

Court of Appeals, Division One

Criminal

1 CA-CR 24-0329

STATE v. COOK

Appellate Case Information

Case Filed: 17-Jun-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. SEANTAIN LEROY COOK, Appellant

(Litigant Group) SEANTAIN LEROY COOK

- Seantain Leroy Cook

PRO SE

Advisory Counsel for: Appellant

Mikel Steinfeld, Esq. (AZ Bar No. 24996)

CASE STATUS

Aug 29, 2024...Case Closed

Table with 7 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2021-001928-001, Agg DUI-Lic Susp/Rev for DUI, Class 4; Agg DUI-Lic Susp/Rev for DUI, Class 4, 12 years, ADCRR; 12 years. ADCRR, Laura Johnson Giaquinto, Sentencing, JURY, Dispo.

CASE DECISION

29-Aug-2024 ORDER

ORDERED: Procedural Motion to Dismiss Appeal Due to P.C.R Proceeding (Appellant Pro Per) = GRANTED and dismissing this appeal under Arizona Rule of Criminal Procedure 31.24(b).

Filed: 29-Aug-2024

Mandate:

Decision Disposition

Dismissed

Benjamin Armstrong.....Author

33 PROCEEDING ENTRIES

- 1. 17-Jun-2024 FILED: Notice of Appeal from Maricopa County Superior Court filed 06/13/24. Notification to Court Reporters dated 06/14/2024.
2. 20-Jun-2024 FILED: Appellate Clerk Notice (31.2(g))
3. 21-Jun-2024 ORDERED: Appointing Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Court Reporters April Escobedo, Kristyn Lobry, and Scott Kindle transcripts due 08/05/2024. Benjamin A Armstrong ProTem Judge - Author
4. 25-Jun-2024 FILED: Reporter's Transcript - 04/12/2022 - Trial Day 2 - (Kristyn Lobry)
5. 26-Jun-2024 FILED: Reporter's Transcript - 04/13/2022 - Trial Day 3 (Scott Kindle)
6. 26-Jun-2024 FILED: Reporter's Transcript - 04/14/2022 - Trial Day 4 (Scott Kindle)
7. 1-Jul-2024 FILED: Procedural Motion to Dismiss Appeal Due to P.C.R Proceeding (Appellant Pro Per)
8. 8-Jul-2024 FILED: Courtesy Copy - Designation of Record for Appeal Filed in Superior Court (Appellant)
9. 9-Jul-2024 ORDERED: Court Reporter Coordinator Ken Crenshaw transcript(s) dated 01/10/2022, 02/07/2022, 02/25/2022, 03/02/2022, 04/04/2022, 04/22/2022, 06/20/2022, 09/22/2022, 02/27/2023, 11/16/2023 due by 08/23/2024. FURTHER ORDERED: Court Reporter Lori Reinhardt transcript(s) dated 03/23/2022 due by 08/23/2024. ORDERED: Court Reporter Scott Kindle transcript(s) dated 04/11/2022 due by 08/23/2024. FURTHER ORDERED: Reaffirming this previously set due date of 08/05/2024 for transcripts dated April 13, 2022 and April 14, 2022 for Court Reporter Scott Kindle. Hon Randall M Howe - Author
10. 16-Jul-2024 FILED: Reporter's Transcript - 03/23/2022 - Trial - (Lori Reinhardt)
11. 17-Jul-2024 FILED: Reporter's Transcript - 04/11/2022 - Trial Day 1 (Scott Kindle)
12. 18-Jul-2024 FILED: Procedural Motion to Reconsider (Appellant Pro Per)
13. 18-Jul-2024 FILED: Appellants [sic] Motion Seeking Telephonic Coleman Hearing (Appellant Pro Per)

Court of Appeals, Division One**Criminal****1 CA-CR 24-0329****STATE v. COOK****33 PROCEEDING ENTRIES**

14. 22-Jul-2024 FILED: Reporter's Transcripts - Trial on Priors/Sentencing - 06/20/2022 - (April Escobedo)
15. 25-Jul-2024 ORDERED: Staying this appeal until 08/26/2024, and revesting jurisdiction in the Maricopa County Superior court to conduct a "Faretta-like hearing" (informing appellant of the dangers and disadvantages of self-representation) and determine whether appellant's waiver of counsel on appeal is made knowingly, intelligently, and voluntarily. See Faretta v. California, 422 U.S. 806, 834-35 (1975) (identifying factors for valid waiver of counsel); Coleman, 235 Ariz. at 198-99, ¶ 19 (requiring a "Faretta-like hearing" before accepting waiver of appellate counsel). FURTHER ORDERED: Directing the clerk of the superior court to transmit to this court a certified copy of the superior court's determination regarding appellant's waiver of appellate counsel within 5 days after its entry, marked for filing in this appeal. FURTHER ORDERED: That the stay will be automatically lifted on 08/27/2024, unless one of the parties or the superior court seeks to extend the stay. FURTHER ORDERED: This order does not affect court reporter obligations to prepare and file timely all transcripts due in this matter. Benjamin A Armstrong ProTem Judge - Author
16. 26-Jul-2024 ORDERED: Procedural Motion to Reconsider (Appellant Pro Per) = TAKING NO ACTION regarding appellant's 07/18/2024, pro se motion to reconsider the order denying the motion to dismiss because that order only addressed the motion to dismiss filed in 1 CA-CR 24-0330 and was not issued in this appeal. Benjamin A Armstrong ProTem Judge - Author
17. 26-Jul-2024 ORDERED: Procedural Motion to Dismiss Appeal Due to P.C.R Proceeding (Appellant Pro Per) = Deferring a ruling on the motion to dismiss until the superior court makes its determination pursuant to Coleman and the stay of this matter is lifted. Benjamin A Armstrong ProTem Judge - Author
18. 26-Jul-2024 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: 133
Exhibits: None sent with e-Record
19. 30-Jul-2024 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 04/11/2022 List # 2 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 28 29 31 32 33 34 in manila envelope
Hearing Date: 06/20/2022 List # 1 2 4 5 6 in manila envelope
20. 18-Aug-2024 FILED: Affidavit Regarding Ordered Transcripts (Ken Crenshaw)
21. 21-Aug-2024 FILED: Reporter's Transcripts - 09/22/2021 - Not Guilty Arraignment Continuation - (Kimberly C. McCright)
22. 21-Aug-2024 FILED: Reporter's Transcripts - 01/10/2022 - Continuance - (Kimberly C. McCright)
23. 21-Aug-2024 FILED: Reporter's Transcripts - 02/07/2022 - Trial Continuance Past Last Day - (Kimberly C. McCright)
24. 21-Aug-2024 FILED: Reporter's Transcripts - 02/25/2022 - Oral Argument Re: Defendant's Motion to Dismiss - (Kimberly C. McCright)
25. 21-Aug-2024 FILED: Reporter's Transcripts - 03/03/2022 - Trial Practices and Procedures Conference - (Kimberly C. McCright)
26. 21-Aug-2024 FILED: Reporter's Transcripts - 04/04/2022 - Final Trial Management Conference - (Kimberly C. McCright)
27. 21-Aug-2024 FILED: Reporter's Transcripts - 06/20/2022 - Trial on Prior Convictions - (Kimberly C. McCright)
28. 21-Aug-2024 FILED: Reporter's Transcripts - 02/27/2023 - Status Conference Regarding Waiver of Appellate - (Kimberly C. McCright)
29. 21-Aug-2024 FILED: Reporter's Transcripts - 11/16/2023 - Status Conference - (Kimberly C. McCright)
30. 28-Aug-2024 ORDERED: Granting appellant's motion for self-representation on appeal. FURTHER ORDERED: That the Maricopa County Public Defender shall remain as advisory counsel for appellant in this matter. FURTHER ORDERED: directing court reporters Kristyn Lobry, Scott Kindle, Lori Reinhardt, April Escobedo, and Kimberly McCright to immediately provide copies of all transcripts in this matter to advisory counsel if they have not previously done so. FURTHER ORDERED: that upon completion of the record, advisory counsel must transmit to appellant a paper copy of the record on appeal, including transcripts, and file a copy of the transmittal letter with this court within five days. Benjamin A Armstrong ProTem Judge - Author
31. 29-Aug-2024 ORDERED: Procedural Motion to Dismiss Appeal Due to P.C.R Proceeding (Appellant Pro Per) = GRANTED and dismissing this appeal under Arizona Rule of Criminal Procedure 31.24(b). Benjamin A Armstrong ProTem Judge - Author
32. 29-Aug-2024 FILED: Letter, 08/29/2024, Certified Copy of Order dismissing appeal. Physical record returned to clerk, Maricopa County Superior Court.
33. 29-Aug-2024 FILED: Letter dated 08/29/2024, to Dept Public Safety Re: Copy of Mandate/Decision/Disposition Report