

Court of Appeals, Division One

Criminal

1 CA-CR 23-0497

STATE v. DIAZ

Appellate Case Information

Case Filed: 9-Nov-2023

Case Closed:

Dept/Composition

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Casey Ball, Esq. (AZ Bar No. 34987)

Side 2. JOEL JONATHAN DIAZ, Appellant

(Litigant Group) JOEL JONATHAN DIAZ

- Joel Jonathan Diaz

Attorneys for: Appellant

Michael P Denea, Esq. (AZ Bar No. 14768)

Kevin R Myer, Esq. (AZ Bar No. 19919)

CASE STATUS

Jan 2, 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, CR2021-001398-001, Sexual Assault, Class 2, 6 years, ADOC, David W Garbarino, Sentencing, JURY, Dispo.

OPEN DUE DATE

Answering Brief Due

Due By: Friday, September 6, 2024

Re: FILED: Appellant Joel Diaz's Opening Brief; Appellant's Opening Brief Compliance; Appellant's Opening Brief Service (Appellant)

[2 extensions]

[See Amended Brief filed 05/30/2024]

PENDING MATTER

Order to Show Cause - Attorney

Filed: 6-Aug-2024

Attorney Casey Ball answering brief due by 09/06/2024

36 PROCEEDING ENTRIES

- 1. 9-Nov-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 11/02/23. Notification to Court Reporters dated 11/08/2023.
2. 13-Nov-2023 FILED: Appellate Clerk Notice (31.2(g))
3. 14-Nov-2023 ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Directing court reporters Lauren Kuhnhen, Kit Walker, Catherine Turner, and Tara Kramer to prepare an original and two copies of all transcripts Arizona Rule of Criminal Procedure 31.8 requires and furnish one copy to appellant's counsel, one copy to appellee's counsel, and the original to the clerk of this court by 12/29/2023, marked for filing in this appeal. Benjamin A Armstrong ProTem Judge - Author
4. 19-Nov-2023 FILED: Reporter's Transcript - 09/20/2023 - Jury Trial - (Catherine Turner)
5. 19-Nov-2023 FILED: Reporter's Transcript - 09/25/2023 - Jury Trial - (Catherine Turner)
6. 8-Dec-2023 FILED: Reporter's Transcript - 09/11/2023 - Jury Trial PM - (Tara L. Kramer)
7. 15-Dec-2023 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 09/11/2023 List # 1 2 3 4 5 6 7 8 9 10 11 12 13 16 19
21 22 27 28 29 37 38 40 41 44 45 47 50 51 56 86 87 93 94 96 97 98 99
100 101 102 105 106 107 108 122 124 125 126 127 130 131 133 in manila envelope
Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope

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8. 15-Dec-2023 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: 163
Exhibits: None sent with e-Record
9. 27-Dec-2023 FILED: Reporter's Transcript - 09/11/2023 - Jury Trial Day One Morning Session (Kit Walker)
10. 27-Dec-2023 FILED: Reporter's Transcript - 09/12/2023 - Jury Trial Day Two (Kit Walker)
11. 27-Dec-2023 FILED: Reporter's Transcript - 09/13/2023 - Jury Trial Day Three (Kit Walker)
12. 27-Dec-2023 FILED: Reporter's Transcript - 09/14/2023 - Jury Trial Day Four (Kit Walker)
13. 27-Dec-2023 FILED: Reporter's Transcript - 09/18/2023 - Jury Trial Day Five (Kit Walker)
14. 27-Dec-2023 FILED: Reporter's Transcript - 09/19/2023 - Jury Trial Day Six (Kit Walker)
15. 27-Dec-2023 FILED: Reporter's Transcript - 09/21/2023 - Jury Trial Day Eight (Kit Walker)
16. 27-Dec-2023 FILED: Reporter's Transcript - 09/27/2023 - Jury Trial Day Eleven (Kit Walker)
17. 2-Jan-2024 FILED: Reporter's Transcripts - 10/30/2023 - Sentencing (Lauren Kuhnhehn)
18. 2-Jan-2024 FILED: Notice of Completion of Record
19. 4-Jan-2024 FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
20. 8-Jan-2024 ORDERED: Motion to Withdraw and Substitute New Counsel (Appellant) = GRANTED. FURTHER ORDERED: Appointing attorney Kerrie Droban Zhivago as attorney for appellant in this appeal. FURTHER ORDERED: The 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 Friday, 02-16-2024 to Monday, 04-01-2024. Benjamin A Armstrong ProTem Judge - Author
21. 13-Feb-2024 FILED: Notice Of Stipulation to Substitution of Counsel for Defendant; Certificate of Service (Appellant)
22. 13-Mar-2024 FILED: Motion For Extension Of Time Of Filing Deadline For Opening Brief; Service (Certificate of Service) (Appellant)
23. 14-Mar-2024 ORDERED: Motion For Extension Of Time Of Filing Deadline For Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 04-01-2024 to Wednesday, 05-01-2024 Benjamin A Armstrong ProTem Judge - Author
24. 24-Apr-2024 FILED: Motion for Extension of Time of Filing Deadline for Opening Brief; Service (Appellant)
25. 25-Apr-2024 ORDERED: Motion for Extension of Time of Filing Deadline for Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 05-01-2024 to Wednesday, 05-15-2024. Benjamin A Armstrong ProTem Judge - Author
26. 10-May-2024 FILED: Motion for Extension of Time of Filing Deadline for Opening Brief; Service (Certificate of Service) (Appellant)
27. 13-May-2024 ORDERED: Motion for Extension of Time of Filing Deadline for Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 05-15-2024 to Wednesday, 05-22-2024. Benjamin A Armstrong ProTem Judge - Author
28. 21-May-2024 FILED: Motion For Extension Of Time Of Filing Deadline For Opening Brief; Certificate of Service (Appellant)
29. 22-May-2024 ORDERED: Motion For Extension Of Time Of Filing Deadline For Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 05-22-2024 to Wednesday, 05-29-2024 or OSC set on 06/05/2024. Geoffrey P Butzine ProTem Judge - Author
30. 29-May-2024 FILED: Appellant Joel Diaz's Opening Brief; Appellant's Opening Brief Compliance; Appellant's Opening Brief Service (Appellant)
[See Amended Brief filed 05/30/2024]
31. 30-May-2024 FILED: Appellant Joel Diaz's Amended Opening Brief; Appellant's Amended Opening Brief Compliance; Appellant's Amended Opening Brief Service (Appellant)
32. 30-May-2024 FILED: Notice of Appearance; Certificate of Service (Appellee)
33. 1-Jul-2024 FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
34. 2-Jul-2024 ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Monday, 07-08-2024 to Wednesday, 08-07-2024 Benjamin A Armstrong ProTem Judge - Author

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36 PROCEEDING ENTRIES

- 35. 5-Aug-2024 FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Second Request); Certificate of Service (Appellee)
- 36. 6-Aug-2024 ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Second Request) (Appellee) = GRANTED. Due date EXTENDED from Wednesday, 08/07/2024 to Friday, 09/06/2024 or OSC set on 09/18/2024 Benjamin A Armstrong ProTem Judge - Author