8-Aug-2024	FILED: Decision Distribution Notification
62.	19-Aug-2024	FILED: Email Notice from ASC re: Petition for Review filed 08/14/2024; request for partial record
63.	19-Aug-2024	FILED: Letter forwarding partial record to Arizona Supreme Court