

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 24-0490

STATE v. LOPEZ

Appellate Case Information

Case Filed: 30-Aug-2024

Case Closed:

Dept/Composition

Department D

Hon. David B Gass
Hon. Michael J Brown
Hon. Andrew J Becke

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorney for: Appellee

Alice Jones, Esq. (AZ Bar No. 28062)

Side 2. MANUEL LOPEZ, II, Appellant

(Litigant Group) MANUEL LOPEZ, II

- Manuel Lopez, II

Attorney for: Appellant

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

CASE STATUS

Sep 30, 2025...Under Advisement

Sep 30, 2025...Assigned

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2023-102333-001, AGG DUI-LIC SUSP/REV FOR DUI, Class 4; AGG DUI-LIC SUSP/REV FOR DUI, Class 4; AGGRAVATED DUI-THIRD DUI, Class 4; AGGRAVATED DUI-THIRD DUI, Class 4, 10 Years; 10 Years; 10 Years; 10 Years, Harla M Davison, Sentencing, JURY

PENDING MATTER

General Motion

Filed: 6-Nov-2025

Motion for Limited Remand to Consider Newly Discovered Material Facts Under Rule 32.1 (e) and (H) (Appellant Pro Per)

59 PROCEEDING ENTRIES

- 1. 30-Aug-2024 FILED: Notice of Appeal from Maricopa County Superior Court filed 08/27/24 - Notification to Court Reporters dated 8/29/24
2. 5-Sep-2024 FILED: Appellate Clerk Notice (31.2(g))
3. 6-Sep-2024 ORDERED: Appointing Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Court Reporters Kristyn Lobry and Debra Carney, and Court Reporter Coordinator Ken Crenshaw transcripts due 10/21/2024. Benjamin A Armstrong ProTem Judge - Author
4. 9-Sep-2024 ORDERED: Directing court reporter Tara Kramer to prepare an original and two copies of the transcript of the afternoon session of the proceedings that took place on 12/05/2023, and furnish one copy to appellant's counsel, one copy to appellee's counsel, and the original to the clerk of this court by 10/24/2024, marked for filing in this appeal. Benjamin A Armstrong ProTem Judge - Author
5. 13-Sep-2024 FILED: Courtesy Copy - Designation of Record for Appeal Filed in Superior Court (Appellant)
6. 19-Sep-2024 FILED: Reporter's Transcript - 08/16/2024 - Sentencing Original (Kristyn Lobry)
7. 20-Sep-2024 ORDERED: Court Reporter Coordinator Ken Crenshaw transcript(s) dated 03/23/2023, 07/11/2023, 07/27/2023, 09/12/2023, 09/29/2023, 10/16/2023, 11/03/2023, 11/27/2023, 11/28/2023, 03/05/2024, and 06/19/2024 due by 11/04/2024. FURTHER ORDERED: Reaffirming this previously set due date of 10/21/2024 for transcripts dated 12/05/2023 for Court Reporter Coordinator Ken Crenshaw. FURTHER ORDERED: Court Reporter Tara Kramer transcript(s) dated 12/04/2024 due by 11/04/2024. FURTHER ORDERED: Reaffirming this previously set due date of 10/24/2024 for transcripts dated 12/05/2023 for Court Reporter Tara Kramer. FURTHER ORDERED: Court Reporter Debra Upham transcript(s) dated 07/15/2024 due by 11/04/2024. Hon Randall M Howe - Author
8. 30-Sep-2024 FILED: Reporter's Transcript - 07/15/2024 - Sentencing (Debra Upham)
9. 7-Oct-2024 FILED: Reporter's Transcript - 12/05/2023 - Jury Trial P.M. - (Tara L. Kramer)
10. 10-Oct-2024 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: 110 (Sealed) Digital Exhibits: None sent with e-Record

**Court of Appeals, Division One****Criminal - Anders Appeal****1 CA-CR 24-0490****STATE v. LOPEZ****59 PROCEEDING ENTRIES**

11.	11-Oct-2024	FILED: Additional Record on Appeal Physical Exhibits: Hearing Date: 12/04/2023 List # 1 2 3 4 6 7 8 10 11 12 13 15 17 18 19 22 23 in manila envelope Sealed Exhibit: Confidential Criminal History Report in Sealed Manila Envelope
12.	11-Oct-2024	FILED: Reporter's Transcript - 12/04/2023 - Jury Trial - (Tara L. Kramer)
13.	14-Oct-2024	FILED: Reporter's Transcript - 12/05/2023 - Trial Day 2 - AM Session - (Debra Carney)
14.	14-Oct-2024	FILED: Reporter's Transcript - 12/06/2023 - Trial Day 3 - (Debra Carney)
15.	17-Oct-2024	FILED: Reporter's Transcript - 09/29/2023 - Final Trial Management Conference (Logan Tsuji)
16.	17-Oct-2024	FILED: Reporter's Transcript - 12/05/2023 - Jury Trial Day 2 (Logan Tsuji)
17.	17-Oct-2024	FILED: Reporter's Transcript - 06/19/2024 - Continuance (Logan Tsuji)
18.	30-Oct-2024	FILED: Reporter's Transcript - 07/11/2023 - Status Conference Re: Pretrial Services (Kimberly C. McCright)
19.	30-Oct-2024	FILED: Reporter's Transcript - 10/16/2023 - Trial Practices And Procedures Conference, Status Conference Re: Pretrial Services, Non-Witness Arrest Violation Hearing Bench Warrant Issued (Kimberly C. McCright)
20.	4-Nov-2024	FILED: Reporter's Transcript - 11/27/2023 - Trial Procedure Conference (Kanchan Mutreja)
21.	4-Nov-2024	FILED: Reporter's Transcript - 03/23/2023 - Initial Pretrial Conference (Kanchan Mutreja)
22.	4-Nov-2024	FILED: Reporter's Transcript - 09/12/2023 - Status Conference (Kanchan Mutreja)
23.	7-Nov-2024	FILED: Reporter's Transcript - 11/03/2023 - Continuance (Dwight Terry)
24.	13-Nov-2024	ORDERED: Court Reporter Coordinator Ken Crenshaw, OSC set on 11/20/2024 for transcript(s) dated 07/27/2023, 11/28/2023, and 03/05/2024. Hon Randall M Howe - Author
25.	18-Nov-2024	FILED: Motion to Extend Time to File Transcripts (Ken Crenshaw)
26.	19-Nov-2024	FILED: Reporter's Transcript - 03/05/2024 - Bond Forfeiture (Dwight Terry)
27.	19-Nov-2024	FILED: Reporter's Transcript - 07/27/2023 - Trial Continuance (Dwight Terry)
28.	19-Nov-2024	ORDERED: Motion to Extend Time to File Transcripts (Ken Crenshaw) = GRANTED. Due date EXTENDED from Monday, 11-04-2024 to Wednesday, 12-18-2024 (Transcripts for 11/28/2023 by Ken Crenshaw) or OSC set on 01/15/2025. FURTHER ORDERED: Vacating the OSC hearing that is currently set for 11/20/2024. Hon Randall M Howe - Author
29.	4-Dec-2024	FILED: Reporter's Transcript - 11/28/2023 - Trial Practices and Procedures Conference (Rita Peluso)
30.	6-Dec-2024	FILED: Notice of Completion of Record
31.	12-Dec-2024	FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
32.	17-Dec-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: opening brief due by 3/7/25. Benjamin A Armstrong ProTem Judge - Author
33.	20-Jan-2025	FILED: Appellant's Opening Brief (Anders Brief); Certificate of Service; Certificate of Service (Appellant)
34.	20-Jan-2025	FILED: Request Leave to Allow Appellant to File Supplemental Brief, in Propria Persona; Certificate of Service (Appellant)
35.	20-Jan-2025	FILED: Letter, dated 01/20/2025, to Appellant from Counsel re: Forwarding records on appeal (Appellant)
36.	21-Jan-2025	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 03/03/2025. FURTHER ORDERED: Answering brief to await court order. Benjamin A Armstrong ProTem Judge - Author
37.	18-Feb-2025	FILED: Motion for Extension of Time to File Pro Se Supplemental Opening Brief (Appellant Pro Per)
38.	24-Mar-2025	ORDERED: Motion for Extension of Time to File Pro Se Supplemental Opening Brief (Appellant Pro Per) = GRANTED. Due date EXTENDED from Monday, 03-03-2025 to Monday, 04-28-2025. FURTHER ORDERED: Directing appellant's counsel to file a notice confirming the transmittal to appellant of paper copies of the opening brief and the record on appeal, including transcripts. Denise McGimsey ProTem Judge - Author
39.	8-May-2025	ORDERED: Extending the time to file a pro se supplemental brief to 05/22/2025. Denise McGimsey ProTem Judge - Author
40.	15-May-2025	FILED: Letter, dated 03/27/2025 to Appellant from Counsel re: Forwarding records on appeal (Appellant)

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**59 PROCEEDING ENTRIES**

41.	15-May-2025	FILED: Letter, dated 04/10/2025 to Appellant from Counsel re: Forwarding records on appeal (Appellant)
42.	15-May-2025	FILED: Letter, dated 05/15/2025 to Appellant from Counsel re: Forwarding records on appeal (Appellant)
43.	20-May-2025	FILED: Pro Se Supplemental Brief (Oral Argument Requested) (Appellant Pro Per)
44.	2-Jun-2025	ORDERED: Pro Se Supplemental Brief (Oral Argument Requested) (Appellant Pro Per) = DENIED. Hon David B Gass - Author
45.	9-Jun-2025	FILED: Supplemental for Pro Se Brief- and- Disclosure of Discoverable Material- and- Offer of Proof of Newly Discovered Evidence (Oral Argument Requested)(Appellant Pro Per)
46.	11-Jun-2025	ORDERED: Accepting the 06/09/2025 supplement as an amendment to the 05/20/2025 pro se brief. FURTHER ORDERED: Denying appellant's request for oral argument because the facts and legal arguments are adequately presented and oral argument would not significantly aid the decisional process. Hon David B Gass - Author
47.	23-Jun-2025	FILED: Motion to Supplement the Record Post-Briefing (Appellant Pro Per)
48.	1-Jul-2025	FILED: Motion to Take Judicial Notice of Prosecutorial Duty Under ER 3.8(g) Rule 201, Arizona Rules of Evidence (Appellant Pro Per)
49.	8-Jul-2025	ORDERED: Advising appellant that the court will take judicial notice to the extent necessary and appropriate for the court's consideration of the appeal. Denise McGimsey ProTem Judge - Author
50.	8-Jul-2025	ORDERED: Deferring a ruling on the motion to the panel that considers this appeal on the merits. Denise McGimsey ProTem Judge - Author
51.	30-Sep-2025	FILED: Assigning Anders appeal to Dept D for consideration and disposition. [Matthew J. Martin, Clerk]
52.	6-Nov-2025	FILED: Motion for Limited Remand to Consider Newly Discovered Material Facts Under Rule 32.1 (e) and (H) (Appellant Pro Per)
53.	7-Nov-2025	ORDERED: Motion to Supplement the Record Post-Briefing (Appellant Pro Per) = DENIED. FURTHER ORDERED: The court will review and decide this appeal based on appellate counsel's 01/20/2025 Anders brief, Lopez's 05/27/2025 supplemental brief, and the superior court record. Hon David B Gass - Author
54.	10-Mar-2026	ORDERED: The Maricopa County Superior Court shall supplement the record with a certified transcript of the 05/03/2023 Comprehensive Pretrial Conference/Status Conference, held before the Honorable Laura G. Giaquinto. FURTHER ORDERED: Directing Maricopa County Superior Court administrator to arrange for the preparation of an original and three copies of the transcript, furnish one copy to appellant personally, one copy to appellant's counsel, one copy to appellee's counsel, and the original to the clerk of the court by 03/30/2026 marked for filing in this appeal. FURTHER ORDERED: Staying this appeal until this court receives the transcript, at which point the stay will lift automatically. Hon David B Gass - Author
55.	26-Mar-2026	FILED: Motion to Extend Time to File Transcripts (Paula Collins)
56.	30-Mar-2026	ORDERED: Motion to Extend Time to File Transcripts (Paula Collins) = GRANTED until 04/27/2026 to file the transcript of the 05/03/2023 conference. No further extensions will be granted. Hon David B Gass - Author
57.	1-Apr-2026	FILED: Courtesy Copy from Maricopa County Superior Court re Notice Requesting Post- Conviction Relief
58.	20-Apr-2026	FILED: Reporter's Transcript - 05/03/2023 - Pre-Trial Conference (Erika Overton)
59.	20-Apr-2026	FILED: Returned US Mail, Order Granting Motion to Extend Time to File Transcripts dated 03/30/2026, addressed to Manuel Lopez II, Return to Sender (Resent 04/23/2026)