

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 24-0108

STATE v. AGUILAR SANCHEZ

Appellate Case Information

Case Filed: 27-Feb-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)

Side 2. ANTONIO PASQUAL AGUILAR SANCHEZ, Appellant

(Litigant Group) ANTONIO PASQUAL AGUILAR SANCHEZ

- Antonio Pasqual Aguilar Sanchez

Attorneys for: Appellant

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

CASE STATUS

May 30, 2024...Record Complete-Notice Completion Sent

Apr 8, 2024.....Reinstated Case

Table with 7 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2022-002729-001, Crim Tresp 3rd Degree/Property, Class 3; Resist Arrest - Passive Resistance, Class 1; Narcotic Drug-Possess/Use, Class 4, 1 month, Maricopa County Jail; 1 month, Maricopa County Jail; 10 years, ADCRR, Kristin Culbertson, Sentencing, JURY

OPEN DUE DATE

Anders Supplemental Brief Due

Due By: Wednesday, October 16, 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 10/1

CASE DECISION

28-Feb-2024 ORDER

Vacated

ORDERED: Dismissing this appeal.

Filed: 28-Feb-2024

Mandate:

Decision Disposition

Dismissed

Benjamin Armstrong.....Author

21 PROCEEDING ENTRIES

- 1. 27-Feb-2024 FILED: Notice of Appeal from Maricopa County Superior Court filed 02/16/24. Notification to Court Reporters dated 02/23/2024.
2. 27-Feb-2024 FILED: Appellate Clerk Notice (31.2(g))
3. 28-Feb-2024 ORDERED: Dismissing this appeal. Benjamin A Armstrong ProTem Judge - Author
4. 3-Apr-2024 FILED: Motion: Letter (Motion to Reinstate Appeal) (Appellant Pro Per)
5. 8-Apr-2024 ORDERED: Motion: Letter (Motion to Reinstate Appeal) (Appellant Pro Per) = GRANTED and reinstating this appeal. A review of the record further shows appellant was represented by appointed counsel at trial, which necessarily required a determination that appellant is indigent. Indigent defendants have a right to appointed counsel on appeal and a right to a copy of the record on appeal at public expense. State v. Stolze, 112 Ariz. 124, 125 (1975). FURTHER ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: directing court reporter Nicole Tatlow 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 05/23/2024, marked for filing in this appeal. Benjamin A Armstrong ProTem Judge - Author

Court of Appeals, Division One

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21 PROCEEDING ENTRIES

6. 12-Apr-2024 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: 68
Exhibits: None sent with e-Record
7. 12-Apr-2024 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 07/10/2023 List # 1 2 3 5 6 9 10 in manila envelope
8. 21-May-2024 FILED: Reporter's Transcript - 07/11/2023 - Trial Day 2 - (Nicole Tatlow)
9. 21-May-2024 FILED: Reporter's Transcript - 08/30/2023 - Trial on Priors/Sentencing - (Nicole Tatlow)
10. 22-May-2024 FILED: Motion to Withdraw and Substitute New Counsel; Certificate of Service (Appellant)
11. 28-May-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. Benjamin A Armstrong ProTem Judge - Author
12. 30-May-2024 FILED: Notice of Completion of Record
13. 24-Jun-2024 FILED: Request to Vacate Notice of Completion of Record, Extend Briefing Deadling [sic] and Order Preparation of Transcripts; Certificate of Service (Appellant)
14. 1-Jul-2024 ORDERED: Request to Order Preparation of Transcripts (Appellant) = GRANTED and court reporter Nicole Tatlow transcript dated 07/10/2023 for first day of trial due by 07/31/2024. FURTHER ORDERED: Request to Extend Briefing Deadling [sic] = GRANTED. Due date EXTENDED from Monday, 07-15-2024 to Friday, 08-30-2024. FURTHER ORDERED: Request to Vacate Notice of Completion of Record = DENIED. Benjamin A Armstrong ProTem Judge - Author
15. 28-Jul-2024 FILED: Request for Extension of Time to File Transcript (Nicole Tatlow)
16. 30-Jul-2024 ORDERED: Request for Extension of Time to File Transcript (Nicole Tatlow) = GRANTED. Due date EXTENDED from Wednesday, 07/31/2024 to Friday, 08/30/2024 for Transcript dated 07/10/2023 or OSC set on 09/04/2024. FURTHER ORDERED: The opening brief is due by 09/30/2024. Hon Randall M Howe - Author
17. 27-Aug-2024 FILED: Reporter's Transcript - 07/10/2023 - Trial Day 1 - (Nicole Tatlow)
18. 5-Sep-2024 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
19. 5-Sep-2024 FILED: Request Leave to Allow Appellant to File Supplemental Brief, in Propria Persona; Certificate of Service (Appellant)
20. 5-Sep-2024 FILED: Letter, dated 09/05/2024, to Appellant from Counsel re: Forwarding records on appeal (Appellant)
21. 6-Sep-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 10/16/2024. FURTHER ORDERED: Answering brief to await court order. Benjamin A Armstrong ProTem Judge - Author