

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0397

HAMILTON v. AZ BD OF CLEMENCY

Appellate Case Information

Case Filed: 30-Jun-2023
Case Closed: 6-Sep-2024

Decision

Dept/Composition

Department C

Hon. Paul J McMurdie
Hon. Maria Elena Cruz
Hon. Cynthia J Bailey

Side 1. KELLY K. HAMILTON, Plaintiff/Appellant
(Litigant Group) KELLY K. HAMILTON

Kelly K Hamilton PRO SE

Side 2. ARIZONA BOARD OF EXECUTIVE CLEMENCY, Defendant/Appellee
(Litigant Group) ARIZONA BOARD OF EXECUTIVE CLEMENCY

Arizona Board of Executive Clemency

Attorneys for: Defendant/Appellee

Kelly Gillilan-Gibson, Esq. (AZ Bar No. 29579)

CASE STATUS

Sep 6, 2024.....Case Closed

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, LC2023-00043-001, Special Action, Margaret LaBianca, Authoring Judge of Order.

DESCENDENT CASE(S)

ASC CV-24-0082-PR

PENDING MATTER

General Motion

Filed: 16-Sep-2024

Supplemental Application for Deferral or Waiver of Court Fees and/or Costs (Appellant Pro Per)

CASE DECISION

26-Mar-2024 MEMORANDUM DECISION

Cynthia Bailey.....Author
Paul McMurdie.....Concur
Maria Cruz.....Concur

Filed: 26-Mar-2024 Mandate: 06-Sep-2024

Decision Disposition

Affirmed

42 PROCEEDING ENTRIES

- 1. 16-Jun-2023 FILED: Statement of Issues & No Transcripts Needed Rule 8, 11, 5, 6, & 7 (Notice of Appeal - Courtesy Copy)
2. 30-Jun-2023 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 06/02/23
3. 30-Jun-2023 FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits: None
4. 30-Jun-2023 ORDERED: assessing appellant first time payment of \$56.00 (Twenty per cent), balance to be paid in accordance with A.R.S. 12-302(E). There is no appellee's filing fee due in this matter. Appellant's Case Management Statement due 7/20/23 and Opening Brief due 8/29/23. FURTHER ORDERED: copy of this order to Arizona Department of Corrections, and copy of order and case management statement form to appellant personally. Amy M Wood - Author
5. 10-Jul-2023 FILED: Notice of Errata & Request to Correct Record (Appellant Pro Per)
6. 10-Jul-2023 FILED: Case Management Statement (Appellant Pro Per)
7. 10-Jul-2023 FILED: Appellate Brief for Special Action (Opening Brief) (Appellant Pro Per)
8. 14-Jul-2023 ORDERED: Directing appellant to file an amended certificate of service by 07/27/2023, identifying the parties and/or counsel who appellant served with the case management statement. Barbara Vidal Vaught ProTem Judge - Author

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9. 20-Jul-2023 ORDERED: (per Sorensen v. Farmers) staying appeal until 09/05/2023. Signed order with certification of finality pursuant to Rule 54(c) due within 10 days after its entry. If appeal reinstated by filing of signed order, opening [sic] brief due 10/05/2023. Melina Brill ProTem Judge - Author
10. 21-Jul-2023 FILED: Case Management Statement (amended certificate of service) (Appellant Pro Per)
11. 28-Jul-2023 FILED: Notice of Rule 54 (c) Compliance -and- [sic] Request to Proceed per the Previously Filed Opening Brief (Appellant Pro Per)
12. 1-Aug-2023 ORDERED: Notice of Errata & Request to Correct Record (Appellant Pro Per) = DENIED as unnecessary. FURTHER ORDERED: Affirming the 07/20/2023 order staying this appeal to allow appellant to obtain a signed order with Arizona Rule of Civil Procedure 54(c) language. FURTHER ORDERED: If this court has received a signed Rule 54(c) order before 09/05/2023, the answering brief is due on 10/05/2023. Melina Brill ProTem Judge - Author
13. 2-Aug-2023 ORDERED: Notice of Rule 54 (c) Compliance -and- [sic] Request to Proceed per the Previously Filed Opening Brief (Appellant Pro Per) = DENIED. FURTHER ORDERED: Continuing the stay of this appeal until 09/05/2023, for the purposes set forth in this court's 07/20/2023 stay order. FURTHER ORDERED: If this court has received a signed Rule 54(c) order before 09/05/2023, the answering brief is due on 10/05/2023. Melina Brill ProTem Judge - Author
14. 10-Aug-2023 FILED: Notice of Filing (Appellant Pro Per)
15. 28-Aug-2023 FILED: Motion for Stay [and/or Continue Stay] Due to Superior Court's Failure and/or Refusal to Sign Rule 54(c) Order, After Directed by this Court of Appeals to Sign and Serve (Appellant Pro Per)
16. 29-Aug-2023 FURTHER [sic] ORDERED: Motion for Stay [and/or Continue Stay] Due to Superior Court's Failure and/or Refusal to Sign Rule 54(c) Order, After Directed by this Court of Appeals to Sign and Serve (Appellant Pro Per) = GRANTED in part continuing the stay of this appeal until 09/14/2023, for the purposes set forth in this court's 07/20/2023 stay order. FURTHER ORDERED: If this court has received a signed Rule 54(c) order before 09/14/2023, the answering brief is due on 10/16/2023. Melina Brill ProTem Judge - Author
17. 5-Sep-2023 FILED: Copy of Maricopa County Superior Court ME filed 08/31/2023 re: signed Rule 54(c) order (Appellant Pro Per)
18. 11-Sep-2023 FILED: Second Motion for Stay [and/or Continue Stay] For Thirty Days Commencing on September 13, 2023 (Appellant Pro Per)
19. 12-Sep-2023 ORDERED: Second Motion for Stay [and/or Continue Stay] For Thirty Days Commencing on September 13, 2023 (Appellant Pro Per) = DENIED and lifting the stay of this appeal. The answering brief is due on 10/16/2023. Melina Brill ProTem Judge - Author
20. 14-Sep-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
21. 14-Sep-2023 FILED: Stipulation that the Lower Court of Appeals Rule 54(c) Order is Signed (Appellant Pro Per)
22. 18-Oct-2023 FILED: State Appellees' Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
23. 19-Oct-2023 ORDERED: State Appellees' Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 10-16-2023 to Wednesday, 11-15-2023. If the brief is not timely filed, the court will submit this appeal for decision on the record and the opening brief. Melina Brill ProTem Judge - Author
24. 26-Oct-2023 FILED: Objection to Appellee's Motion for Extension that Contains Material Misrepresentations (Appellant Pro Per)
25. 31-Oct-2023 ORDERED: Objection to Appellee's Motion for Extension that Contains Material Misrepresentations (Appellant Pro Per) = Affirming the court's 10/19/2023 order granting an extension of time to file the answering brief until 11/15/2023. Hon Randall M Howe - Author
26. 15-Nov-2023 FILED: Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
27. 20-Nov-2023 FILED: Request to Expediate the Final Determination as the Parties are, Per Se, in Agreement for all Claims and Requests for Relief (Appellant Pro Per)
28. 21-Nov-2023 ORDERED: Request to Expediate the Final Determination as the Parties are, Per Se, in Agreement for all Claims and Requests for Relief (Appellant Pro Per) = DENIED. Melina Brill ProTem Judge - Author
29. 28-Nov-2023 FILED: Appellant's Reply Brief (Appellant Pro Per)
30. 29-Dec-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
31. 17-Jan-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
32. 26-Jan-2024 CLNDR: CONFERENCE, Department C, 3-20-24, CONFERENCE ROOM.
33. 26-Mar-2024 MEMORANDUM DECISION (Affirmed) Hon Cynthia J Bailey - Author; Hon Paul J McMurdie - Concur; Hon Maria Elena Cruz - Concur

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- 34. 26-Mar-2024 FILED: Decision Distribution Notification
- 35. 5-Apr-2024 FILED: Motion for Rehearing/Reconsideration - and - Objection to the Prejudicially Incorrect Statements Regarding the Record (Appellant Pro Per)
- 36. 9-Apr-2024 ORDERED: Motion for Rehearing/Reconsideration - and - Objection to the Prejudicially Incorrect Statements Regarding the Record (Appellant Pro Per) = DENIED. Hon Cynthia J Bailey - Author
- 37. 22-Apr-2024 FILED: Email Notice from ASC re: Petition for Review filed 04/22/24; request for partial record
- 38. 24-Apr-2024 FILED: Letter forwarding partial record to Arizona Supreme Court
- 39. 15-Aug-2024 FILED: Letter from ASC, 8/15/24, re: Petition for Review DENIED on 8/15/24
- 40. 6-Sep-2024 FILED: Mandate, No physical record to be returned to clerk, Maricopa County Superior Court.
- 41. 10-Sep-2024 FILED: Notice of Court Fees and Costs Due - payment of court fees in the amount of \$280 or Supplemental Application for waiver or further deferral due by Kelly Hamilton, Appellant by 09/16/2024.
- 42. 16-Sep-2024 FILED: Supplemental Application for Deferral or Waiver of Court Fees and/or Costs (Appellant Pro Per)