

Court of Appeals, Division One

Criminal

1 CA-CR 23-0390

STATE v. BUSSEY

Appellate Case Information

Case Filed: 11-Sep-2023

Case Closed:

Dept/Composition

Department E

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

Consolidated with: 1 CA-CR 23-0362

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

Table with 7 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2023-107444-001, Agg Aslt Dv-Impede Breathing, Class 4; Prevent/Interfer Tele-Emerg, Class 2, 7.5 years, ADOC; 4 months, Maricopa County Jail, Timothy J Thomason, Sentencing, JURY

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 23-0362

STATE v. BUSSEY

29 PROCEEDING ENTRIES

- 1. 11-Sep-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 08/23/23. Notification to Court Reporters dated 09/07/2023.
2. 13-Sep-2023 FILED: Appellate Clerk Notice (31.2(g))
3. 13-Sep-2023 ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Court reporters Kit Walker and Michele Kaley transcripts due by 10/30/2023. Benjamin A Armstrong ProTem Judge - Author
4. 28-Sep-2023 FILED: Reporter's Transcript - 08/22/2023 - Sentencing (Michele Kaley)
5. 5-Oct-2023 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: 85 Exhibits: None sent with e-Record

**Court of Appeals, Division One****Criminal****1 CA-CR 23-0390****STATE v. BUSSEY****29 PROCEEDING ENTRIES**

6. 6-Oct-2023 FILED: Additional Record on Appeal  
Physical Exhibits:  
Hearing Date: 07/10/2023 List # 1 2 3 6 8 12 13 18 19 21 22 in manila envelope  
Hearing Date: 08/22/2023 List # 1 2 3 4 in manila envelope  
Sealed Exhibit:  
Confidential Criminal History Report in Sealed Manila Envelope
7. 30-Oct-2023 FILED: Reporter's Transcript - 07/10/2023 - Jury Trial Day One (Kit Walker)
8. 30-Oct-2023 FILED: Reporter's Transcript - 07/11/2023 - Jury Trial Day Two (Kit Walker)
9. 30-Oct-2023 FILED: Reporter's Transcript - 07/12/2023 - Jury Trial Day Three (Kit Walker)
10. 30-Oct-2023 FILED: Notice of Completion of Record
11. 31-Oct-2023 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
12. 2-Nov-2023 FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
13. 3-Nov-2023 ORDERED: Motion to Unseal Documents; Certificate of Service (Appellant) = GRANTED. Upon presentation of this order, unsealing the Court Information Sheets (I.O.R. 2 and 10); the Sealed Jury Questionnaires (I.O.R. 61 and 62); and the Random Jury List (I.O.R. 67), for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
14. 3-Nov-2023 ORDERED: Motion to Withdraw and Substitute New Counsel (Appellant) = GRANTED. FURTHER ORDERED: Appointing attorney Amy Bain as attorney for appellant in this appeal. FURTHER ORDERED: 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: Motion to Extend Opening Brief Due Date = GRANTED. Due date EXTENDED from Thursday, 12-14-2023 to Monday, 01-29-2024. Benjamin A Armstrong ProTem Judge - Author
15. 5-Jan-2024 FILED: Notice of Appearance; Certificate of Service (Appellant)
16. 18-Jan-2024 FILED: Motion to Consolidate Appeals; Certificate of Service (Appellant)
17. 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
18. 26-Jan-2024 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
19. 26-Jan-2024 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
20. 2-Feb-2024 FILED: Notice of Appearance; Certificate of Service (Appellee)
21. 27-Feb-2024 FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
22. 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
23. 5-Apr-2024 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
24. 12-Apr-2024 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant) (Duplicate)
25. 1-May-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
26. 28-May-2024 CLNDR: CONFERENCE, Department E, 7-10-24, CONFERENCE ROOM.
27. 8-Aug-2024 MEMORANDUM DECISION (Affirmed) Hon David D Weinzweig - Author; Hon Brian Y Furuya - Concur; Hon James B Morse Jr. - Concur
28. 8-Aug-2024 FILED: Mandate, Physical record to clerk, - or - No physical record to be returned to clerk, \* County Superior Court.
29. 8-Aug-2024 FILED: Decision Distribution Notification