

Court of Appeals, Division One

Criminal

1 CA-CR 23-0370

STATE v. FOSTER

Appellate Case Information

Case Filed: 31-Aug-2023
Case Closed:

Dept/Composition

Department F
Hon. Daniel J Kiley
Hon. Kent E Cattani
Hon. David B Gass

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Eric Knobloch, Esq. (AZ Bar No. 30269)

Side 2. ROBERT J FOSTER, Appellant

(Litigant Group) ROBERT J FOSTER

- Robert J Foster

Attorneys for: Appellant

Michael L Piccarreta, Esq. (AZ Bar No. 3962)
Louis S Fidel, Esq. (AZ Bar No. 25479)
Jefferson L Keenan, Esq. (AZ Bar No. 13896)

CASE STATUS

May 30, 2024...Under Advisement

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2019-031015-001	Hit and Run w/Death/Injury, Class 3	3 years, Probation	Lisa Ann VandenBerg, Sentencing	JURY	

CALENDAR

Thursday MONTHLY COURT CASE CALENDAR

CR Cases

30-May-2024 Department F; COURTROOM 1

9:30 AM STATE OF ARIZONA..... 20 mins.
ROBERT J FOSTER..... 20 mins.

52 PROCEEDING ENTRIES

- 31-Aug-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 08/28/23. Notification to Court Reporters dated 08/30/2023.
- 1-Sep-2023 FILED: Appellate Clerk Notice (31.2(g))
- 6-Sep-2023 ORDERED: Directing Appellant to make arrangements with the court reporter(s) by 10/05/2023, to pay for the preparation of the transcripts. FURTHER ORDERED: Directing Appellant to file a notice in this court by 10/16/2023, as to the arrangements made. If Appellant fails to file a notice, the court will dismiss this appeal. FURTHER ORDERED: Appellant may file in the superior court a motion to proceed as indigent with a supporting affidavit. Attorney Michael Piccarreta must assist Appellant with any such request. Appellant must file a copy of the request in this court by 10/05/2023. FURTHER ORDERED: Absent satisfactory financial arrangements, no transcripts are due in this case until further order from this court. Benjamin A Armstrong ProTem Judge - Author
- 26-Sep-2023 FILED: Reporter's Transcript - 09/08/2022 - Trial (Michele Kaley)
- 26-Sep-2023 FILED: Reporter's Transcript - 09/14/2022 - Trial (Michele Kaley)
- 28-Sep-2023 ORDERED: Vacating the 09/01/2022, 09/06/2022, 09/07/2022, 09/08/2022, 09/14/2022, transcript due dates for Court Reporter Kristine Rogalewski-Mayo. FURTHER ORDERED: Vacating the 09/07/2022, transcript due date for Court Reporter Hope Yeager. FURTHER ORDERED: Vacating the 09/08/2022, 09/14/2022, transcript due dates for Court Reporter Michele Kaley. Hon Randall M Howe - Author
[VACATED per order filed 09/28/2023]
- 28-Sep-2023 ORDERED: Vacating the 09/28/2023, order vacating transcript due dates, in its entirety. FURTHER ORDERED: Affirming the due dates set in this court's order from 09/06/2023, regarding financial arrangements. Hon Randall M Howe - Author
- 3-Oct-2023 FILED: Reporter's Transcript - 05/09/2023 - Reporter's Transcript of Proceedings (Lisa Bradley)
- 8-Oct-2023 FILED: Reporter's Affidavit No Financial Arrangements (Hope Yeager)
- 9-Oct-2023 FILED: Reporter's Transcripts - 04/20/2023 - Trial Day 3 (Vanessa Gartner)

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11. 9-Oct-2023 FILED: Reporter's Transcripts - 05/04/2023 - Trial Day 8 (Vanessa Gartner)
12. 9-Oct-2023 FILED: Reporter's Transcripts - 05/10/2023 - Trial Day 11 (Vanessa Gartner)
13. 9-Oct-2023 FILED: Untitled Motion for Extension (Time to File Transcripts) (Lauren Kuhnhenh)
14. 10-Oct-2023 FILED: Reporter's Transcript - 04/24/2023 - Trial Day 4 (Nicole Tatlow)
15. 11-Oct-2023 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: 454
Exhibits: None sent with e-Record
16. 11-Oct-2023 FILED: Appellant's Notice Regarding Financial Arrangements for Preparation of Transcripts; Certificate of Service (Appellant)
17. 11-Oct-2023 FILED: Reporter's Transcript - 08/18/2023 - Sentencing/Mitigation Hearing (Kristyn L. Lobry)
18. 11-Oct-2023 FILED: Reporter's Transcript - 04/18/2023 - Trial (Cont'g) - (Luz Franco)
19. 11-Oct-2023 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 08/31/2021 List # 1 in manila envelope (in a box)
Hearing Date: 02/04/2022 List # 1 2 3 4 5 6 in manila envelope (in a box)
Hearing Date: 04/17/2023 List # 4 7 8 9 10 11 13 15 16 17 18 20 21 22 23 24 25 26 28 29 30 32 33 34 35 37 39 41 42 43 44 45
52 54 56 58 60 62 64 65 67 70 71 72 73 134 135 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158
159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 190 191 192
193 194 197 198 199 200 203 205 208 209 210 211 212 213 216 217 218 220 221 224 232 233 in manila envelope (in a box)
Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope (in a box)
20. 12-Oct-2023 FILED: Appellant's Notice Regarding Transcript Not Designated for Inclusion in the Record on Appeal; Certificate of Service (Appellant)
21. 13-Oct-2023 ORDERED: Vacating the 10/12/2023, due dates for the transcripts dated 09/01/2022, 09/06/2022, 09/07/2022, 09/08/2022, and 04/17/2023 for Court Reporters Kristine Rogalewski-Mayo, Lauren Kuhnhenh, and Hope Yeager. Benjamin A Armstrong ProTem Judge - Author
22. 13-Oct-2023 FILED: Reporter's Transcript - 04/20/2023 - Trial Day 3 (Diane Donoho)
23. 16-Oct-2023 ORDERED: The transcripts for the proceedings that took place on 04/18/2023, 04/25/2023, 04/26/2023, 04/27/2023, and 05/08/2023, must be filed by 11/16/2023. Benjamin A Armstrong ProTem Judge - Author
24. 15-Nov-2023 FILED: Reporter's Transcript - 04/18/2023 - Jury Trial - (Lauren Kuhnhenh)
25. 15-Nov-2023 FILED: Reporter's Transcript - 04/25/2023 - Jury Trial - (Lauren Kuhnhenh)
26. 15-Nov-2023 FILED: Reporter's Transcript - 04/26/2023 - Jury Trial - (Lauren Kuhnhenh)
27. 15-Nov-2023 FILED: Reporter's Transcript - 04/27/2023 - Jury Trial - (Lauren Kuhnhenh)
28. 15-Nov-2023 FILED: Reporter's Transcripts - 05/08/2023 - Jury Trial (Lauren Kuhnhenh)
29. 20-Nov-2023 FILED: Reporter's Transcripts - 05/08/2023 - Trial - Day 9 - PM (April Escobedo)
30. 20-Nov-2023 FILED: Notice of Completion of Record
31. 4-Jan-2024 FILED: Appellant's Motion for Procedural Order to Exceed Word Limitation; Certificate of Service (Appellant)
32. 4-Jan-2024 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)

[Accepted per order filed 01/09/2024]
33. 9-Jan-2024 ORDERED: Appellant's Motion for Procedural Order to Exceed Word Limitation (Appellant) = GRANTED and accepting the opening brief filed on 01/04/2024. FURTHER IS [sic] ORDERED: Answering brief must be filed by 02/20/2024. Hon David B Gass - Author
34. 12-Feb-2024 FILED: Notice of Appearance; Certificate of Service (Appellee)
35. 13-Feb-2024 FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)

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36. 15-Feb-2024 ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Tuesday, 02-20-2024 to Thursday, 03-21-2024 Benjamin A Armstrong ProTem Judge - Author
37. 14-Mar-2024 FILED: Reporter's Transcript - 02/04/2022 - Oral Argument/Evidentiary Hearing - (Khaleelah Gantt)
38. 21-Mar-2024 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
39. 2-Apr-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
40. 10-Apr-2024 FILED: Appellant's Unopposed Motion for Procedural Order to Exceed Word Limitation; Certificate of Service (Appellant)
41. 10-Apr-2024 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
[ACCEPTED per order filed 04/17/2024]
42. 11-Apr-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
43. 11-Apr-2024 FILED: Appellant's Notice of Errata; Certificate of Service (Appellant)
44. 16-Apr-2024 FILED: Appellant's Request for Oral Argument; Certificate of Service (Appellant)
45. 17-Apr-2024 ORDERED: Appellant's Unopposed Motion for Procedural Order to Exceed Word Limitation (Appellant) = GRANTED and accepting the reply brief filed 04/10/2024. Hon David B Gass - Author
46. 26-Apr-2024 ORDERED: Appellant's Request for Oral Argument (Appellant) = GRANTED. Hon David B Gass - Author
47. 26-Apr-2024 CLNDR: CONFERENCE, Department F, 5-30-24, CONFERENCE ROOM.
48. 17-May-2024 FILED: Notice of Oral Argument
49. 17-May-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Eric Knobloch on 05/17/2024 (Appellee)
50. 20-May-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Louis S. Fidel on 05/17/2024 (Appellant)
51. 22-May-2024 FILED: Memorandum: Judge Gass for Judge Williams (Chief Judge Gass)
52. 30-May-2024 FILED: Sign-in Sheet/Case is Under Advisement as of 05/30/2024