

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 23-0555

STATE v. GIBBS

Appellate Case Information

Case Filed: 19-Dec-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. JAMES GAYLE GIBBS, SR., Appellant

(Litigant Group) JAMES GAYLE GIBBS, SR.

- James Gayle Gibbs, Sr.

Attorneys for: Appellant

Kerrie M Droban Zhivago, Esq. (AZ Bar No. 16464)

CASE STATUS

Mar 21, 2024....Record Complete-Notice Completion Sent

Table with 7 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2020-001297-001, See file, See file, David W Garbarino, Sentencing, JURY, Dispo.

OPEN DUE DATE

Anders Supplemental Brief Due

Due By: Thursday, September 12, 2024

Re: * ORDERED: Allowing appellant to file supplemental brief in propria persona. FURTHER ORDERED: Counsel to send copy of record to appellant, and copy of transmittal letter to Clerk/AG. FURTHER ORDERED: Appellant may raise additional points on/before 7/16 [1 extension]

CALENDAR

Friday MOTION CALENDAR

23-Aug-2024 Department M;

File date: 8/19/2024.....Request to Have Ruling

File date: 8/19/2024.....Motion to Replace Appellant Counsel (Appellant Pro Per)

DECISION RENDERED: See proceeding entry for ORDER dated 26-Aug-2024 for more information...

34 PROCEEDING ENTRIES

- 1. 19-Dec-2023 FILED: Notice of Appeal from Maricopa County Superior Court filed 12/13/23. Notification to Court Reporters dated 12/18/2023.
2. 19-Dec-2023 FILED: Appellate Clerk Notice (31.2(g))
3. 20-Dec-2023 ORDERED: Directing Appellant to make arrangements with the court reporter(s) by 01/19/2024, to pay for the preparation of the transcripts. FURTHER ORDERED: Directing Appellant to file a notice in this court by 01/29/2024, as to the arrangements made.
4. 18-Jan-2024 FILED: Notice of Preparation of Transcripts; Certificate of Service (Appellant)
5. 22-Jan-2024 FILED: Reporter's Transcript - 10/25/2023 - Jury Trial - (Catherine Turner)
6. 25-Jan-2024 FILED: Record on Appeal Physical Exhibits: Hearing Date: 10/16/2023 List # 12 18 22 in manila envelope Sealed Exhibit: Confidential Criminal History Report in Sealed Manila Envelope
7. 26-Jan-2024 ORDERED: extending the time to file all the transcripts due in this matter from 01/29/2024, to 03/11/2024. Benjamin A Armstrong ProTem Judge - Author

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8. 26-Jan-2024 FILED: Additional Record on Appeal: Combined Instruments/Minute Entries Disposition Report: #145, Filed 12/21/23
9. 29-Jan-2024 FILED: Reporter's Transcript - 10/16/2023 - Jury Trial Day One (Kit Walker)
10. 29-Jan-2024 FILED: Reporter's Transcript - 10/17/2023 - Jury Trial Day Two (Kit Walker)
11. 23-Feb-2024 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
12. 4-Mar-2024 ORDERED: Motion to Unseal Documents (Appellant) = GRANTED. Upon presentation of this order, unsealing the Court Information Sheet (I.O.R. 4); the Random Jury List (I.O.R. 127); the Sealed Jury Questionnaires (I.O.R. 128, 129 and 130); and the Restitution Ledger Request (I.O.R. 134), for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
13. 11-Mar-2024 FILED: Reporter's Transcript - 10/23/2023 - Jury Trial - (Kassie Kosmal)
14. 11-Mar-2024 FILED: Reporter's Transcript - 11/01/2023 - Jury Trial - (Kassie Kosmal)
15. 12-Mar-2024 FILED: Reporter's Transcripts - 12/01/2023 - Sentencing Hearing (Michelle White)
16. 16-Mar-2024 FILED: Reporter's Transcript - 10/30/2023 - Jury Trial (Kassie Kosmal)
17. 21-Mar-2024 FILED: Notice of Completion of Record
18. 25-Mar-2024 FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
19. 1-Apr-2024 ORDERED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date (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: Due date for the opening brief EXTENDED from Monday, 05-06-2024 to Thursday, 06-20-2024 Benjamin A Armstrong ProTem Judge - Author
20. 1-Jun-2024 FILED: Letter, dated 06/01/2024, to Appellant from Counsel re: Forwarding records on appeal (Appellant)
21. 1-Jun-2024 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
22. 1-Jun-2024 FILED: Request Leave To Allow Appellant To File Supplemental Brief, In Propria Persona; Certificate of Service (Appellant)
23. 6-Jun-2024 ORDERED: Allowing appellant to file supplemental brief in propria persona. FURTHER ORDERED: Counsel to send copy of record to appellant, and copy of transmittal letter to Clerk/AG. FURTHER ORDERED: Appellant may raise additional points on/before 7/16/24. FURTHER ORDERED: Answering brief to await court order. Benjamin A Armstrong ProTem Judge - Author
24. 28-Jun-2024 FILED: Motion for Extension of Time to File a Supplemental Brief (Appellant Pro Per)
25. 1-Jul-2024 ORDERED: Motion for Extension of Time to File a Supplemental Brief (Appellant Pro Per) = GRANTED. Due date EXTENDED from Tuesday, 07-16-2024 to Thursday, 08-15-2024. Benjamin A Armstrong ProTem Judge - Author
26. 15-Jul-2024 FILED: Motion to Supplement Record (Appellant Pro Per)
27. 15-Jul-2024 FILED: Motion to Order Appellant Counsel to Provide Missing Portion of the Record (Appellant Pro Per)
28. 22-Jul-2024 ORDERED: Motion to Supplement Record (Appellant Pro Per) = DENIED. Benjamin A Armstrong ProTem Judge - Author
29. 22-Jul-2024 ORDERED: Directing appellant's counsel to comply with this court's order of 06/06/2024, and furnish appellant a paper of all records on appeal other than the transcripts by 08/13/2024. Counsel shall provide the Clerk of this Court and appellee a copy of counsel's transmittal letter, specifying the documents forwarded to appellant, by 08/13/2024. FURTHER ORDERED: The pro se supplemental opening brief must be filed by 09/12/2024. Benjamin A Armstrong ProTem Judge - Author
30. 22-Jul-2024 FILED: Letter, dated 06/01/2024, to Appellant from Counsel re: Forwarding records on appeal (Appellant)
31. 26-Jul-2024 FILED: Letter, dated 07/27/2024, to Appellant from Counsel re: Forwarding records on appeal (Appellant)
32. 19-Aug-2024 FILED: Motion to Replace Appellant Counsel (Appellant Pro Per)
33. 19-Aug-2024 FILED: Request to Have Ruling [sic] on Appellant's "Motion to Supplement the Record" Sent to Appellant (Appellant Pro Per)
[Copy of requested document mailed to Appellant on 08/26/24]

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34 PROCEEDING ENTRIES

34. 26-Aug-2024 ORDERED: Motion to Replace Appellant Counsel (Appellant Pro Per) = DENIED. Benjamin A Armstrong ProTem Judge - Author