

Court of Appeals, Division One

Criminal

1 CA-CR 24-0034

STATE v. GAVINA

Appellate Case Information

Case Filed: 19-Jan-2024

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)

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

Side 2. MANUEL GAVINA, Appellant

(Litigant Group) MANUEL GAVINA

- Manuel Gavina

Attorneys for: Appellant

Sheri M Lauritano, Esq. (AZ Bar No. 16087)

CASE STATUS

Mar 15, 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, CR2021-002129-001, See file, See file, Mark H Brain, Sentencing, JURY

2 OPEN DUE DATES

Transcript due Due By: Wednesday, September 18, 2024

Transcript for <undefined description> on 10/11/2023 by Reporter Kit Walker due.

Answering Brief Due Due By: Friday, October 18, 2024

Re: FILED: Appellant's Opening Brief; Appellant's Opening Brief Certificate of Compliance; Appellant's Opening Brief Certificate of Service (Appellant)

[STRICKEN per order filed 08/12/2024]

2 CALENDARS

Friday MOTION CALENDAR

9-Aug-2024 Department M;

File date: 8/7/2024.....Motion to Strike Opening Brief and SUBSTITUTE AMENDED APPELLANT'S OPENING BRIEF (Appellant)

DECISION RENDERED: See proceeding entry for ORDER dated 12-Aug-2024 for more information...

File date: 8/7/2024.....MOTION TO STRIKE OPENING BRIEF and Substitute Amended Appellant's Opening Brief (Appellant)

DECISION RENDERED: See proceeding entry for ORDER dated 12-Aug-2024 for more information...

Friday MOTION CALENDAR

16-Aug-2024 Department M;

File date: 8/15/2024.....Unopposed Motion to Supplement the Record(Appellee)

DECISION RENDERED: See proceeding entry for ORDER dated 19-Aug-2024 for more information...

36 PROCEEDING ENTRIES

- 1. 19-Jan-2024 FILED: Notice of Appeal from Maricopa County Superior Court filed 01/08/24. Notification to Court Reporters dated 01/17/2024.
2. 19-Jan-2024 FILED: Appellate Clerk Notice (31.2(g))

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3. 22-Jan-2024 ORDERED: Directing Appellant to make arrangements with the court reporter(s) by 02/21/2024, to pay for the preparation of the transcripts. FURTHER ORDERED: Directing Appellant to file a notice in this court by 03/04/2024, as to the arrangements made. If Appellant fails to file a notice, the court will dismiss this appeal. FURTHER ORDERED: Appellant may file in the superior court a motion to proceed as indigent with a supporting affidavit. Counsel Jess Lorona must assist appellant with any such request. Appellant must file a copy of the request in this court by 02/21/2024. FURTHER ORDERED: Absent satisfactory financial arrangements, no transcripts are due in this case until further order from this court. Benjamin A Armstrong ProTem Judge - Author
4. 5-Feb-2024 FILED: 01/29/2024 Maricopa County Superior Court Minute Entry
5. 7-Feb-2024 ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Court Reporters Scott Kindle, Robin Lawlor, Wendy Ricard transcript(s) due by 03/25/2024. Benjamin A Armstrong ProTem Judge - Author
6. 8-Feb-2024 FILED: Reporter's Transcripts - 10/30/2023 - Jury Trial - Day 12 (Jury Question) - (Robin Lawlor)
7. 22-Feb-2024 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None sent with e-Record
8. 23-Feb-2024 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 03/24/2023 List # 1 2 3 4 5 6 7 8 9 in manila envelope
Hearing Date: 10/10/2023 List # 1 2 3 38 39 41 42 44 45 47 in manila envelope
Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope
9. 26-Feb-2024 FILED: Reporter's Transcript - 10/31/2023 - Verdict - (Wendy C. Ricard)
10. 4-Mar-2024 FILED: Reporter's Transcripts - 01/05/2024 - Sentencing (Treva B. Colwell)
11. 4-Mar-2024 FILED: Reporter's Transcripts - 10/19/2023 - Trial - Day 7 (Treva B. Colwell)
12. 4-Mar-2024 FILED: Reporter's Transcripts - 10/24/2023 - Trial - Day 9 (Treva B. Colwell)
13. 4-Mar-2024 FILED: Reporter's Transcripts - 10/25/2023 - Trial - Day 10 (Treva B. Colwell)
14. 4-Mar-2024 FILED: Reporter's Transcripts - 10/26/2023 - Trial - Day 11 (Treva B. Colwell)
15. 4-Mar-2024 FILED: Reporter's Transcripts - 10/11/2023 - Trial - Day 2 (Treva B. Colwell)
16. 4-Mar-2024 FILED: Reporter's Transcripts - 10/12/2023 - Trial - Day 3 (Treva B. Colwell)
17. 4-Mar-2024 FILED: Reporter's Transcripts - 10/16/2023 - Trial - Day 4 (Treva B. Colwell)
18. 4-Mar-2024 FILED: Reporter's Transcripts - 10/18/2023 - Trial - Day 6 (Treva B. Colwell)
19. 12-Mar-2024 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
20. 14-Mar-2024 FILED: Reporter's Transcript - 10/17/2023 - Trial Day 5 (Scott Kindle)
21. 14-Mar-2024 FILED: Reporter's Transcript - 10/23/2023 - Trial Day 8 (Scott Kindle)
22. 15-Mar-2024 FILED: Notice of Completion of Record
23. 18-Mar-2024 ORDERED: Upon presentation of this order, unsealing the Court Information Sheet (I.O.R. 3); the Victim Identifier Information Form (I.O.R. 6); the Sealed Jury Questionnaires (I.O.R. 130, 131, 132, 133, 134, 321, 322, and 323); the Random Jury Lists (I.O.R. 161 and 318); the Restitution Ledger Request (I.O.R. 342); and the Victims' Information Sheets for Lifetime No-Contact Injunctions (I.O.R. 357, 358, 359, 360, and 361), for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
24. 21-Mar-2024 FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
25. 25-Mar-2024 ORDERED: Motion to Withdraw (Appellant) = GRANTED. FURTHER ORDERED: Appointing attorney Sheri Lauritano 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 EXTENDED from Monday, 04-29-2024 to Thursday, 06-13-2024. Benjamin A Armstrong ProTem Judge - Author
26. 12-Jun-2024 FILED: Motion to Extend Time for Appellant to File Opening Brief; Certificate of Service (Appellant)

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27. 13-Jun-2024 ORDERED: Motion to Extend Time for Appellant to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Thursday, 06-13-2024 to Monday, 07-15-2024. Benjamin A Armstrong ProTem Judge - Author
28. 12-Jul-2024 FILED: Motion to Extend Time for Appellant to File Opening Brief; Certificate of Service (Appellant)
29. 12-Jul-2024 ORDERED: Motion to Extend Time for Appellant to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 07-15-2024 to Wednesday, 08-14-2024 or OSC set on 08/21/2024. Benjamin A Armstrong ProTem Judge - Author
30. 24-Jul-2024 FILED: Appellant's Opening Brief; Appellant's Opening Brief Certificate of Compliance; Appellant's Opening Brief Certificate of Service (Appellant)

[STRICKEN per order filed 08/12/2024]
31. 6-Aug-2024 FILED: Notice of Appearance; Certificate of Service (Appellee)
32. 7-Aug-2024 FILED: Motion to Strike Opening Brief and Substitute Amended Appellant's Opening Brief; Motion to Strike Opening Brief and Substitute Amended Appellant's Opening Brief Certificate of Service (Appellant)
33. 7-Aug-2024 FILED: Amended Appellant's Opening Brief; Certificate of Compliance Amended Appellant's Opening Brief; Certificate of Service Amended Appellant's Opening Brief (Appellant)

[ACCEPTED per order filed 08/12/2024]
34. 12-Aug-2024 ORDERED: Motion to Strike Opening Brief and Substitute Amended Appellant's Opening Brief (Appellant) = GRANTED and striking the opening brief filed 07/24/2024. FURTHER ORDERED: Sealing the opening brief filed 07/24/2024. FURTHER ORDERED: Accepting the amended opening brief filed 08/07/2024. FURTHER ORDERED: Answering brief must be filed by 09/23/2024. Benjamin A Armstrong ProTem Judge - Author
35. 15-Aug-2024 FILED: Unopposed Motion to Supplement the Record; Certificate of Service (Appellee)
36. 19-Aug-2024 ORDERED: Unopposed Motion to Supplement the Record(Appellee) = GRANTED and directing court reporter Kit Walker to prepare an original and two copies of the transcript designated above and furnish one copy to appellant's counsel, one copy to appellee's counsel, and the original to the clerk of this court by 09/18/2024, marked for filing in this appeal. FURTHER ORDERED: The answering brief is due by 10/18/2024. Benjamin A Armstrong ProTem Judge - Author