

Court of Appeals, Division One

Criminal

1 CA-CR 23-0365

STATE v. VELASQUEZ-CRUZ

Appellate Case Information

Case Filed: 28-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, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Emily Tyson-Jorgenson, Esq. (AZ Bar No. 38821)

Side 2. ANTONIO VELASQUEZ-CRUZ, Appellant

(Litigant Group) ANTONIO VELASQUEZ-CRUZ

- Antonio Velasquez-Cruz

Attorneys for: Appellant

Robert J Trebilcock, Esq. (AZ Bar No. 12004)

CASE STATUS

Jul 1, 2024.....Pending in ASC

Table with 7 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: YUM, S1400CR202001141, First Degree Murder (DV), Class 1; Second Degree Murder, Class 1, Natural Life, ADOC; 16 years, ADOC, Roger A Nelson, Sentencing, JURY

DESCENDENT CASE(S)

ASC CR-24-0160-PR

CASE DECISION

30-May-2024 MEMORANDUM DECISION

Samuel Thumma.....Author

Jennifer Campbell.....Concur

Michael Brown.....Concur

Filed: 30-May-2024

Mandate:

Decision Disposition

Affirmed

46 PROCEEDING ENTRIES

- 1. 28-Aug-2023 FILED: Notice of Appeal from Yuma County Superior Court filed 08/22/23.
2. 29-Aug-2023 FILED: Appellate Clerk Notice (31.2(g))
3. 30-Aug-2023 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: 8(Restricted) 106(Restricted) Exhibits: None sent with e-Record (Includes transcript(s) dated 11/25/2020)
4. 30-Aug-2023 FILED: Reporter's Transcript - 05/30/2023 - Jury Trial - Day One - (Elizabeth Hengstebeck)
5. 30-Aug-2023 FILED: Reporter's Transcript - 05/31/2023 - Jury Trial - Day Two - (Elizabeth Hengstebeck)
6. 30-Aug-2023 FILED: Notice Of Filing (Elizabeth Hengstebeck)
7. 30-Aug-2023 FILED: Notice of Appearance; Certificate of Service (Appellant)

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46 PROCEEDING ENTRIES

- 8. 1-Sep-2023 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 06/21/2023 - STATE'S EXHIBITS - List # 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 304 306 308 312 313 314 315 316 317 318 319 320 323 in a box
Hearing Date: 06/21/2023 - DEFENDANT'S EXHIBITS - List # 1 2 3 6 7 11 12 13 14 15 16 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 68 77 79 80 81 82 83 85 in a box
- 9. 1-Sep-2023 FILED: Reporter's Transcript - 06/02/2023 -Jury Trial - Day Three - (Elizabeth Hengstebeck)
- 10. 1-Sep-2023 FILED: Notice of Service of Transcript (Elizabeth Hengstebeck)
- 11. 4-Sep-2023 FILED: Reporter's Transcript - 06/06/2023 -Jury Trial - Day Four - (Elizabeth Hengstebeck)
- 12. 4-Sep-2023 FILED: Notice of Service of Transcript (Elizabeth Hengstebeck)
- 13. 5-Sep-2023 FILED: Reporter's Transcript - 06/07/2023 - Jury Trial - Day Five - (Elizabeth Hengstebeck)
- 14. 5-Sep-2023 FILED: Notice of Service of Transcript (Elizabeth Hengstebeck)
- 15. 6-Sep-2023 FILED: Reporter's Transcript - 06/20/2023 - Jury Trial (Day 10) (Julie K. Knowlton)
- 16. 6-Sep-2023 FILED: Reporter's Transcript - 08/03/2023 - Imposition of Sentence (Prison) (Julie K. Knowlton)
- 17. 6-Sep-2023 FILED: Affidavit: Notice of Service of Transcript (Julie K. Knowlton)
- 18. 8-Sep-2023 FILED: Reporter's Transcript - 06/09/2022 - Jury Trial - Day Six (Elizabeth Hengstebeck)
- 19. 8-Sep-2023 FILED: Notice of Service of Transcript (Elizabeth Hengstebeck)
- 20. 10-Sep-2023 FILED: Reporter's Transcript - 06/23/2023 - Jury Trial Day 12 - (Elizabeth Hengstebeck)
- 21. 10-Sep-2023 FILED: Notice of Service of Transcript (Elizabeth Hengstebeck)
- 22. 11-Sep-2023 FILED: Reporter's Transcript - 06/14/2023 - Jury Trial Day 8 - (Elizabeth Hengstebeck)
- 23. 11-Sep-2023 FILED: Notice of Service of Transcript (Elizabeth Hengstebeck)
- 24. 13-Sep-2023 FILED: Reporter's Transcript - 06/16/2023 - Jury Trial Day 9 - (Elizabeth Hengstebeck)
- 25. 13-Sep-2023 FILED: Notice of Service of Transcript (Elizabeth Hengstebeck)
- 26. 13-Sep-2023 FILED: Reporter's Transcript - 06/13/2023 - Jury Trial Day 7 (Katherine Pitotti)
- 27. 13-Sep-2023 FILED: Notice of Service of Transcript (Katherine Pitotti)
- 28. 13-Sep-2023 FILED: Notice of Completion of Record
- 29. 22-Sep-2023 FILED: Notice of Incomplete Record; Request for Production of Additional Transcripts; Motion to Supplement; Motion to Reset Briefing Schedule (Appellant); Certificate of Service (Appellant)
- 30. 27-Sep-2023 FILED: Withdrawal of Motion to Supplement Record. Request to Re-set Due Date; Certificate of Service (Appellant)
- 31. 5-Oct-2023 ORDERED: Notice of Incomplete Record; Request for Production of Additional Transcripts; Motion to Supplement; Motion to Reset Briefing Schedule Withdrawal of Motion to Supplement Record. Request to Re-set Due Date (Appellant) = GRANTED and withdrawing the notice of incomplete record and motion to supplement filed 09/22/2023. Because appellant was not provided a complete and correct copy of the record until approximately 09/27/2023, FURTHER ORDERED: Opening brief is due by 11/06/2023. Benjamin A Armstrong ProTem Judge - Author
- 32. 6-Nov-2023 FILED: Motion to Extend Time for Opening Brief; Certificate of Service (Appellant)
- 33. 6-Nov-2023 ORDERED: Motion to Extend Time for Opening Brief (Appellant) = GRANTED. Due date EXTENDED from 11-06-2023 to 12-06-2023 Benjamin A Armstrong ProTem Judge - Author

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34. 6-Dec-2023 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
35. 2-Jan-2024 FILED: Notice of Appearance; Certificate of Service (Appellee)
36. 12-Jan-2024 FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
37. 12-Jan-2024 ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from 01-16-2024 to 02-15-2024 Geoffrey P Butzine ProTem Judge - Author
38. 15-Feb-2024 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
39. 26-Feb-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
40. 5-Mar-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Also Contains Transcripts Previously Filed in COA1)
41. 6-Mar-2024 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
42. 26-Mar-2024 CLNDR: CONFERENCE, Department D, 5-8-24, COURTROOM 2.
43. 30-May-2024 MEMORANDUM DECISION (Affirmed) Hon Samuel A Thumma - Author; Hon Jennifer B Campbell - Concur; Hon Michael J Brown - Concur
44. 30-May-2024 FILED: Decision Distribution Notification
45. 1-Jul-2024 FILED: Email Notice from ASC re: Petition for Review filed 07/01/24; request for partial record
46. 1-Jul-2024 FILED: Letter forwarding partial record to Arizona Supreme Court