

**Court of Appeals, Division One**

**Criminal**

**1 CA-CR 23-0317**

**STATE v. KIMBALL**

**Appellate Case Information**

Case Filed: 2-Aug-2023  
Case Closed:

**Dept/Composition**

**Department D**  
Hon. Samuel A Thumma  
Hon. Jennifer B Campbell  
Hon. Michael J Brown

**Side 1. STATE OF ARIZONA, Appellant**

(Litigant Group) STATE OF ARIZONA

- State of Arizona

**Attorneys for: Appellant**

Sasha Charls, Esq. (AZ Bar No. 36015)

**Side 2. JOSHUA RUIC KIMBALL, Appellee**

(Litigant Group) JOSHUA RUIC KIMBALL

- Joshua Ruic Kimball

**Attorneys for: Appellee**

David G Bednar, Esq. (AZ Bar No. 17937)

**CASE STATUS**

Jul 26, 2024.....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
CON S0300CR202200544			Joshua Steinlage, Authoring Judge of Order		

**DESCENDENT CASE(S)**

ASC CR-24-0181-PR

**CASE DECISION**

**27-Jun-2024 MEMORANDUM DECISION**

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

Filed: 27-Jun-2024 Mandate:

Decision Disposition
<b>Vacated</b>
<b>Remanded</b>

**19 PROCEEDING ENTRIES**

- 2-Aug-2023 FILED: Notice of Appeal from Coconino County Superior Court filed 07/17/23. Notification to Court Reporters dated 07/24/2023.
- 2-Aug-2023 FILED: e-Record on Appeal:  
Instruments/Minute Entries: Combined  
Disposition Report: None  
Exhibits: None sent with e-Record
- 4-Aug-2023 FILED: Appellate Clerk Notice (31.2(g))
- 16-Aug-2023 FILED: Reporter's Transcript - 07/06/2023 - Evidentiary Hearing Re: Motion to Dismiss (Tiffany Auer)
- 16-Aug-2023 FILED: Notice of Completion of Record
- 18-Sep-2023 FILED: Additional Record on Appeal  
Physical Exhibits:  
Hearing Date: 07/06/2023 List # 1 2 3 4 in manila envelope
- 28-Sep-2023 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
- 28-Sep-2023 FILED: Appendices (Appellant)
- 29-Sep-2023 ORDERED: Directing appellant to file amended, signed certificates of compliance and service by 10/06/2023. Benjamin A Armstrong ProTem Judge - Author
- 2-Oct-2023 FILED: Certificate of Compliance; Certificate of Service (Appellant)

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11. 28-Oct-2023 FILED: Appellee's Response [sic] Brief (Answering Brief); Certificate of Compliance/ Certificate of Service; Certificate of Compliance/ Certificate of Service (Duplicate) (Appellee)
12. 21-Dec-2023 CLNDR: CONFERENCE, Department D, 2-14-24, COURTROOM 2.
13. 1-Feb-2024 ORDERED: Revesting jurisdiction in the Coconino County Superior Court and directing that court to rule on the motion to reconsider, including after any additional briefing the superior court may deem appropriate, and any matters related thereto. FURTHER ORDERED: Directing the clerk of the superior court to transmit the superior court's ruling on the motion to reconsider and any record documents related thereto within 5 days of entry of the court's ruling. FURTHER ORDERED: Staying this appeal until 05/01/2024, unless, before that date, the court receives record documents confirming that the superior court has ruled on Appellant's motion to reconsider. FURTHER ORDERED: that the stay will be lifted automatically on 05/01/2024, unless before that date one of the parties files a motion to continue the stay describing the status of the superior court proceedings. Hon Samuel A Thumma - Author
14. 9-May-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
15. 14-Jun-2024 FILED: Memorandum resetting conference to 6/5/24 (Judge Thumma)
16. 27-Jun-2024 MEMORANDUM DECISION (Vacated, Remanded) Hon Michael J Brown - Author; Hon Samuel A Thumma - Concur; Hon Jennifer B Campbell - Concur
17. 27-Jun-2024 FILED: Decision Distribution Notification
18. 29-Jul-2024 FILED: Email Notice from ASC re: Petition for Review filed 7/26/24; request for partial record
19. 29-Jul-2024 FILED: Letter forwarding partial record to Arizona Supreme Court