

Court of Appeals, Division One

Criminal

1 CA-CR 23-0435

STATE v. PONSATI

Appellate Case Information

Case Filed: 10-Oct-2023

Case Closed:

Dept/Composition

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Alice Jones, Esq. (AZ Bar No. 28062)

Side 2. MARK ERIC PONSATI, Appellant

(Litigant Group) MARK ERIC PONSATI

- Mark Eric Ponsati

Attorneys for: Appellant

Stephen M Johnson, Esq. (AZ Bar No. 15831)

CASE STATUS

Jan 8, 2024.....Record Complete-Notice Completion Sent

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2017-142307-001, Murder 2nd Deg-Intentional, Class 1, 25 years, ADOC, Michael C Blair, Sentencing, JURY.

OPEN DUE DATE

Opening Brief Due

Due By: Monday, September 30, 2024

Re: FILED: Notice of Completion of Record

[2 extensions]

112 PROCEEDING ENTRIES

- 1. 10-Oct-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 09/29/23. Notification to Court Reporters dated 10/06/2023.
2. 10-Oct-2023 FILED: Appellate Clerk Notice (31.2(g))
3. 11-Oct-2023 ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Court Reporters Terry Masciola, Jennifer Church, Kristyn Lobry, Robin Lawlor, Kit Walker, Treva Colwell, Debra Carney, Lauren Kuhnhenh, Marylynn LeMoine Cotton, Scott Kindle, Catherine Turner, Lori Reinhardt, Vanessa Gartner, and Diane Donoho transcript(s) due by 11/27/2023. Benjamin A Armstrong ProTem Judge - Author
4. 16-Oct-2023 FILED: Reporter's Transcript - 01/26/2023 - Jury Trial Day 4 - morning session (Robin Lawlor)
5. 20-Oct-2023 FILED: Courtesy Copy - Designation of Record for Appeal Filed in Superior Court (Appellant)
6. 23-Oct-2023 ORDERED: Ken Crenshaw transcript(s) dated 09/28/2017, 01/11/2022, 09/18/2022, 11/10/2022, 11/14/2022, 01/03/2023, 01/17/2023, due by 12/07/2023. FURTHER ORDERED: Court Reporter Jennifer Church transcript(s) dated 03/18/2022, 03/21/2022, 03/29/2022, 06/02/2022, 07/14/2022, 07/26/2022, 08/29/2022, 09/28/2022, 11/08/2022, 11/30/2022, due by 12/07/2023. FURTHER ORDERED: Reaffirming this previously set due date of 11/27/2023 for transcripts dated 01/24/2023, 02/06/2023, 02/14/2023, and 03/01/2023, for Court Reporter Jennifer Church. FURTHER ORDERED: Court Reporter Treva Colwell transcript(s) dated 03/22/2022 due by 12/07/2023. FURTHER ORDERED: Reaffirming this previously set due date of 11/27/2023 for transcripts dated 02/01/2023, for Court Reporter Treva Colwell. FURTHER ORDERED: Court Reporter Diane Donoho transcript(s) dated 07/24/2019, due by 12/07/2023. FURTHER ORDERED: Reaffirming this previously set due date of 11/27/2023 for transcripts dated 05/19/2023, for Court Reporter Diane Donoho. FURTHER ORDERED: Court Reporter Wanda Bauer transcript(s) dated 05/09/2022 due by 12/07/2023. FURTHER ORDERED: Court Reporter Kristin DeCasas transcript(s) dated 07/17/2019 due by 12/07/2023. FURTHER ORDERED: Court Reporter Jeanne Kappedal transcript(s) dated 05/26/2021 due by 12/07/2023. FURTHER ORDERED: Court Reporter Tara L Kramer transcript(s) dated 08/06/2018, 08/21/2018, 09/27/2018, 01/08/2019, 11/27/2019, 01/29/2020, 04/28/2023, due by 12/07/2023. FURTHER ORDERED: Court Reporter Kristine Rogalewski-Mayo transcript(s) dated 07/08/2021, 09/01/2021, 09/23/2021, due by 12/07/2023. FURTHER ORDERED: Court Reporter Teri Veres transcript(s) dated 08/05/2021, due by 12/07/2023. FURTHER ORDERED: Court Reporter Hope Yeager transcript(s) dated 11/08/2021, due by 12/07/2023. Hon Randall M Howe - Author
7. 27-Oct-2023 FILED: Reporter's Transcript - 02/28/2023 - Jury Trial - (Catherine Turner)
8. 31-Oct-2023 FILED: Returned US Mail, Designation of Record order dated 10/23/2023, addressed to Jeanne Kappedal, returned from Superior Court (resent on 10/31/2023)
9. 3-Nov-2023 FILED: Courtesy Copy - Amended Designation of Record for Appeal Filed in Superior Court (Appellant)

Court of Appeals, Division One**Criminal****1 CA-CR 23-0435****STATE v. PONSATI****112 PROCEEDING ENTRIES**

10. 5-Nov-2023 FILED: Reporter's Transcript - 03/02/2023 - Jury Trial - (Catherine Turner)
11. 6-Nov-2023 ORDERED: Vacating that portion of the court's order dated 10/23/2023, directing Court Reporter Robin G Lawlor to file the above specified transcript(s) (transcript dated 02/26/2023). Hon Randall M Howe - Author
12. 9-Nov-2023 FILED: Record on Appeal:
Combined Instruments/Minute Entries
Disposition Report: #419, Filed 5/30/23
13. 9-Nov-2023 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 01/23/2023 List # 5 45 48 49 58 59 60 61 62 63 64 67 68 71 75 77 81 84 98 99 104 105 106 107 108 109 110 111
112 113 114 122 123 124 138 145 146 147 148 in manila envelope
Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope
14. 16-Nov-2023 FILED: Reporter's Transcript - 07/24/2019 - Status Conference (Diane Donoho)
15. 16-Nov-2023 FILED: Reporter's Transcript - 05/19/2023 - Sentencing (Diane Donoho)
16. 16-Nov-2023 FILED: Reporter's Transcript - 05/26/2021 - Status Conference (Diane Donoho on behalf of J. Kapedal)
17. 20-Nov-2023 FILED: Untitled Motion (Time to File Transcripts) (Lauren Kuhnhenh)
18. 20-Nov-2023 FILED: Reporter's Transcripts - 03/22/2022 - Evidentiary Hearing - Day 2 (Treva B. Colwell)
19. 20-Nov-2023 FILED: Reporter's Transcripts - 02/01/2023 - Trial - Day 7 (Treva B. Colwell)
20. 20-Nov-2023 ORDERED: Untitled Motion (Time to File Transcripts) (Lauren Kuhnhenh) = GRANTED. Due Dates EXTENDED to 12/27/2023 for Transcripts dated 02/21/2023, 02/23/2023 or OSC set on 01/03/2024. Hon Randall M Howe - Author
21. 21-Nov-2023 FILED: Reporter's Transcript - 08/06/2018 - Complex Case Management Conference - (Tara L. Kramer)
22. 21-Nov-2023 FILED: Reporter's Transcript - 08/21/2018 - Status Conference - (Tara L. Kramer)
23. 21-Nov-2023 FILED: Reporter's Transcript - 09/27/2018 - Complex Case Management Conference - (Tara L. Kramer)
24. 21-Nov-2023 FILED: Reporter's Transcript - 01/08/2019 - Complex Case Management Conference - (Tara L. Kramer)
25. 21-Nov-2023 FILED: Reporter's Transcript - 11/27/2019 - Complex Case Management Conference - (Tara L. Kramer)
26. 21-Nov-2023 FILED: Reporter's Transcript - 01/29/2020 - Complex Case Management Conference - (Tara L. Kramer)
27. 21-Nov-2023 FILED: Reporter's Transcript - 04/28/2023 - Sentencing/Mitigation (Partial) - (Tara L. Kramer)
28. 22-Nov-2023 FILED: Reporter's Transcript - Reporter's Transcript of Proceedings - 05/09/2022 (Wanda Bauer)
29. 22-Nov-2023 FILED: Reporter's Transcripts - 07/08/2021- Complex Case Management Conference - (Kristine Mayo)
30. 22-Nov-2023 FILED: Reporter's Transcripts - 09/01/2021 - Complex Case Management Conference - (Kristine Mayo)
31. 22-Nov-2023 FILED: Reporter's Transcripts - 09/23/2021 - Complex Case Management Conference - (Kristine Mayo)
32. 24-Nov-2023 FILED: Untitled Motion (Time to File Transcripts) (Kristyn L. Lobry)
33. 24-Nov-2023 ORDERED: Untitled Motion (Time to File Transcripts) (Kristyn L. Lobry) = GRANTED. Due date EXTENDED from 11-27-2023 to 12-27-2023 or OSC set on 01/03/2024. 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
34. 25-Nov-2023 FILED: Motion for Extension of Time to File Transcripts (Jennifer D. Church)
35. 26-Nov-2023 FILED: Reporter's Transcript - 08/05/2021 - Status Conference (Teri L. Veres)
36. 26-Nov-2023 FILED: First Extension Request (Time to File Transcripts) (Terry Masciola)
37. 26-Nov-2023 FILED: Motion for Extension of Time (Time to file Transcripts) (Marylynn LeMoine Cotton)
38. 27-Nov-2023 FILED: Reporter's Transcript - 01/26/2023 - Jury Trial Day Four/PM Session (Kit Walker)
39. 27-Nov-2023 FILED: Reporter's Transcript - 01/31/2023 - Jury Trial Day Six (Kit Walker)

Court of Appeals, Division One**Criminal****1 CA-CR 23-0435****STATE v. PONSATI****112 PROCEEDING ENTRIES**

40. 27-Nov-2023 FILED: Reporter's Transcript - 02/07/2023 - Jury Trial Day Ten (Kit Walker)
41. 27-Nov-2023 FILED: Reporter's Transcript - 02/08/2023 - Jury Trial Day Eleven (Kit Walker)
42. 27-Nov-2023 FILED: Reporter's Transcript - 02/27/2023 - Trial Day 20 (Scott Kindle)
43. 27-Nov-2023 FILED: Reporter's Transcript - 03/13/2023 - Trial Day 28 (Morning) (Scott Kindle)
44. 27-Nov-2023 FILED: Reporter's Transcript - 02/09/2023 - Jury Trial Day Twelve (Kit Walker)
45. 27-Nov-2023 FILED: Reporter's Transcript - 02/13/2023 - Jury Trial Day Thirteen (Kit Walker)
46. 27-Nov-2023 FILED: Reporter's Transcript - 02/15/2023 - Jury Trial Day Fifteen (Kit Walker)
47. 27-Nov-2023 FILED: Reporter's Transcript - 02/16/2023 - Jury Trial Day Sixteen (Kit Walker)
48. 27-Nov-2023 ORDERED: Motion for Extension of Time (Time to file Transcripts) (Marylynn LeMoine Cotton) = GRANTED. Due date EXTENDED from Monday, 11-27-2023 to Wednesday, 12-27-2023 (Transcript for 02/22/2023 by Reporter Marylynn LeMoine Cotton due) or OSC set on 01/03/2024. 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
49. 27-Nov-2023 ORDERED: First Extension Request (Time to File Transcripts) (Terry Masciola) = GRANTED. Due Dates EXTENDED to 12/27/2023 for Transcripts dated 01/23/2023, 01/30/2023 or OSC set on 01/03/2024. 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
50. 27-Nov-2023 ORDERED: Motion for Extension of Time to File Transcripts (Jennifer D. Church) = GRANTED. Due Dates EXTENDED to 12/27/2023 for Transcripts dated 01/24/2023, 02/06/2023, 02/14/2023, 03/01/2023 or OSC set on 01/03/2024. 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
51. 27-Nov-2023 FILED: Reporter's Transcript - 02/02/2023 - Trial Day 8 - (Debra Carney)
52. 27-Nov-2023 FILED: Reporter's Transcript - 03/06/2023 - Trial Day 24 (Scott Kindle)
53. 27-Nov-2023 FILED: Reporter's Transcript - 03/07/2023 - Trial Day 25 (Scott Kindle)
54. 27-Nov-2023 FILED: Reporter's Transcript - 03/08/2023 - Trial Day 26 (Scott Kindle)
55. 27-Nov-2023 FILED: Reporter's Transcripts - 03/13/2023 - Trial Day 28 (Vanessa Gartner)
56. 28-Nov-2023 FILED: Reporter's Transcript - 03/09/2023 - Trial Day 27 (Lori Reinhardt)
57. 1-Dec-2023 FILED: Reporter's Transcript - 03/21/2022 - Evidentiary Hearing Day 1 (Jennifer Church)
58. 1-Dec-2023 FILED: Reporter's Transcript - 01/24/2023 - Trial Day 2 (Jennifer Church)
59. 1-Dec-2023 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
60. 3-Dec-2023 FILED: Reporter's Transcript - 11/08/2021 - Final Trial Management Conference/Continuance - (Hope J Yeager)
61. 4-Dec-2023 FILED: Motion for Extension of Time (Time to file Transcripts) (Kristin DeCasas)
62. 5-Dec-2023 ORDERED: Motion for Extension of Time (Time to file Transcripts) (Kristin DeCasas) = GRANTED. Due date EXTENDED from Thursday, 12-07-2023 to Monday, 01-08-2024 (Transcript for 07/17/2019 by Reporter Kristin DeCasas due) or OSC set on 01/17/2024. 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
63. 7-Dec-2023 FILED: Motion for Extension of Time to File Transcripts (Court Reporter Jennifer Church)
64. 7-Dec-2023 FILED: Reporter's Transcript - 02/06/2023 - Trial Day 9 (Jennifer Church)
65. 7-Dec-2023 ORDERED: Motion for Extension of Time to File Transcripts (Court Reporter Jennifer Church) = GRANTED. Due Dates EXTENDED to 01/08/2024 for Transcripts dated 03/18/2022, 03/29/2022, 06/02/2022, 07/14/2022, 07/26/2022, 08/29/2022, 09/28/2022, 11/08/2022, 11/30/2022 or OSC set on 01/17/2024. Hon Randall M Howe - Author
66. 7-Dec-2023 FILED: Reporter's Transcript - 03/29/2022 - Evidentiary Hearing Day 3 (Jennifer Church)
67. 7-Dec-2023 FILED: Reporter's Transcript - 02/14/2023 - Trial Day 14 (Jennifer Church)

Court of Appeals, Division One**Criminal****1 CA-CR 23-0435****STATE v. PONSATI****112 PROCEEDING ENTRIES**

68. 8-Dec-2023 ORDERED: Upon presentation of this order, unsealing the Court Information Sheets (I.O.R. 4 and 8); the Sealed Jury Questionnaires (I.O.R. 368 through 372); the Random Jury List (I.O.R. 378); the Restitution Ledger Request (I.O.R. 393); and the Victim Information Sheets for Lifetime No-Contact Injunctions (I.O.R. 407 through 417), for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
69. 12-Dec-2023 FILED: Reporter's Transcript - 02/22/2023 - Trial - (Marylynn LeMoine Cotton)
70. 12-Dec-2023 FILED: Reporter's Transcript - 09/28/2017 - Not Guilty Arraignment (Logan Tsuji)
71. 12-Dec-2023 FILED: Reporter's Transcript - 11/10/2022 - Status Conference (Janice M. Grill)
72. 12-Dec-2023 FILED: Reporter's Transcript - 08/18/2022 - Final Trial Management Conference/Trial Procedure Conference (Logan Tsuji)
73. 12-Dec-2023 FILED: Reporter's Transcript - 01/11/2022 - Settlement Conference (Logan Tsuji)
74. 12-Dec-2023 FILED: Reporter's Transcript - 11/14/2022 - Trial Continuance Past Last Day (Janice M. Grill)
75. 12-Dec-2023 FILED: Reporter's Transcript - 01/03/2023 - Complex Case Management Conference (Janice M. Grill)
76. 12-Dec-2023 FILED: Reporter's Transcript - 01/17/2023 - Final Trial Management Conference (Janice M. Grill)
77. 20-Dec-2023 FILED: Reporter's Transcripts - 02/21/2023 - Jury Trial (Lauren Kuhnhenh)
78. 20-Dec-2023 FILED: Reporter's Transcripts - 02/23/2023 - Jury Trial (Lauren Kuhnhenh)
79. 20-Dec-2023 FILED: Reporter's Transcript - 03/01/2023 - Trial Day 22 (Jennifer Church)
80. 24-Dec-2023 FILED: Reporter's Transcript - 01/25/2023 - Trial Day 3 (Kristyn L. Lobry)
81. 27-Dec-2023 FILED: Reporter's Transcript - 01/23/2023 - Trial (Jury Selection)- (Terry Masciola)
82. 27-Dec-2023 FILED: Reporter's Transcript - 01/30/2023 - Trial - (Terry Masciola)
83. 2-Jan-2024 FILED: Reporter's Transcript - 03/18/2022 - Status Conference (Jennifer Church)
84. 2-Jan-2024 FILED: Reporter's Transcript - 06/02/2022 -Complex Case Management Conference (Jennifer Church)
85. 7-Jan-2024 FILED: Reporter's Transcript - 07/07/2019 [sic] - Reporter's Transcript of Proceedings (Kristin DeCasas)
86. 8-Jan-2024 FILED: Reporter's Transcript - 07/14/2022 - Status Conference (Jennifer Church)
87. 8-Jan-2024 FILED: Reporter's Transcript - 07/26/2022 - Final Trial Management Conference/Trial Continuance (Jennifer Church)
88. 8-Jan-2024 FILED: Reporter's Transcript - 08/29/2022 - Trial Continuance (Jennifer Church)
89. 8-Jan-2024 FILED: Reporter's Transcript - 09/28/2022 - Status Conference (Jennifer Church)
90. 8-Jan-2024 FILED: Reporter's Transcript -11/08/2022 - Trial Management Conference (Jennifer Church)
91. 8-Jan-2024 FILED: Reporter's Transcript - 11/30/2022 - Status Conference (Jennifer Church)
92. 8-Jan-2024 FILED: Reporter's Transcript - 07/17/2019 - Reporter's Transcript of Proceedings (Kristin DeCasas)
93. 8-Jan-2024 FILED: Notice of Completion of Record
94. 9-Jan-2024 FILED: Notice of Apointment of Appellate Counsel; Certificate of Service (Appellant)
95. 11-Jan-2024 FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
96. 16-Jan-2024 ORDERED: The court will take no action regarding the motion to withdraw. Benjamin A Armstrong ProTem Judge - Author
97. 31-Jan-2024 FILED: Motion for Ruling on Withdrawing Public Defender's Motion to Extend Time (Extension for Opening Brief); Certificate of Service (Appellant)
98. 1-Feb-2024 ORDERED: Motion for Ruling on Withdrawing Public Defender's Motion to Extend Time (Extension for Opening Brief) (Appellant) = GRANTED. Due date EXTENDED from Thursday, 02-22-2024 to Monday, 04-08-2024. Benjamin A Armstrong ProTem Judge - Author
99. 14-Mar-2024 FILED: Motion to Withdraw as Counsel of Record for Appellant; Certificate of Service (Appellant)

Court of Appeals, Division One

Criminal

1 CA-CR 23-0435

STATE v. PONSATI

112 PROCEEDING ENTRIES

100. 18-Mar-2024 ORDERED: Granting the motion to withdraw. FURTHER ORDERED: Directing the Maricopa County Office of Public Defense Services to assign new contract counsel to represent appellant in this appeal and to provide this court the name of assigned counsel by 04/01/2024. FURTHER ORDERED: Vacating the 04/08/2024, deadline to file the opening brief. The court will set a new deadline to file the opening brief once new counsel is assigned. Benjamin A Armstrong ProTem Judge - Author
101. 5-Apr-2024 FILED: Letter, 4/1/24, from Appellant to Court re: Status
102. 8-Apr-2024 ORDERED: Directing the Maricopa County Office of Public Defense Services to assign new contract counsel to represent appellant in this appeal and to provide this court the name of assigned counsel by 04/22/2024. Benjamin A Armstrong ProTem Judge - Author
103. 16-Apr-2024 FILED: Letter, 4/16/24, from Court to Appellant, enclosing copy of docket
104. 30-Apr-2024 ORDERED: Directing the Maricopa County Office of Public Defense Services to assign new contract counsel to represent appellant in this appeal and to provide this court the name of assigned counsel by 05/13/2024. Benjamin A Armstrong ProTem Judge - Author
105. 21-May-2024 ORDERED: Either a notice of assignment or notice of appearance must be filed by 05/31/2024 or OSC set on 06/05/2024 for Stephanie Trzaskowski. Hon David B Gass - Author
106. 23-May-2024 FILED: Notice of Appearance; Certificate of Service (Appellant)
107. 29-May-2024 FILED: Notice of Assignment and Request for Electronic Delivery; Certificate of Service (Appellant)
108. 30-May-2024 FILED: Notice of Completion of Record
109. 15-Jul-2024 FILED: Request for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
110. 16-Jul-2024 ORDERED: Request for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 07-15-2024 to Wednesday, 08-14-2024 Benjamin A Armstrong ProTem Judge - Author
111. 14-Aug-2024 FILED: Request for Extension of Time to File Opening Brief (Second Request); Certificate of Service (Appellant)
112. 15-Aug-2024 ORDERED: Request for Extension of Time to File Opening Brief (Second Request) (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 08-14-2024 to Monday, 09-30-2024 Benjamin A Armstrong ProTem Judge - Author