

Court of Appeals, Division One

Criminal

1 CA-CR 23-0409

STATE v. MENDOZA

Appellate Case Information

Case Filed: 21-Sep-2023
Case Closed:

Dept/Composition

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Joshua C Smith, Esq. (AZ Bar No. 30229)

Side 2. FRANK GALLAS MENDOZA, Appellant

(Litigant Group) FRANK GALLAS MENDOZA

- Frank Gallas Mendoza

Attorneys for: Appellant

Damon A Rossi, Esq. (AZ Bar No. 17461)

CASE STATUS

Jan 2, 2024.....Record Complete-Notice Completion Sent

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2018-005641-001	Murder 1st Degree	Natural Life, ADOC	Daniel G Martin, Sentencing	JURY	

2 OPEN DUE DATES

Answering Brief due **Due By:** Monday, November 4, 2024

Re: * ORDERED: Unopposed Motion for Complex Case Designation/Motion for 30-40 Day Extension (Appellant) [1 extension]
= GRANTED and designating this matter as a complex case. FURTHER ORDERED: Appellant must file the opening brief by 06/17/2024. FURTHER ORDERED: Appellee mu

Reply Brief due **Due By:** Monday, December 16, 2024

Re: * ORDERED: Unopposed Motion for Complex Case Designation/Motion for 30-40 Day Extension (Appellant) [1 extension]
= GRANTED and designating this matter as a complex case. FURTHER ORDERED: Appellant must file the opening brief by 06/17/2024. FURTHER ORDERED: Appellee mu

72 PROCEEDING ENTRIES

- 21-Sep-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 09/14/23. Notification to Court Reporters dated 09/20/2023.
- 21-Sep-2023 FILED: Appellate Clerk Notice (31.2(g))
- 26-Sep-2023 FILED: Courtesy Copy - Designation of Record for Appeal Filed in Superior Court (Appellant)
- 26-Sep-2023 ORDERED: Ken Crenshaw transcript(s) dated 09/02/2020, 12/21/2020, 06/07/2021, 08/02/2021, 09/13/2021, 01/04/2022, 03/08/2022, 08/30/2022, 10/31/2022, 12/01/2022, due by 11/13/2023. FURTHER ORDERED: Court Reporter Michelle White transcript(s) dated 07/10/2023 due by 11/13/2023. FURTHER ORDERED: Reaffirming this previously set due date of 10/30/2023 for transcripts dated 08/02/2023, 08/07/2023 for Court Reporter Michelle White. FURTHER ORDERED: Court Reporter Michele Kaley transcript(s) dated 06/12/2023, 06/13/2023, due by 11/13/2023. FURTHER ORDERED: Reaffirming this previously set due date of 10/30/2023 for transcripts dated 07/11/2023, 07/30/2023, for Court Reporter Michele Kaley. FURTHER ORDERED: Court Reporter Kristi Week transcript(s) dated 03/22/2019 due by 11/13/2023. FURTHER ORDERED: Court Reporter Catherine Turner transcript(s) dated 03/08/2023 due by 11/13/2023. FURTHER ORDERED: Court Reporter Jovanna Roman transcript(s) dated 08/20/2021 due by 11/13/2023. FURTHER ORDERED: Court Reporter Lori Reinhardt transcript(s) dated 01/25/2023, 04/17/2023, due by 11/13/2023. FURTHER ORDERED: Court Reporter Tara L Kramer transcript(s) dated 06/08/2022 due by 11/13/2023. FURTHER ORDERED: Court Reporter Jennifer Church transcript(s) dated 06/27/2023 due by 11/13/2023. FURTHER ORDERED: Court Reporter Debra Carney transcript(s) dated 09/08/2022 due by 11/13/2023. Hon Randall M Howe - Author
- 28-Sep-2023 FILED: Reporter's Transcript - 06/12/2023 - Trial Assignment (Michele Kaley)
- 28-Sep-2023 FILED: Reporter's Transcript - 06/13/2023 - Pretrial Assignment (Michele Kaley)
- 28-Sep-2023 FILED: Nunc Pro Tunc Minute Entry Removing Michele Kaley from 07/11/2023 Hearing (Michele Kaley)
- 13-Oct-2023 FILED: Reporter's Transcript - 03/08/2023 - Final Trial Management Conference - (Catherine Turner)
- 20-Oct-2023 FILED: Reporter's Transcript - 06/08/2022 - Oral Argument - (Tara L. Kramer)
- 26-Oct-2023 FILED: First Extension Request (Time to File Transcripts) (Diane Donoho)

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- 11. 26-Oct-2023 FILED: Reporter's Transcript - 08/08/2023 - Trial Day 14 (Nicole Tatlow)
- 12. 26-Oct-2023 ORDERED: First Extension Request (Time to File Transcripts) (Diane Donoho) = GRANTED. Due Dates EXTENDED from 10/29/2023 to 11/29/2023 for Transcripts dated 07/24/2023, 07/25/2023, 07/20/2023, 07/12/2023 or OSC set on 12/06/2023. While the motion was accepted, there was no reason given as to why the additional time was needed. Any future extension requests will not be considered if the reasoning as to why the request is needed is not presented in the filing. Hon Randall M Howe - Author
- 13. 27-Oct-2023 FILED: Reporter's Transcript - 08/01/2023 - Jury Trial (Lauren Kuhnenn)
- 14. 27-Oct-2023 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 08/20/2021 List # 1 2 3 4 in manila envelope (in a box)
Hearing Date: 09/08/2022 List # 1 2 3 6 7 in manila envelope (in a box)
Hearing Date: 07/11/2023 List # 1 1.001 1.002 1.003 1.004 1.005 1.006 1.007 1.008 1.009 1.010 1.011 1.012 1.013 1.014 1.015 2.001 2.002 3 3.001 3.002 3.003 3.004 3.005 3.006 3.007 3.008 3.009 3.010 3.011 3.012 3.013 4 4.001 4.002 4.003 4.004 4.005 4.006 4.007 4.008 4.009 4.010 4.011 4.012 4.013 4.014 5 5.001 5.002 5.003 5.004 5.005 5.006 5.007 5.008 5.009 5.010 5.011 5.012 5.013 5.014 5.015 6 6.001 6.002 6.003 6.004 6.005 6.006 6.007 6.008 6.009 6.010 6.011 6.012 6.013 6.014 7 7.001 7.002 7.003 7.004 7.005 7.006 7.007 8 8.001 8.002 8.003 9 9.001 9.002 15 15.001 15.002 15.003 15.004 15.005 15.006 15.007 15.008 15.009 15.010 15.011 15.012 15.013 15.014 15.015 15.016 15.017 15.018 15.019 15.020 15.021 15.022 15.023 15.024 15.025 15.026 15.027 15.028 15.029 15.030 15.031 15.032 15.033 15.034 15.035 15.036 15.037 15.038 15.039 15.040 15.041 15.042 16 16.001 16.002 16.003 16.004 16.005 16.006 19 20 20.001 22 22.001 23 24.001 24.002 24.003 24.004 24.005 24.006 24.007 24.008 24.009 24.010 24.011 24.012 24.013 24.014 24.015 24.016 24.017 24.018 24.019 24.020 24.021 24.022 24.023 24.024 24.025 24.026 24.027 24.028 24.029 24.030 24.031 25 26 28 29 30 31 32 47 48 49 50 51 52 53 55 56 59.004 60 67 67.001 67.002 67.003 67.004 67.005 67.006 67.007 67.008 67.009 67.010 67.011 67.012 67.013 67.014 67.015 67.016 67.017 67.018 67.019 67.020 67.021 67.022 67.023 67.024 67.025 67.026 67.027 67.028 67.029 67.030 67.031 67.032 67.033 67.034 70 71 72 77 79 80 81 82 83 84 85 86 90 92 in a box
Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope
- 15. 30-Oct-2023 FILED: Request for First Extension (Time to File Transcripts) (Kassie Kosmal)
- 16. 30-Oct-2023 FILED: Reporter's Transcript - 08/14/2023 - Trial - Day 16 (Kimberly Portik)
- 17. 30-Oct-2023 ORDERED: Request for First Extension (Time to File Transcripts) (Kassie Kosmal) = GRANTED. Due Dates EXTENDED to 11/29/2023 for Transcripts dated 08/15/2023, 08/03/2023, 07/11/2023, 07/18/2023 or OSC set on 12/06/2023. FURTHER ORDERED The due date will not be extended again, absent a timely showing of actual and substantial good cause. While the motion was accepted, there was no reason given as to why additional time was needed. Beginning 02/01/2024, any extension requests will not be considered if the reasoning as to why the request is needed is not presented in the filing. Hon Randall M Howe - Author
- 18. 30-Oct-2023 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: 347
Exhibits: None sent with e-Record
- 19. 30-Oct-2023 FILED: Reporter's Transcripts - 07/12/2023 - Trial Day 2 (Vanessa Gartner)
- 20. 30-Oct-2023 FILED: Reporter's Transcripts - 07/17/2023 - Trial Day 3 (Vanessa Gartner)
- 21. 30-Oct-2023 FILED: Reporter's Transcripts - 08/10/2023 - Trial Day 15 (Vanessa Gartner)
- 22. 30-Oct-2023 FILED: Reporter's Transcripts - 09/12/2023 - Sentencing (Vanessa Gartner)
- 23. 30-Oct-2023 FILED: First Motion for Extension Of Time to File (Transcripts) (Monica S Hill-Morrisette)
- 24. 31-Oct-2023 ORDERED: First Motion for Extension Of Time to File (Transcripts) (Monica S Hill-Morrisette) = GRANTED. Due date EXTENDED from 10/30/2023 to 11/29/2023 for transcript dated 07/27/2023 or OSC set on 12/06/2023. While the motion was accepted, there was no reason given as to why additional time was needed. Beginning 02/01/2024, any extension requests will not be considered if the reasoning as to why the request is needed is not presented in the filing. Hon Randall M Howe - Author
- 25. 31-Oct-2023 FILED: First Extension Request (Time to File Transcripts) (Michelle White)
- 26. 1-Nov-2023 ORDERED: First Extension Request (Time to File Transcripts) (Michelle White) = GRANTED. Due Dates EXTENDED to 11/29/2023 for Transcripts dated 08/07/2023, 08/02/2023 or OSC set on 12/06/2023. While the motion was accepted, there was no reason given as to why additional time was needed. Beginning 02/01/2024, any extension requests will not be considered if the reasoning as to why the request is needed is not presented in the filing. Hon Randall M Howe - Author
- 27. 1-Nov-2023 FILED: Reporter's Transcript - 04/17/2023 - Trial Management Conference (Lori Reinhardt)
- 28. 1-Nov-2023 FILED: Reporter's Transcript - 01/25/2023 - Trial Management Conference (Lori Reinhardt)

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29.	8-Nov-2023	FILED: Reporter's Transcript - 09/08/2022 - Evidentiary Hearing - (Debra Carney)
30.	8-Nov-2023	FILED: Reporter's Transcript - 07/31/2023 - Trial (Michele Kaley)
31.	13-Nov-2023	FILED: Reporter's Transcript - 06/27/2023 - Trial Procedure Conference/Oral Argument (Jennifer Church)
32.	13-Nov-2023	FILED: Reporter's Transcripts - 07/10/2023 - Pretrial Conference (Michelle E. White)
33.	13-Nov-2023	FILED: Reporter's Transcript - 01/04/2022 - Trial Continuance (Kimberly C. McCright)
34.	13-Nov-2023	FILED: Reporter's Transcript - 03/08/2022 - Final Trial Management Conference (Kimberly C. McCright)
35.	13-Nov-2023	FILED: Reporter's Transcript - 08/30/2022 - Final Trial Management Conference (Kimberly C. McCright)
36.	13-Nov-2023	FILED: Reporter's Transcript - 10/31/2022 - Final Trial Management Conference (Kimberly C. McCright)
37.	13-Nov-2023	FILED: Reporter's Transcript - 09/02/2020 - Complex Case Management Conference (Kimberly C. McCright)
38.	13-Nov-2023	FILED: Reporter's Transcript - 12/21/2020 - Complex Case Management Conference (Kimberly C. McCright)
39.	13-Nov-2023	FILED: Reporter's Transcript - 08/02/2021 - Trial Continuance (Kimberly C. McCright)
40.	13-Nov-2023	FILED: Reporter's Transcript -09/13/2021 - Trial Continuance (Kimberly C. McCright)
41.	14-Nov-2023	FILED: Reporter's Transcript - 12/01/2022 - Settlement Conference (Kimberly C. McCright)
42.	20-Nov-2023	ORDERED: Ken Crenshaw transcripts dated 06/07/2021 due by 12/20/2023 or OSC set on 01/03/2024. Hon Randall M Howe - Author
43.	20-Nov-2023	ORDERED: Court Reporter Jovanna Roman transcripts dated 08/20/2021 or OSC set on 12/06/2023. Hon Randall M Howe - Author
44.	20-Nov-2023	ORDERED: Court Reporter Kristi Week transcripts dated 03/22/2019 or OSC set on 12/06/2023. Hon Randall M Howe - Author
45.	21-Nov-2023	FILED: Reporter's Transcript - Oral Argument - 08/20/2021 (Jovanna Roman)
46.	27-Nov-2023	FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
47.	29-Nov-2023	FILED: Reporter's Transcript - 08/02/2023 - Trial Day 11 - (Michelle White)
48.	29-Nov-2023	FILED: Reporter's Transcripts - 08/07/2023 - Trial Day 13 - (Michelle White)
49.	29-Nov-2023	FILED: Reporter's Transcript - 07/11/2023 - Trial (Kassie Kosmal)
50.	29-Nov-2023	FILED: Reporter's Transcript - 08/15/2023 - Trial (Kassie Kosmal)
51.	29-Nov-2023	FILED: Reporter's Transcript - 07/27/2023 - Jury Trial - (Monica S Hill-Morrisette)
52.	30-Nov-2023	FILED: Reporter's transcript - 03/22/2019 - Oral Argument (Kristi Week)
53.	1-Dec-2023	ORDERED: Upon presentation of this order, unsealing the Court Information Sheet (I.O.R. 3); the State's MIL Re: Witness Disciplinary File (I.O.R. 200); the Original Sealed Document (I.O.R. 211); the Attachments to the State's Motion in Limine (I.O.R. 231); the Jury Questionnaires (I.O.R. 260, 261, 262, 263, 264, and 265); and the Random Jury List (I.O.R. 317), for parties/agents for this appeal only. FURTHER ORDERED: That after the parties or counsel complete the inspection and/or copying of these documents, the clerk of this court must reseal the documents. Benjamin A Armstrong ProTem Judge - Author
54.	1-Dec-2023	FILED: Reporter's Transcript - 07/12/2023 - Trial Day 2 - (Diane Donoho)
55.	1-Dec-2023	FILED: Reporter's Transcript - 07/20/2023 - Trial Day 5 - (Diane Donoho)
56.	1-Dec-2023	FILED: Reporter's Transcript - 07/24/2023 - Trial Day 6 - (Diane Donoho)
57.	1-Dec-2023	FILED: Reporter's Transcript - 07/25/2023 - Trial Day 7 - (Diane Donoho)
58.	3-Dec-2023	FILED: Reporter's Transcript - 07/18/2023 - Trial (Kassie Kosmal)
59.	4-Dec-2023	FILED: Reporter's Transcript - 08/03/2023 - Trial (Kassie Kosmal)
60.	1-Jan-2024	FILED: Reporter's Transcript - 06/07/2021 - Complex Case Management Conference (Kimberly C. McCright)
61.	2-Jan-2024	FILED: Notice of Completion of Record

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62. 5-Jan-2024 FILED: Notice of Appearance; Certificate of Service (Appellant)
63. 24-Jan-2024 FILED: Motion to Stay the Appeal to Permit Future Consolidation with an Appeal from Denial of Motion for New Trial; Certificate of Service (Appellant)
64. 30-Jan-2024 ORDERED: Motion to Stay the Appeal to Permit Future Consolidation with an Appeal from Denial of Motion for New Trial (Appellant) = GRANTED and staying this appeal until 04/01/2024. On 04/02/2024, the stay will be automatically lifted unless before then appellant files a notice of disposition, a motion to dismiss the appeal pursuant to Rule 31.24, or a motion to continue the stay. The Court does not express an opinion on the merits of the pending Rule 32.1(f) petition for post-conviction relief. FURTHER ORDERED: The opening brief must be filed by 05/02/2024. This deadline will be extended if the stay is extended. FURTHER ORDERED: Directing the Clerk of the Maricopa County Superior Court to transmit to this court a certified copy of any order entered as a result of the post-conviction relief proceedings within 5 days after its entry. Benjamin A Armstrong ProTem Judge - Author
65. 14-Mar-2024 FILED: Procedural Motion: Motion to Lift Stay on Appeal; Certificate of Service (Appellant)
66. 18-Mar-2024 ORDERED: Procedural Motion: Motion to Lift Stay on Appeal (Appellant) = GRANTED and lifting the stay effective immediately. FURTHER ORDERED: Appellant may file a motion to supplement the record on appeal no later than 04/17/2024. FURTHER ORDERED: Appellant may file a motion to designate the case as complex no later than 04/17/2024. The court expresses no opinion regarding whether designating the case as complex is appropriate. FURTHER ORDERED: The opening brief is due by 04/17/2024. This deadline will be extended if appellant files a motion to supplement the record and/or a motion to designate the case as complex and the court grants the motion(s). Benjamin A Armstrong ProTem Judge - Author
67. 25-Mar-2024 FILED: Unopposed Motion for Complex Case Designation/Motion for 30-40 Day Extension; Certificate of Service (Appellant)
68. 4-Apr-2024 ORDERED: Unopposed Motion for Complex Case Designation/Motion for 30-40 Day Extension (Appellant) = GRANTED and designating this matter as a complex case. FURTHER ORDERED: Appellant must file the opening brief by 06/17/2024. FURTHER ORDERED: Appellee must file the answering brief by 09/05/2024. FURTHER ORDERED: Appellant may file a reply brief by 10/15/2024. Hon David B Gass - Author
69. 6-Jun-2024 FILED: Motion for Procedural Order: Unopposed Motion to Extend Complex Case Briefing Schedule (First Extension Request); Certificate of Service (Appellant)
70. 7-Jun-2024 ORDERED: Motion for Procedural Order: Unopposed Motion to Extend Complex Case Briefing Schedule (First Extension Request) (Appellant) = GRANTED. FURTHER IS ORDERED: Appellant must file the opening brief by 08/16/2024. FURTHER IS ORDERED: Appellee must file the answering brief by 11/04/2024. FURTHER IS ORDERED: Appellant may file a reply brief by 12/16/2024. Hon David B Gass - Author
71. 16-Aug-2024 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
72. 23-Aug-2024 FILED: Notice of Appearance; Certificate of Service (Appellee)