

Court of Appeals, Division One

Juvenile

1 CA-JV 23-0114

IN RE DEPENDENCY AS TO A.M.

Appellate Case Information

Case Filed: 17-May-2023

Case Closed:

Dept/Composition

Department B

Hon. Andrew M Jacobs
Hon. Jennifer M Perkins
Hon. David D Weinzweig

Side 1. LANCER B., Appellant

(Litigant Group) LANCER B.

- Lancer B.

Attorneys for: Appellant

Florence M Bruemmer, Esq. (AZ Bar No. 19691)

Side 2. DEPARTMENT OF CHILD SAFETY, A.M., Appellee

(Litigant Group) DCS

- Department of Child Safety

Attorneys for: Appellee DCS

Dawn Rachelle Williams, Esq. (AZ Bar No. 20730)

(Litigant Group) A.M.

- A. M.

Attorneys for: Appellee Child

Christopher M Mathers, Esq. (AZ Bar No. 24214)

CASE STATUS

Aug 19, 2024....Pending Closure

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: YAV, V1300JD201680021, Dependency, Anna C Young, Authoring Judge of Order.

Table with 2 columns: DESCENDENT CASE(S), Cause/Charge/Class. Row 1: ASC, CV-24-0072-PR.

3 OPEN DUE DATES

Stay Request (re: Writ of Certiorari) due Due By: Tuesday, September 3, 2024

Re: Minute Letter of ASC: Petition for Review DENIED

DCS Affidavit (AO 2024-08) Due Due By: Monday, September 23, 2024

Re: FILED: JV Appellate Clerk Notice Re Mandate (AO 2024-08)

Counsel Avowal (AO 2024-08) Due Due By: Monday, September 23, 2024

Re: FILED: JV Appellate Clerk Notice Re Mandate (AO 2024-08)

2 CASE DECISIONS

28-Jun-2023 ORDER

Vacated

ORDERED: Dismissing this appeal. FURTHER ORDERED: directing the clerk of the court to issue a mandate in due course.

Filed: 28-Jun-2023 Mandate:

Decision Disposition

Dismissed for Lack of Jurisdiction

Amber Pershon.....Author

12-Mar-2024 MEMORANDUM DECISION

David Weinzweig.....Author

Andrew Jacobs.....Concur

Jennifer Perkins.....Concur

Filed: 12-Mar-2024 Mandate:

Decision Disposition

Affirmed

Court of Appeals, Division One**Juvenile****1 CA-JV 23-0114****IN RE DEPENDENCY AS TO A.M.****37 PROCEEDING ENTRIES**

1. 17-May-2023 FILED: Notice of Appeal from Yavapai County Superior Court filed 04/28/23.
2. 17-May-2023 FILED: E-Record on Appeal: V1300JD201680021
Instrument/Minute Entries: Combined
Exhibits: Hearing Date: 12/05/2022 - LIST # E11 E12 E13 E14 E15 E16 E17 E18 E19 E20 E21 E22 E23
3. 19-May-2023 FILED: Appellate Clerk Notice (606(b))
4. 22-May-2023 ORDERED: Staying this appeal until 06/21/2023, to permit appellant to seek relief in superior court under Rule 603(a)(5)(A). FURTHER ORDERED: if appellant moves for relief under Rule 603(a)(5)(A), authorizing the Yavapai County Superior Court to determine whether to excuse the untimely filing of the notice of appeal pursuant to Rule 603(a)(5). FURTHER ORDERED: the clerk of the superior court must transmit a certified copy of the ruling to this court by 06/21/2023. FURTHER ORDERED: if an order vesting jurisdiction in this court has not been filed before 06/22/2023, the court will dismiss the appeal. FURTHER ORDERED: vacating the transcript due date. No transcripts will be due until further order. Amber E Pershon ProTem Judge - Author
5. 25-May-2023 FILED: DCS's Notice of Change of Counsel; DCS's Certificate of Service for Notice of Change of Counsel (Appellee)
6. 28-Jun-2023 ORDERED: Dismissing this appeal. FURTHER ORDERED: directing the clerk of the court to issue a mandate in due course. Amber E Pershon ProTem Judge - Author
7. 28-Jun-2023 FILED: Notice of Juvenile Rule 609
8. 29-Jun-2023 ORDERED: Vacating the court's order dismissing the appeal for lack of jurisdiction. FURTHER ORDERED: reinstating this appeal. FURTHER ORDERED: referring the issue of whether to appoint appellate counsel for appellant Lancer B. to the Yavapai County Superior Court and authorizing that court to expeditiously determine that matter. FURTHER ORDERED: the clerk of the superior court must transmit a certified copy of the ruling to this court by 07/31/2023. Amber E Pershon ProTem Judge - Author
9. 5-Jul-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Notice of Assignment of Appellate Counsel, filed 7/03/23) (V1300JD201680021)
10. 6-Jul-2023 ORDERED: Continuing the stay of this appeal until 08/07/2023, to permit appellant to seek relief in superior court under Rule 603(a)(5)(A). FURTHER ORDERED: if appellant moves for relief under Rule 603(a)(5)(A), authorizing the Yavapai County Superior Court to determine whether to excuse the untimely filing of the notice of appeal pursuant to Rule 603(a)(5). FURTHER ORDERED: the clerk of the superior court must transmit a certified copy of the ruling to this court by 08/07/2023. FURTHER ORDERED: if an order vesting jurisdiction in this court has not been filed before 08/08/2023, the court will dismiss the appeal. Amber E Pershon ProTem Judge - Author
11. 1-Aug-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Includes Order to Excuse Untimely Notice of Appeal, filed 07/28/2023) (V1300JD201680021)
12. 2-Aug-2023 ORDERED: Lifting the stay of this appeal. FURTHER ORDERED: the transcript of the proceedings held on 03/29/2023 must be filed in this court by 09/01/2023. Amber E Pershon ProTem Judge - Author
13. 7-Aug-2023 FILED: Reporter's Transcript - 03/29/2023 - Report and Review (Lisa A. Chaney)
14. 11-Aug-2023 FILED: Notice of Completion of Record
15. 21-Aug-2023 FILED: Motion for Procedural Order for Extension of Time (to File Opening Brief); Certificate of Service (Appellant)
16. 22-Aug-2023 ORDERED: Motion for Procedural Order for Extension of Time (to File Opening Brief) (Appellant) = GRANTED. Due date EXTENDED from Thursday, 08-31-2023 to Thursday, 09-14-2023. Amber E Pershon ProTem Judge - Author
17. 6-Sep-2023 FILED: DCS's Motion to Suspend Appeal and Temporarily Revest Jurisdiction in the Juvenile Court; DCS's Certificate of Service (Appellee DCS)
18. 7-Sep-2023 ORDERED: DCS's Motion to Suspend Appeal and Temporarily Revest Jurisdiction in the Juvenile Court (Appellee DCS) = GRANTED/ staying this appeal until 11/06/2023. FURTHER ORDERED: revesting jurisdiction in the Yavapai County Superior Court and authorizing that court to rule on any motions made by the parties regarding the above matters. FURTHER ORDERED: directing the clerk of the superior court to transmit a certified copy of the court's rulings to this court by 11/06/2023. FURTHER ORDERED: the stay will be lifted automatically on 11/07/2023, unless before that date DCS files a motion to continue the stay of this appeal that describes the status of the superior court proceedings. FURTHER ORDERED: vacating the opening brief due date. No brief will be due until further order. Amber E Pershon ProTem Judge - Author
19. 28-Sep-2023 FILED: Motion to Supplement the Record; Certificate of Service (Appellant)
20. 3-Oct-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record (V1300JD201680021)

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37 PROCEEDING ENTRIES

21. 10-Oct-2023 ORDERED: Lifting the stay of this appeal. FURTHER ORDERED: Granting the motion to supplement the record and directing transcript coordinator Lisa Chaney to prepare an original and two copies of the transcripts of the proceedings held on 09/19/2023, which must be filed in this court by 11/09/2023. Amber E Pershon ProTem Judge - Author
22. 15-Oct-2023 FILED: Reporter's Transcript - 09/19/2023 - FTR Transcript of Status Conference (M. Lisa Edgar)
23. 16-Oct-2023 ORDERED: Appellant Lancer B. must file the opening brief on or before 11/06/2023. Amber E Pershon ProTem Judge - Author
24. 6-Nov-2023 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
25. 22-Nov-2023 FILED: DCS's Motion for Extension of Time to File Answering Brief (Motion for a Procedural Order); DCS's Certificate of Service (Appellee DCS)
26. 24-Nov-2023 ORDERED: DCS's Motion for Extension of Time to File Answering Brief = GRANTED. Due date EXTENDED from Monday, 11-27-2023 to Monday, 12-18-2023. The court will not grant any further extension absent extraordinary circumstances. Amber E Pershon ProTem Judge - Author
27. 18-Dec-2023 FILED: Appellee Department of Child Safety's Answering Brief; Department of Child Safety's Certificate of Compliance; Department of Child Safety's Certificate of Service (Appellee DCS)
28. 28-Dec-2023 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
29. 9-Feb-2024 CLNDR: CONFERENCE, Department B, 2-13-24, CONFERENCE ROOM.
30. 12-Mar-2024 MEMORANDUM DECISION (Affirmed) Hon David D Weinzwieg - Author; Hon Andrew M Jacobs - Concur; Hon Jennifer M Perkins - Concur
31. 12-Mar-2024 FILED: Decision Distribution Notification
32. 12-Mar-2024 FILED: Notice of Juvenile Rule 609
33. 14-Mar-2024 FILED: Notice of Intent to File Petition for Review; Certificate of Service (Appellant)
34. 11-Apr-2024 FILED: Email Notice from ASC re: Petition for Review filed 4/10/24; request for partial record
35. 12-Apr-2024 FILED: Letter forwarding partial record to Arizona Supreme Court
36. 19-Aug-2024 FILED: Letter from ASC, 08/19/2024, re: Petition for Review DENIED on 08/19/2024
37. 3-Sep-2024 FILED: JV Appellate Clerk Notice Re Mandate (AO 2024-08)