

Court of Appeals, Division One

Criminal

1 CA-CR 24-0515

STATE v. TURNER

Appellate Case Information

Case Filed: 13-Sep-2024

Case Closed:

Dept/Composition

Department D

Hon. Daniel J Kiley
Hon. D Steven Williams
Hon. Cynthia J Bailey

Side 1. STATE OF ARIZONA, Appellant

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorney for: Appellant

Quinton S Gregory, Esq. (AZ Bar No. 35125)

Side 2. DELANCEY DUNCANTELL TURNER, Appellee

(Litigant Group) DELANCEY DUNCANTELL TURNER

- Delancey Duncantell Turner

Attorney for: Appellee

Laila Ikram, Esq. (AZ Bar No. 33758)

CASE STATUS

May 6, 2026..... Pending in ASC

PREDECESSOR CASE(S)

Table with 6 columns: Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2019-123685-001, Monica K Griblin, Authoring Judge of Order

DESCENDENT CASE(S)

ASC CR-26-0091-PR

CASE DECISION

05-Mar-2026 MEMORANDUM DECISION

Amended Per Order filed 03/06/26

Filed: 05-Mar-2026

Mandate:

Cynthia Bailey.....Author
Daniel Kiley.....Concur
D Williams.....Concur

Table with 1 column: Decision Disposition. Row 1: Reversed

40 PROCEEDING ENTRIES

- 1. 13-Sep-2024 FILED: Notice of Appeal from Maricopa County Superior Court filed 09/05/24 - Notification to Court Reporters dated 9/12/24
2. 16-Sep-2024 FILED: Appellate Clerk Notice (31.2(g))
3. 18-Sep-2024 FILED: Notice of Appearance; Certificate of Service (Appellee)
4. 8-Oct-2024 FILED: Notice of Appearance; Certificate of Service (Appellee)
5. 18-Oct-2024 FILED: Record on Appeal: Combined Instruments/Minute Entries Disposition Report: #27, Filed 4/1/24
6. 18-Oct-2024 FILED: Additional Record on Appeal Physical Exhibits: Hearing Date: 07/26/2024 List # 1 in manila envelope
7. 28-Oct-2024 ORDERED: Court Reporter Coordinator Ken Crenshaw Transcripts dated 05/29/2019, 03/25/2024, 06/24/2024, 07/26/2024 or OSC set on 11/06/2024. Hon Randall M Howe - Author
8. 3-Nov-2024 FILED: Motion to Extend Time to File Transcripts (Ken Crenshaw)
9. 5-Nov-2024 ORDERED: Motion to Extend Time to File Transcripts (Ken Crenshaw) = GRANTED. Due Dates EXTENDED to 12/20/2024 for Transcripts dated 05/29/2019, 03/25/2024, 06/24/2024, 07/26/2024 or OSC set on 01/15/2024. FURTHER ORDERED: Vacating the OSC set on 11/06/2024. Hon Randall M Howe - Author
10. 25-Nov-2024 FILED: Reporter's Transcript - 03/25/2024 - Sentencing (Hailey Stephens)
11. 25-Nov-2024 FILED: Reporter's Transcript - 05/29/2019 - Waiver Of Preliminary Hearing And Plea Agreement Arraignment (Hailey Stephens)

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12. 25-Nov-2024 FILED: Reporter's Transcript - 06/24/2024 - Oral Argument (Hailey Stephens)
13. 25-Nov-2024 FILED: Reporter's Transcript - 07/26/2024 - Evidentiary Hearing RE: Petition To Expunge (Hailey Stephens)
14. 26-Nov-2024 FILED: Notice of Completion of Record
15. 9-Dec-2024 FILED: Unopposed Motion to Stay Briefing (Procedural Motion); Certificate of Service (Appellant)
16. 17-Dec-2024 ORDERED: Unopposed Motion to Stay Briefing (Procedural Motion) (Appellant) = GRANTED and staying this appeal until 01/16/2025. On 01/17/2025, the stay will be automatically lifted unless before then one of the parties files a notice of disposition, a motion to dismiss the appeal, or a motion to continue the stay. FURTHER ORDERED: The opening brief is due by 02/18/2025. This deadline will be automatically extended if the stay is extended. Benjamin A Armstrong ProTem Judge - Author
17. 16-Jan-2025 FILED: Motion to Consolidate for Duration of Stay and Unopposed Motion to Continue Stay; Certificate of Service (Appellant)
18. 21-Jan-2025 ORDERED: Motion to Consolidate for Duration of (Appellant) = DENIED. FURTHER ORDERED: Unopposed Motion to Continue Stay = GRANTED and continuing the stay of this appeal until 04/21/2025. On 04/22/2025, the stay will be automatically lifted unless before then one of the parties files a notice of disposition, a motion to dismiss the appeal, or a motion to continue the stay. FURTHER ORDERED: The answering [sic] brief is due by 05/22/2025. This deadline will be automatically extended if the stay is extended. Benjamin A Armstrong ProTem Judge - Author

[Amended per order filed 01/23/2025]
19. 23-Jan-2025 AMENDED ORDER: Motion to Consolidate for Duration of (Appellant) = DENIED. FURTHER ORDERED: Unopposed Motion to Continue Stay = GRANTED and continuing the stay of this appeal until 04/21/2025. On 04/22/2025, the stay will be automatically lifted unless before then one of the parties files a notice of disposition, a motion to dismiss the appeal, or a motion to continue the stay. FURTHER ORDERED: The opening brief is due by 05/22/2025. This deadline will be automatically extended if the stay is extended. Benjamin A Armstrong ProTem Judge - Author
20. 21-Apr-2025 FILED: Unopposed Motion to Consolidate for Duration of Stay and Motion to Continue Stay; Certificate of Service (Appellee)
21. 23-Apr-2025 FILED: Unopposed Motion to Consolidate for Duration of Stay and Motion to Continue Stay (Procedural Motion) (Duplicate); Certificate of Service (Appellant)
22. 30-Apr-2025 ORDERED: Motion to Continue Stay (Appellee) = GRANTED in part and continuing the stay in all three appeals until 07/28/2025. On 07/29/2025, the stay will lift automatically unless before then one of the parties files a notice of disposition, a motion to dismiss the appeal, or a motion to continue the stay. FURTHER ORDERED: Unopposed Motion to Consolidate for Duration of Stay = DENIED. FURTHER ORDERED: Court aligns the dates of the stays in each appeal for economy. Briefs are due as follows: State v. Hudson: answering brief due 08/28/2025; State v. Garcia: answering brief due 08/28/2025; and State v. Turner: opening brief due 08/28/2025. Hon David B Gass - Author
23. 14-May-2025 FILED: Motion to Lift Stay; Certificate of Service (Appellant)
24. 16-May-2025 ORDERED: Motion to Lift Stay (Appellant) = GRANTED and effective immediately. Denise McGimsey ProTem Judge - Author
25. 8-Aug-2025 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
26. 24-Sep-2025 FILED: Certificate of Service (Appellant)
27. 24-Sep-2025 ORDERED: Vacating the 09/17/2025, answering brief due date. FURTHER ORDERED: Directing appellant to service the opening brief on appellee's counsel and to file a proof of service with this court by 10/06/2025. FURTHER ORDERED: That the answering brief is due by 11/13/2025. Denise McGimsey ProTem Judge - Author
28. 13-Nov-2025 FILED: Appellee's Answering Brief; Certification of Compliance with Rule 31.12, ARCP; Certificate of Service (Appellee)
29. 3-Dec-2025 FILED: State of Arizona's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
30. 22-Dec-2025 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
31. 26-Dec-2025 CLNDR: CONFERENCE, Department D, 2-25-26, COURTROOM 2.
32. 2-Jan-2026 FILED: Supplemented Superior Court e-Record with Revised Index of Record
33. 14-Jan-2026 FILED: Notice of Supplemental Legal Authority; Certificate of Service; Arizona Court of Appeals Division Two Opinion (Appellant)
34. 5-Mar-2026 MEMORANDUM DECISION (Reversed) Hon Cynthia J Bailey - Author; Hon Daniel J Kiley - Concur; Hon D Steven Williams - Concur
35. 5-Mar-2026 FILED: Decision Distribution Notification

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36. 6-Mar-2026 ORDERED: That the Clerk of this court, by interlineation, shall amend the second sentence of Paragraph 9 of the Memorandum Decision by correcting the citation for the case State v. Matthews to read as follows: See, e.g., Santillanes I, 254 Ariz. at 308, ¶¶ 30-33 (requiring the superior court to hold an evidentiary hearing and consider all admissible evidence where the elements of the offense and the defendant's factual basis did not make clear what quantity of marijuana the defendant possessed); State v. Matthews, 165 Ariz. Cases Dig. 39, ¶¶ 10, 16-18 (App. Jan. 9, 2026) (requiring the superior court to consider the extended record where the plea and factual basis did not make clear whether the defendant had been convicted of sale of marijuana or transportation of marijuana). Hon Cynthia J Bailey - Author
37. 24-Mar-2026 FILED: ASC Order filed 03/24/2026 re: Granting an extension of time to file the petition for review to no later than 05/06/2026. No further extensions of time will be granted absent extraordinary circumstances. This matter is subject to dismissal if the petition for review is not filed by 05/06/2026.
38. 11-May-2026 FILED: Email Notice from ASC re: Petition for Review filed 5/6/26; request for partial record
39. 13-May-2026 FILED: Letter forwarding partial record to Arizona Supreme Court
40. 19-May-2026 FILED: ASC Order filed 05/19/2026 re: Denying the "Unopposed Motion for Procedural Order Consolidating Cases" without prejudice to Appellant re-urging a motion to consolidate at a later date if (1) the Court grants review in both cases, and (2) the specific issues granted on review in both cases warrant consolidation. FURTHER ORDERED Appellant shall file a response to the petition for review on or before 06/18/2026.