

Court of Appeals, Division One

Criminal

1 CA-CR 23-0298

STATE v. BROOKS

Appellate Case Information

Case Filed: 25-Jul-2023
Case Closed:

Dept/Composition

Department A
Hon. Kent E Cattani
Hon. Paul J McMurdie
Hon. David B Gass

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. BENNY CHARLES BROOKS, III, Appellant
(Litigant Group) BENNY CHARLES BROOKS, III

- Benny Charles Brooks, III

Attorneys for: Appellant
Stephen L Duncan, Esq. (AZ Bar No. 14403)

CASE STATUS

Aug 26, 2024...Assigned

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2018-131721-001, See file, See file, Mark H Brain, Sentencing, JURY, Dispo.

CALENDAR

Tuesday MONTHLY COURT CASE CALENDAR Mixed
1-Oct-2024 Department A; CONFERENCE ROOM

83 PROCEEDING ENTRIES

- 1. 25-Jul-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 07/17/23. Notification to Court Reporters dated 07/24/2023.
2. 25-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 Debra Carney, Luz Franco, Diane Donoho, Lisa Bradley, Monica Hill-Morrisette, Treva Colwell, Lori Reinhardt, Kristine Mayo, April Escobedo, Kassie Kosmal, Catherine Turner, transcripts due 09/11/2023. Benjamin A Armstrong ProTem Judge - Author
4. 7-Aug-2023 FILED: Reporter's transcript - 05/04/2023 - Trial - (Lori Reinhardt)
5. 9-Aug-2023 FILED: Reporter's Transcripts - 05/04/2023 - Trial - Day 16 (Treva B. Colwell)
6. 15-Aug-2023 FILED: Courtesy Copy - Designation of Record for Appeal Filed in Superior Court (Appellant)
7. 16-Aug-2023 ORDERED: Court Reporter Debra Carney transcript(s) dated 02/02/2023, 03/22/2023, 04/05/2023 due by 10/02/2023. FURTHER ORDERED: Reaffirming this previously set due date of 09/11/2023 for transcripts dated 04/06/2023, 05/03/2023, 06/23/2023, for Court Reporter Debra Carney. FURTHER ORDERED: Court Reporter Treva B Colwell transcript(s) dated 03/24/2023 due by 10/02/2023. FURTHER ORDERED: Court Reporter Jennifer Church transcript(s) dated 11/21/2018, 01/11/2019, 02/13/2019, 04/11/2019, 06/04/2019, 08/06/2019, 11/21/2019, 02/05/2020, 02/19/2020, 08/24/2020, 11/23/2020, 10/20/2021, 05/12/2022, 05/18/2022, due by 10/02/2023. FURTHER ORDERED: Ken Crenshaw transcript(s) dated 05/04/2021, 09/01/2022, due by 10/02/2023. FURTHER ORDERED: Court Reporter Gail Ferguson transcript(s) dated 09/24/2018, due by 10/02/2023. FURTHER ORDERED: Court Reporter Scott Kindle transcript(s) dated 12/19/2022, 04/03/2023, due by 10/02/2023. FURTHER ORDERED: Court Reporter Wendy Ricard transcript(s) dated 03/23/2020 due by 10/02/2023. Hon Randall M Howe - Author
8. 17-Aug-2023 FILED: Reporter's Transcripts - 03/24/2023 - Oral Argument (Treva B. Colwell)
9. 20-Aug-2023 FILED: Reporter's Transcript - 04/13/2023 - Reporter's Transcript of Proceedings (Lisa Bradley)
10. 20-Aug-2023 FILED: Reporter's Transcript - 04/19/2023 - Reporter's Transcript of Proceedings (Lisa Bradley)
11. 20-Aug-2023 FILED: Reporter's Transcript - 04/20/2023 - Reporter's Transcript of Proceedings (Lisa Bradley)
12. 20-Aug-2023 FILED: Reporter's Transcript - 04/25/2023 - Reporter's Transcript of Proceedings (Lisa Bradley)
13. 28-Aug-2023 FILED: Reporter's Transcript - 04/26/2023 - Reporter's Transcript of Proceedings (Lisa Bradley)

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- 14. 30-Aug-2023 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None sent with e-Record
- 15. 30-Aug-2023 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 04/06/2023 LIST # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34
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843 845 846 847 848 849 850 851 852 853 854 863 864 865 868 870 IN A BOX

Hearing Date: 06/26/2023 List # 1 2 3 4 5 6 in manila envelope

Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope
- 16. 4-Sep-2023 FILED: Reporter's Transcript - 04/27/2023 - Reporter's Transcript of Proceedings (Lisa Bradley)
- 17. 4-Sep-2023 FILED: Reporter's Transcript - 05/01/2023 - Reporter's Transcript of Proceedings (Lisa Bradley)
- 18. 4-Sep-2023 FILED: Reporter's Transcript - 05/16/2023 - Reporter's Transcript of Proceedings (Lisa Bradley)
- 19. 4-Sep-2023 FILED: Reporter's Transcript - 05/18/2023 - Reporter's Transcript of Proceedings (Lisa Bradley)
- 20. 4-Sep-2023 FILED: Reporter's Transcripts - 05/22/2023 - Trial Day 22 - (Kristine Mayo)
- 21. 4-Sep-2023 FILED: Reporter's Transcripts - 05/23/2023 - Trial Day 23 - (Kristine Mayo)
- 22. 6-Sep-2023 FILED: Reporter's Transcript - 07/14/2023 - Sentencing - (Catherine Turner)
- 23. 8-Sep-2023 FILED: Reporter's Transcript - 04/24/2023 - Trial (Continuing) - (Luz Franco)
- 24. 8-Sep-2023 FILED: Reporter's Transcript - 04/11/2023 - Trial (Continuing) - (Luz Franco)
- 25. 8-Sep-2023 FILED: Reporter's Transcript - 04/12/2023 - Trial (Continuing) - (Luz Franco)
- 26. 8-Sep-2023 FILED: Reporter's Transcript - 05/15/2023 - Trial (Continuing) Luz Franco
- 27. 8-Sep-2023 FILED: Reporter's Transcript - 04/06/2023 - Trial Day 1 - (Debra Carney)
- 28. 8-Sep-2023 FILED: Reporter's Transcript - 05/03/2023 - Trial Day 15 - (Debra Carney)
- 29. 8-Sep-2023 FILED: Reporter's Transcript - 06/23/2023 - Hearing - (Debra Carney)
- 30. 10-Sep-2023 FILED: Reporter's Transcripts - Jury Trial - Day 24 - AM - 05/24/2023 (April Escobedo)
- 31. 12-Sep-2023 FILED: Reporter's Transcript - 05/02/2023 - Jury Trial (Monica S Hill-Morrisette)
- 32. 12-Sep-2023 FILED: Reporter's Transcript - 05/25/2023 - Trial (Kassie Kosmal)

Court of Appeals, Division One**Criminal****1 CA-CR 23-0298****STATE v. BROOKS****83 PROCEEDING ENTRIES**

33. 12-Sep-2023 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
34. 12-Sep-2023 FILED: Reporter's Transcript - 04/10/2023 - Trial (Continuing) - (Luz Franco)
35. 13-Sep-2023 FILED: Reporter's Transcript - 04/12/2023 - Trial Day 4 - Afternoon Session (Diane Donoho)
36. 13-Sep-2023 FILED: Reporter's Transcript - 04/17/2023 - Trial Day 6 (Diane Donoho)
37. 13-Sep-2023 FILED: Reporter's Transcript - 05/10/2023 - Trial Day 17 (Diane Donoho)
38. 13-Sep-2023 FILED: Reporter's Transcript - 05/11/2023 - Trial Day 18 (Diane Donoho)
39. 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 Original Sealed Documents (I.O.R. 45, 46 and 62); the Arizona Department of Correction's Objection and Motion to Vacate (I.O.R. 54); the Department of Child Safety's Motion for Clarification (I.O.R. 60); the State's Non-Party Department of Child Safety Notice Filing (I.O.R. 72); Detective Diponzio's Response to State's Motion for In Camera Review and Request for Protective Order Related to Ms. Diponzio's Medical Records (I.O.R. 291); Detective Diponzio's Response to State's Motion for in Camera Review and Request for Protective Order (I.O.R. 294); the State's Motion for in Camera Review (I.O.R. 295); the Minute Entry dated February 22, 2023 (I.O.R. 296); the Random Jury List (I.O.R. 498); the Sealed Jury Questionnaires (I.O.R. 536 through 546); and the Restitution Ledger Request (I.O.R. 565), for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
40. 20-Sep-2023 FILED: Reporter's Transcript - 04/03/2023 - Trial Procedure Conference (Scott Kindle)
41. 20-Sep-2023 FILED: Reporter's Transcript - 12/19/2022 - Trial Continuance (Scott Kindle)
42. 25-Sep-2023 FILED: Reporter's Transcript - 11/21/2018 - Complex Case Management Conference (Jennifer Church)
43. 25-Sep-2023 FILED: Reporter's Transcript - 1/11/2019 - Complex Case Management Conference (Jennifer Church)
44. 25-Sep-2023 FILED: Reporter's Transcript - 2/13/2019 - Complex Case Management Conference (Jennifer Church)
45. 25-Sep-2023 FILED: Reporter's Transcript - 4/11/2019 - Complex Case Management Conference (Jennifer Church)
46. 25-Sep-2023 FILED: Reporter's Transcript - 05/04/2021 - Oral Argument/Matter Under Advisement (Kimberly C. McCright)
47. 25-Sep-2023 FILED: Reporter's Transcript - 09/01/2022 - Trial Continuance Past Last Day (Kimberly C. McCright)
48. 25-Sep-2023 FILED: Reporter's Transcript - 6/4/2019 - Complex Case Management Conference (Jennifer Church)
49. 25-Sep-2023 FILED: Reporter's Transcript - 8/6/2019 - Complex Case Management Conference (Jennifer Church)
50. 25-Sep-2023 FILED: Reporter's Transcript - 11/21/2019 - Complex Case Management Conference (Jennifer Church)
51. 26-Sep-2023 FILED: Reporter's Transcript - 03/22/2023 - Trial Assignment - (Debra Carney)
52. 26-Sep-2023 FILED: Reporter's Transcript - 02/02/2023 - Trial Continuance - (Debra Carney)
53. 26-Sep-2023 FILED: Reporter's Transcript - 04/05/2023 - Trial Management Conference - (Debra Carney)
54. 26-Sep-2023 FILED: Reporter's Transcript - 2/5/2020 - Complex Case Management Conference (Jennifer Church)
55. 26-Sep-2023 FILED: Reporter's Transcript - 2/19/2020 - Complex Case Management Conference (Jennifer Church)
56. 26-Sep-2023 FILED: Reporter's Transcript - 8/24/2020 - Complex Case Management Conference (Jennifer Church)
57. 27-Sep-2023 FILED: Request for Extension of Time (Time to File Transcripts) (Wendy Ricard)
58. 27-Sep-2023 FILED: Reporter's Transcript - 10/20/2021 - Final Trial Management Conference (Jennifer Church)
59. 27-Sep-2023 FILED: Reporter's Transcript - 5/12/2022 - Status Conference (Jennifer Church)
60. 27-Sep-2023 FILED: Reporter's Transcript - 05/18/2022 - Status Conference (Jennifer Church)
61. 27-Sep-2023 ORDERED: Request for Extension of Time (Time to File Transcripts) (Wendy Ricard) = GRANTED. Due date EXTENDED from Monday, 10-02-2023 to Wednesday, 11-01-2023 (Transcript for 03/23/2020 by Reporter Wendy Richard due) or OSC set on 11/15/2023. Hon Randall M Howe - Author
62. 27-Sep-2023 FILED: Reporter's Transcript -11/23/2020 - Complex Case Management Conference (Jennifer Church)
63. 9-Oct-2023 FILED: Reporter's Transcript - 03/23/2020 - Trial Continuance (Wendy C. Ricard)

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64. 16-Oct-2023 ORDERED: Court Reporter Gail Ferguson transcript dated 09/24/2018 or OSC on 11/01/2023. Hon Randall M Howe - Author
65. 31-Oct-2023 ORDERED: Directing Court Reporting Supervisor Chris Bleuenstein to reassign the preparation of the transcripts designated above from Court Reporter Gail Ferguson to an available court reporter, and to furnish one copy to appellant's counsel, one copy to appellee's counsel, and the original to the clerk of this court by 12/14/2023, marked for filing in this appeal, for transcript dated 09/24/2018. FURTHER ORDERED: Vacating the order to show cause hearing that is currently set for 11/01/2023. FURTHER ORDERED: Directing Court Reporting Supervisor Chris Bleuenstein to notify the Court of Appeals Clerk's Office of the court reporter assigned to prepare the above-listed transcripts. Hon Randall M Howe - Author
66. 16-Nov-2023 FILED: Reporter's Transcript - 09/24/2018 - Comprehensive Pretrial Conference (Diane Donoho on behalf of G Ferguson)
67. 17-Nov-2023 FILED: Notice of Completion of Record
68. 20-Nov-2023 FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
69. 27-Nov-2023 ORDERED: Motion To Withdraw And Substitute New Course (Appellant) = GRANTED. FURTHER ORDERED: Appointing attorney Stephen Duncan as attorney for appellant in this appeal. FURTHER ORDERED: That 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 01/02/2024 to 02/16/2024 Benjamin A Armstrong ProTem Judge - Author
70. 15-Feb-2024 FILED: Motion for Procedural Order (Extension of Time to File Opening Brief); Certificate of Service (Appellant)
71. 16-Feb-2024 ORDERED: Motion for Procedural Order (Extension of Time to File Opening Brief) (Appellant) = GRANTED. Due date EXTENDED from Friday, 02-16-2024 to Monday, 03-18-2024. Benjamin A Armstrong ProTem Judge - Author
72. 18-Mar-2024 FILED: Motion for Procedural Order (Extension of Time to File Opening Brief); Certificate of Service (Appellant)
73. 19-Mar-2024 ORDERED: Motion for Procedural Order (Extension of Time to File Opening Brief) (Appellant) = GRANTED. Due date EXTENDED from Monday, 03/18/2024 to Wednesday, 04/17/2024 or OSC on 05/01/2024. Benjamin A Armstrong ProTem Judge - Author
74. 17-Apr-2024 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
75. 1-May-2024 FILED: Notice of Appearance; Certificate of Service (Appellee)
76. 1-May-2024 FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
77. 1-May-2024 ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Monday, 06-03-2024 to Wednesday, 07-03-2024. Benjamin A Armstrong ProTem Judge - Author
78. 1-Jul-2024 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
79. 1-Jul-2024 FILED: Motion to Exceed Word Limit for Answering Brief; Certificate of Service (Appellee)
80. 8-Jul-2024 ORDERED: Motion to Exceed Word Limit for Answering Brief (Appellee) = GRANTED and accepting the answering brief filed 07/01/2024. FURTHER ORDERED: Appellant may file a reply brief by 07/29/2024. Hon David B Gass - Author
81. 9-Aug-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
82. 19-Aug-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
83. 26-Aug-2024 CLNDR: CONFERENCE, Department A, 10-1-24, CONFERENCE ROOM.