

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 23-0290

STATE v. ORTIZ

Appellate Case Information

Case Filed: 21-Jul-2023

Case Closed:

Dept/Composition

Department A

Hon. Jennifer B Campbell
Hon. Kent E Cattani
Hon. Paul J McMurdie

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. PABLO MARTINEZ ORTIZ, Appellant

(Litigant Group) PABLO MARTINEZ ORTIZ

- Pablo Martinez Ortiz

Attorneys for: Appellant

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

CASE STATUS

Aug 29, 2024...Decision Rendered

Table with 7 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2019-111423-001, Burglary 1st Degree, Class 2; Misconduct Involving Weapons, Class 4, 15.75 years, ADOC; 10 years, ADOC, Jo Lynn Gentry, Sentencing, JURY.

OPEN DUE DATE

Petition for Review to ASC due

Due By: Monday, September 30, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Kent E Cattani - Author; Hon Jennifer B Campbell - Concur; Hon Paul J McMurdie - Concur (Motion for reconsideration extended thirty days from date of this decision.)

CASE DECISION

29-Aug-2024 MEMORANDUM DECISION

Kent Cattani.....Author
Jennifer Campbell.....Concur
Paul McMurdie.....Concur

Filed: 29-Aug-2024 Mandate:

Decision Disposition

Affirmed

63 PROCEEDING ENTRIES

- 1. 21-Jul-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 07/16/23. Notification to Court Reporters dated 07/20/2023.
2. 21-Jul-2023 FILED: Appellate Clerk Notice (31.2(g))
3. 26-Jul-2023 ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Court reporters Lori Reinhardt, Kristyn Lobry, Catherine Turner, Jennifer Church, Robin Lawlor, Luz Franco, April Escobedo, Vanessa Gartner, Lisa Bradley, Kristine Mayo, and Nicole Tatlow Transcripts due 09/11/2023. Benjamin A Armstrong ProTem Judge - Author
4. 2-Aug-2023 FILED: Reporter's Transcript - 05/25/2023 - Reporter's Transcript of Proceedings (Lisa Bradley)
5. 8-Aug-2023 FILED: Reporter's Transcript - 05/08/2023 - Trial Day 1 (Kristyn L. Lobry)
6. 9-Aug-2023 FILED: Courtesy Copy - Designation of Record for Appeal Filed in Superior Court (Appellant)
7. 10-Aug-2023 ORDERED: Court Reporter Jennifer Church transcript(s) dated 08/07/2019, 08/29/2019, 09/26/2019, 10/23/2019, 11/18/2019, 03/03/2022, 05/12/2022, 05/18/2022, 06/08/2022, due by 09/25/2023. FURTHER ORDERED: Reaffirming this previously set due date of 09/11/2023 for transcripts dated 05/15/2023 and 05/16/2023 for Court Reporter Jennifer Church. FURTHER ORDERED: Ken Crenshaw transcript(s) dated 12/13/2022, 01/17/2023, 01/118/2023, 02/09/2023, 02/23/2023, 03/24/2023, 05/01/2323, 06/16/2023 due by 09/25/2023. FURTHER ORDERED: Court Reporter Lauren Kuhnhenh transcript(s) dated 07/05/2022 due by 09/25/2023. FURTHER ORDERED: Court Reporter Jeanna Kappedal transcript(s) dated 05/26/2022 due by 09/25/2023. FURTHER ORDERED: Court Reporter Wanda J Bauer transcript(s) dated 04/15/2022 due by 09/25/2023. FURTHER ORDERED: Court Reporter Michael Babicky transcript(s) dated 02/28/2022 due by 09/25/2023. FURTHER ORDERED: Court Reporter Marylynn LeMoine Cotton transcript(s) dated 06/18/2019 due by 09/25/2023. Hon Randall M Howe - Author
8. 11-Aug-2023 FILED: Untitled Affidavit regarding Transcripts (Luz Franco)

**Court of Appeals, Division One****Criminal - Anders Appeal****1 CA-CR 23-0290****STATE v. ORTIZ****63 PROCEEDING ENTRIES**

9. 25-Aug-2023 FILED: Reporter's Transcript - 05/09/2023 - Jury Trial - (Catherine Turner)
10. 28-Aug-2023 FILED: Additional Record on Appeal  
Physical Exhibits:  
Hearing Date: 04/15/2022 List # 1 in manila envelope  
Hearing Date: 01/19/2023 List # 3 in manila envelope  
Hearing Date: 03/24/2023 List # 3 in manila envelope  
Hearing Date: 05/08/2023 List # 3 4 11 12 13 14 18 19 20 21 22 23 24 25 in manila envelope  
Hearing Date: 07/13/2023 List # 1 2 3 4 5 6 in manila envelope
11. 29-Aug-2023 FILED: e-Record on Appeal:  
Instruments/Minute Entries: Combined  
Disposition Report: 261  
Exhibits: None sent with e-Record
12. 30-Aug-2023 FILED: Reporter's Transcript - 07/13/2023 - Trial on Priors/Sentencing (Nicole Tatlow)
13. 30-Aug-2023 FILED: Reporter's Transcripts - 05/24/2023 - Trial - Day 9 (Vanessa Gartner)
14. 31-Aug-2023 FILED: Reporter's Transcript - 05/10/2023 - Jury Trial - (Catherine Turner)
15. 4-Sep-2023 FILED: Reporter's Transcripts - 05/31/2023 - Trial Day 12 - (Kristine Mayo)
16. 5-Sep-2023 FILED: Reporter's Transcript - 05/11/2023 - Jury Trial - (Catherine Turner)
17. 7-Sep-2023 FILED: Untitled Motion for Extension (Time to File Transcripts) (Lori Reinhardt)
18. 7-Sep-2023 ORDERED: Untitled Motion for Extension (Time to File Transcripts) (Lori Reinhardt) = GRANTED. Due Dates EXTENDED to 10/11/2023 for Transcripts dated 01/19/2023, 01/23/2023, 01/24/2023 or OSC set on 10/18/2023. Hon Randall M Howe - Author
19. 8-Sep-2023 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
20. 9-Sep-2023 FILED: Reporter's Transcript - 05/30/2023 - Jury Trial - (Catherine Turner)
21. 10-Sep-2023 FILED: Reporter's Transcripts - Jury Trial - Day 9 - AM - 05/24/2023 (April Escobedo)
22. 11-Sep-2023 FILED: Reporter's Transcript - 05/15/2023 - Trial Day 5 (Jennifer Church)
23. 11-Sep-2023 FILED: Reporter's Transcript - 05/16/2023 - Trial Day 6 (Jennifer Church)
24. 11-Sep-2023 FILED: Reporter's Transcript - 05/18/2023 - Jury Trial Day 7 (Robin Lawlor)
25. 15-Sep-2023 FILED: Reporter's Transcript - 06/18/2019 - Complex Case Management Conference - (Marylynn LeMoine Cotton)
26. 18-Sep-2023 ORDERED: Motion to Unseal Documents (Appellant) = GRANTED. Upon presentation of this order, unsealing the Court Information Sheets (I.O.R. 4 and 8); the Notice to Court Regarding Defendant's Medical Condition (I.O.R. 32); the Random Jury Lists (I.O.R. 114 and 154); and the Sealed Jury Questionnaires (I.O.R. 141, 142, and 143), for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
27. 19-Sep-2023 FILED: Reporter's Transcript - 04/15/2022 - Reporter's Transcript of Proceedings - (Wanda Bauer)
28. 22-Sep-2023 FILED: Reporter's Transcript - 08/07/2019 - Complex Case Management Conference (Jennifer Church)
29. 22-Sep-2023 FILED: Reporter's Transcript - 08/29/2019 - Oral Argument on Motion to Modify Release Conditions (Jennifer Church)
30. 22-Sep-2023 FILED: Reporter's Transcript - 09/26/2019 - Complex Case Management Conference (Jennifer Church)
31. 22-Sep-2023 FILED: Reporter's Transcript -10/23/2019 - Complex Case Management Conference (Jennifer Church)
32. 23-Sep-2023 FILED: Reporter's Transcript - 06/08/2022 - Status Conference (Jennifer Church)
33. 23-Sep-2023 FILED: Reporter's Transcript -03/03/2022 - Final Trial Management Conference (Jennifer Church)
34. 23-Sep-2023 FILED: Reporter's Transcript - 05/12/2022 - Final Trial Management Conference (Jennifer Church)
35. 23-Sep-2023 FILED: Reporter's Transcript - 05/18/2022 - Final Trial Management Conference (Jennifer Church)
36. 23-Sep-2023 FILED: Reporter's Transcript - 02/22[sic]/2022 - Settlement Conference - (Michael Babicky)
37. 24-Sep-2023 FILED: Reporter's Transcripts - Status Conference 07/05/2022 (Lauren Kuhnhenh)

**Court of Appeals, Division One****Criminal - Anders Appeal****1 CA-CR 23-0290****STATE v. ORTIZ****63 PROCEEDING ENTRIES**

38. 25-Sep-2023 FILED: Reporter's Transcript- 05/26/2022 - Trial Procedure Conference (Diane Donoho for J. Kappedal)
39. 25-Sep-2023 FILED: Reporter's Transcript -11/18/2019 - Final Trial Management Conference (Jennifer Church)
40. 3-Oct-2023 FILED: Reporter's Transcript - 12/13/2022 - Settlement Conference (Kimberly C. McCright)
41. 3-Oct-2023 FILED: Reporter's Transcript - 01/17/2023 - Trial Procedure Conference (Kimberly C. McCright)
42. 3-Oct-2023 FILED: Reporter's Transcript - 01/18/2023 - Status Conference (Kimberly C. McCright)
43. 3-Oct-2023 FILED: Reporter's Transcript - 02/09/2023 - Status Conference (Kimberly C. McCright)
44. 3-Oct-2023 FILED: Reporter's Transcript - 02/23/2023 - Status Conference (Kimberly C. McCright)
45. 3-Oct-2023 FILED: Reporter's Transcript - 03/24/2023 - Evidentiary Hearing (Kimberly C. McCright)
46. 3-Oct-2023 FILED: Reporter's Transcript - 05/01/2023 - Trial Procedure Conference (Kimberly C. McCright)
47. 3-Oct-2023 FILED: Reporter's Transcript - 06/16/2023 - Status Conference (Kimberly C. McCright)
48. 4-Oct-2023 FILED: Reporter's Transcript - 01/19/2023 - Trial Day 1 - (Lori Reinhardt)
49. 4-Oct-2023 FILED: Reporter's Transcript - 01/23/2023 - Trial Day 2 - (Lori Reinhardt)
50. 4-Oct-2023 FILED: Reporter's Transcript - 01/24/2023 - Trial Day 3 - (Lori Reinhardt)
51. 4-Oct-2023 FILED: Notice of Completion of Record
52. 6-Oct-2023 FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
53. 10-Oct-2023 ORDERED: Motion to Withdraw and Substitute New Counsel (Appellant) = GRANTED. FURTHER ORDERED: Appointing attorney Michael Dew 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, 11-20-2023 to Thursday, 01-04-2024. Benjamin A Armstrong ProTem Judge - Author
54. 2-Jan-2024 FILED: Appellant's Opening Brief (Anders Brief); Certificate of Compliance; Certificate of Service (Appellant)
55. 3-Jan-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 02/12/2024. FURTHER ORDERED: Answering brief to await court order. Benjamin A Armstrong ProTem Judge - Author
56. 16-Jan-2024 FILED: Notice of Filing Defendant's Letter of Transmittal; Certificate of Service (Appellant)
57. 20-Feb-2024 FILED: (Stricken per order dated 03/11/2024) Assigning Anders appeal to Dept I for consideration and disposition. [Amy M. Wood, Clerk]
58. 11-Mar-2024 ORDERED: Striking assignment memorandum dated 02/20/2024. Amy M Wood - Author
59. 24-Jun-2024 ORDERED: Suspending this appeal until 07/26/2024, and revesting jurisdiction in the superior court for the limited purpose of stating its sentencing reasons on the record in compliance with A.R.S. § 13-711.A. See Perez-Gutierrez, CR-23-0137-PR, at \*5 ¶ 28 (citing Ariz. R. Crim. P. 24.4). FURTHER ORDERED: Giving Appellant's counsel twenty-one days from the day the superior court complies with A.R.S. § 13-711.A to amend this appeal and brief any alleged error revealed by the superior court's reasons for imposing consecutive sentences. The State has seven days from the day Appellant's counsel files an amended appeal to respond. FURTHER ORDERED: Directing the Clerk of this Court to send this order to: the Honorable Jo Lynn Gentry of the Maricopa County Superior Court; the presiding judge of the Criminal Division of the Maricopa County Superior Court; the Clerk of the Maricopa County Superior Court; and the Court Administrator, Criminal Appeals Division, Maricopa County Superior Court. FURTHER ORDERED: Directing the Clerk of the Maricopa County Superior Court to transmit to this Court a certified copy of the superior court's ruling based on this order, marked for filing in this case. Hon David B Gass - Author
60. 15-Jul-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Minute Entry Supplementing Superior Court Sentencing)
61. 20-Aug-2024 FILED: Assigning Anders appeal to Dept A for consideration and disposition. [Amy M. Wood, Clerk]
62. 29-Aug-2024 MEMORANDUM DECISION (Affirmed) Hon Kent E Cattani - Author; Hon Jennifer B Campbell - Concur; Hon Paul J McMurdie - Concur (Motion for reconsideration extended thirty days from date of this decision.)

**Court of Appeals, Division One**

**Criminal - Anders Appeal**

**1 CA-CR 23-0290**

**STATE v. ORTIZ**

**63 PROCEEDING ENTRIES**

63. 29-Aug-2024 FILED: Decision Distribution Notification