

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 23-0315

STATE v. THOMAS

Appellate Case Information

Case Filed: 3-Aug-2023
Case Closed: 15-Aug-2024

Decision

Dept/Composition

Consolidated with: 1 CA-CR 23-0040

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. JEFFREY JOHN THOMAS, Appellant

(Litigant Group) JEFFREY JOHN THOMAS

- Jeffrey John Thomas

PRO SE

Advisory Counsel for: Appellant

Adam Zickerman, Esq. (AZ Bar No. 22320)

CASE STATUS

Aug 15, 2024....Case Closed

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: YAV, V1300CR202080255, John David Napper, Authoring Judge of Order.

CASE DECISION

09-Jul-2024 MEMORANDUM DECISION

David Weinzweig.....Author
Andrew Jacobs.....Concur
Jennifer Perkins.....Concur

Filed: 09-Jul-2024 Mandate: 15-Aug-2024

Decision Disposition

Affirmed as Modified

DECISION APPLIES TO THE FOLLOWING OTHER CASE(S)

1 CA-CR 23-0040 STATE v. THOMAS

28 PROCEEDING ENTRIES

- 1. 3-Aug-2023 FILED: Notice of Appeal from Yavapai County Superior Court filed 07/20/23. Notification to Court Reporters dated 07/26/2023.
2. 3-Aug-2023 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: 22(SEALED) 141(SEALED) Exhibits: Hearing Date: 09/20/2022 List (SEALED) # 7 12 13 15 16 18 Hearing Date: 09/13/2022 List (SEALED) # 44 Hearing Date: 09/16/2022 List (SEALED) # 45 46 48 51 117 121 122 126 139 140 Hearing Date: 09/08/2022 List (SEALED) # 81 110 Hearing Date: 09/09/2022 List (SEALED) # 56
3. 4-Aug-2023 FILED: Appellate Clerk Notice (31.2(g))
4. 7-Aug-2023 ORDERED: Appointing attorney Adam Zickerman as counsel for appellant for all remaining proceedings on appeal. FURTHER ORDERED: Court reporters Mina Hunt and Laura Ashbrook Transcripts dated 02/27/2023 and 05/03/2023 due by 09/21/2023. Benjamin A Armstrong ProTem Judge - Author
5. 7-Aug-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
6. 8-Aug-2023 ORDERED: Consolidating cases 1 CA-CR 23-0040 and 1 CA-CR 23-0315. Case no. 1 CA-CR 23-0040 is designated the primary number and the above caption must be used on all future documents filed in this appeal. FURTHER ORDERED: Vacating the notice of completion issued on 05/23/2023, in 1 CA-CR 23-0040, and the 08/07/2023, due date for the opening brief in 1 CA-CR 23-0040. FURTHER ORDERED: Directing the clerk of this court to reissue the notice of completion for the consolidated appeals when the record in 1 CA-CR 23-0315 is complete. Benjamin A Armstrong ProTem Judge - Author
7. 7-Sep-2023 FILED: Reporter's Transcript - 02/27/2023 - Restitution Hearing (Mina G. Hunt)

Court of Appeals, Division One**Criminal - Anders Appeal****1 CA-CR 23-0315****STATE v. THOMAS****28 PROCEEDING ENTRIES**

8. 20-Sep-2023 FILED: Motion for Extension of Time to File Transcripts (Laura A. Ashbrook)
9. 21-Sep-2023 ORDERED: Motion for Extension of Time to File Transcripts (Laura A. Ashbrook) = GRANTED. Due date EXTENDED from 09/21/2023 to 10/23/2023 for transcript dated 05/03/2023 for Court Reporter Laura Ashbrook or OSC set on 11/01/2023. Hon Randall M Howe - Author
10. 16-Oct-2023 FILED: Reporter's Transcript - 05/03/2023 - Restitution Hearing - (Laura Ashbrook)
11. 20-Oct-2023 FILED: Notice of Completion of Record
12. 11-Dec-2023 ORDERED: That the opening brief must be filed by 12/21/2023. FURTHER ORDERED: That if the brief is not filed timely, attorney Adam Zickerman must appear before this court in Courtroom 1 on Wednesday, 01/03/2024, at 2:30 p.m., to show cause why the court should not impose sanctions. Benjamin A Armstrong ProTem Judge - Author
13. 18-Dec-2023 FILED: Appellant's Opening Brief (Anders Brief); Certification of Compliance re: Appellant's Opening Brief (Anders Brief); Certificate of Service re: Anders Brief (Appellant)
14. 18-Dec-2023 ORDERED: If appellant wishes to file a pro se supplemental opening brief raising additional issues on appeal, appellant must do so by 01/29/2024. 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
15. 6-Feb-2024 FILED: (Stricken per order dated 03/12/2024) Assigning Anders appeal to Dept I for consideration and disposition. [Amy M. Wood, Clerk]
16. 12-Mar-2024 ORDERED: Striking assignment memorandum dated 02/06/2024. Amy M Wood - Author
17. 4-Apr-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Reporter's Transcripts previously filed in COA1; Presentence Investigation Report)
18. 11-Apr-2024 ORDERED: Supplementing the record on appeal by including the victim financial loss statement and supporting documents that the State hand-delivered to the superior court. FURTHER ORDERED: Directing the Clerk of the Yavapai County Superior Court to forward to this court by 04/22/2024, a certified copy of the documents designated above, marked for filing in this appeal. Benjamin A Armstrong ProTem Judge - Author
19. 16-Apr-2024 FILED: Motion to Withdraw as Attorney of Record; Certificate of Service Re: Motion to Withdraw as Attorney of Record (Appellant)
20. 16-Apr-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Notice of Filing Statement of Victim Financial Loss) (1 CA-CR 23-0040)
21. 16-Apr-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Notice of Filing Statement of Victim Financial Loss) (1 CA-CR 23-0315)
22. 22-Apr-2024 ORDERED: Motion to Withdraw as Attorney of Record (Appellant) = DENIED. FURTHER ORDERED: Adam Zickerman shall remain in this matter as advisory counsel for appellant Benjamin A Armstrong ProTem Judge - Author
23. 24-Apr-2024 FILED: Assigning Anders appeal to Dept B for consideration and disposition. [Amy M. Wood, Clerk]
24. 9-Jul-2024 MEMORANDUM DECISION (Affirmed as Modified) Hon David D Weinzwieg - Author; Hon Andrew M Jacobs - Concur; Hon Jennifer M Perkins - Concur (Motion for reconsideration extended thirty days from date of this decision.)
25. 9-Jul-2024 FILED: Decision Distribution Notification
26. 9-Jul-2024 FILED: Notice of Filing; Transmittal Letter; Certificate of Service Re: Notice of Filing: Transmittal Letter (Appellant)
27. 15-Aug-2024 FILED: Mandate, Physical record to clerk, Yavapai County Superior Court.
28. 15-Aug-2024 FILED: Letter dated 08/15/2024, to Dept Public Safety Re: Copy of Mandate/Decision/Disposition Report