

Court of Appeals, Division One

Criminal

1 CA-CR 23-0362

STATE v. BUSSEY

Appellate Case Information

Case Filed: 28-Aug-2023

Case Closed:

Dept/Composition

Department E

Hon. Brian Y Furuya
Hon. James B Morse
Hon. David D Weinzweig

Consolidated with: 1 CA-CR 23-0390

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Gracynthia Claw, Esq. (AZ Bar No. 30265)

Side 2. EMORY PAUL BUSSEY, JR., Appellant

(Litigant Group) EMORY PAUL BUSSEY, JR.

- Emory Paul Bussey, Jr.

Attorneys for: Appellant

Amy E Bain, Esq. (AZ Bar No. 15092)

CASE STATUS

Aug 8, 2024.....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2022-115250-001	Attempt to Commit Agg Aslt-Officer, Undesignated,	1 year, ADOC	Timothy J Thomason, Authoring Judge of Order	PROBVIOL	

2 OPEN DUE DATES

Motion for Reconsideration due

Due By: Friday, August 23, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon David D Weinzweig - Author; Hon Brian Y Furuya - Concur; Hon James B Morse Jr. - Concur

Petition for Review to ASC due

Due By: Monday, September 9, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon David D Weinzweig - Author; Hon Brian Y Furuya - Concur; Hon James B Morse Jr. - Concur

CASE DECISION

08-Aug-2024 MEMORANDUM DECISION

David Weinzweig.....Author
Brian Furuya.....Concur
James Morse.....Concur

Filed: 08-Aug-2024

Mandate:

Decision Disposition
Affirmed

DECISION APPLIES TO THE FOLLOWING OTHER CASE(S)

1 CA-CR 23-0390 STATE v. BUSSEY

36 PROCEEDING ENTRIES

- 28-Aug-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 08/23/23. Notification to Court Reporters dated 08/25/2023.
- 29-Aug-2023 FILED: Appellate Clerk Notice (31.2(g))
- 30-Aug-2023 ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Ken Crenshaw, and Court Reporter Kit Walker transcripts due 10/13/2023. Benjamin A Armstrong ProTem Judge - Author
- 8-Sep-2023 FILED: Courtesy Copy - Designation of Record for Appeal Filed in Superior Court (Appellant)
- 11-Sep-2023 ORDERED: Ken Crenshaw transcript(s) dated 07/29/2022, 08/31/2022, 07/06/2023, due by 10/26/2023. FURTHER ORDERED: Reaffirming this previously set due date of 10/13/2023 for transcripts dated 08/22/2023 for Ken Crenshaw. Hon Randall M Howe - Author

Court of Appeals, Division One**Criminal****1 CA-CR 23-0362****STATE v. BUSSEY****36 PROCEEDING ENTRIES**

6. 5-Oct-2023 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: 21 47 (Supplemental)
Exhibits: None sent with e-Record
7. 10-Oct-2023 FILED: Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope
8. 12-Oct-2023 FILED: Reporter's Transcript - 07/13/2023 - Verdict/Aggravation Phase/Aggravation Phase Verdict (Kit Walker)
9. 16-Oct-2023 ORDERED: Court Reporter Coordinator Ken Crenshaw transcript(s) dated 08/22/2023 due by 11/15/2023 or OSC set on 12/06/2023. Hon Randall M Howe - Author
10. 26-Oct-2023 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
11. 30-Oct-2023 ORDERED: Motion to Unseal Documents (Appellant) = GRANTED. Upon presentation of this order, unsealing the Court Information Sheet (I.O.R. 5) and the Restitution Ledger Request (I.O.R. 16), for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
12. 1-Nov-2023 FILED: Reporter's Transcript - 07/29/2022 - Plea Hearing (Stacy Mcwhorter)
13. 1-Nov-2023 FILED: Reporter's Transcript - 07/06/2023 - Status Conference (Stacy Mcwhorter)
14. 1-Nov-2023 FILED: Reporter's Transcript - 08/22/2023 - Motion in Limine (Stacy Mcwhorter)
15. 6-Nov-2023 FILED: Reporter's Transcript - 08/31/2022 - Sentencing Order (Logan Tsuji)
16. 17-Nov-2023 ORDERED: Ken Crenshaw transcripts dated 07/29/2022, and 07/06/2023 due by 12/18/2023 or OSC set on 12/20/2023 Hon Randall M Howe - Author
17. 18-Dec-2023 ORDERED: Vacating the Order to Show Cause hearing on 12/20/2023 for Ken Crenshaw. Hon Randall M Howe - Author
18. 19-Dec-2023 FILED: Notice of Completion of Record
19. 21-Dec-2023 FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
20. 27-Dec-2023 ORDERED: Motion To Withdraw And Substitute New Counsel; Motion to Extend Opening Brief Due Date (Appellant) = GRANTED and appointing attorney Amy Bain 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: The opening brief is due by 03/18/2024. Benjamin A Armstrong ProTem Judge - Author
21. 5-Jan-2024 FILED: Notice of Appearance; Certificate of Service (Appellant)
22. 18-Jan-2024 FILED: Motion to Consolidate Appeals; Certificate of Service (Appellant)
23. 22-Jan-2024 ORDERED: Motion to Consolidate Appeals (Appellant) = GRANTED and consolidating cases 1 CA-CR 23-0362 and 1 CA-CR 23-0390. Case no. 1 CA-CR 23-0362 is designated the primary number, and the above caption must be used on all future documents filed in this appeal. FURTHER ORDERED: that the opening brief in this consolidated appeal is due on 03/18/2024. Benjamin A Armstrong ProTem Judge - Author
24. 26-Jan-2024 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
25. 2-Feb-2024 FILED: Notice of Appearance; Certificate of Service (Appellee)
26. 27-Feb-2024 FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
27. 28-Feb-2024 ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Wednesday, 03-06-2024 to Friday, 04-05-2024. Benjamin A Armstrong ProTem Judge - Author
28. 5-Apr-2024 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
29. 12-Apr-2024 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
30. 12-Apr-2024 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant) (Duplicate)
31. 1-May-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
32. 10-May-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Reporter's Transcripts previously filed into COA1)

Court of Appeals, Division One

Criminal

1 CA-CR 23-0362

STATE v. BUSSEY

36 PROCEEDING ENTRIES

- 33. 28-May-2024 CLNDR: CONFERENCE, Department E, 7-10-24, CONFERENCE ROOM.
- 34. 8-Aug-2024 MEMORANDUM DECISION (Affirmed) Hon David D Weinzweig - Author; Hon Brian Y Furuya - Concur; Hon James B Morse Jr. - Concur
- 35. 8-Aug-2024 FILED: Mandate, Physical record to clerk, - or - No physical record to be returned to clerk, * County Superior Court.
- 36. 8-Aug-2024 FILED: Decision Distribution Notification