

Arizona Supreme Court
Criminal Death Penalty Appeal

CR-24-0065-AP

STATE OF ARIZONA v GUSTIN RAY WOODMAN, JR.

Appellate Case Information

Case Filed: 12-Mar-2024
Case Closed:

Dept/Composition

Side 1. STATE OF ARIZONA, Appellee
(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Vince H Imbordino, Esq. (AZ Bar No. 4291)
Catherine M Ferguson-Gilbert, Esq. (AZ Bar No. 31326)
Josh Maxwell, Esq. (AZ Bar No. 31585)

Side 2. GUSTIN RAY WOODMAN, JR., Appellant
(Litigant Group) GUSTIN RAY WOODMAN, JR.

- Gustin Ray Woodman, Jr.

Attorneys for: Appellant

Bruce E Blumberg, Esq. (AZ Bar No. 10779)
Daniela De La Torre, Esq. (AZ Bar No. 21690)

CASE STATUS

Mar 12, 2024....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2020-104765-002	CONSPIRACY TO COMMIT ARMED ROBBERY-WITH DEADLY WPN; ARMED ROBBERY-WITH DEADLY WPN; MURDER 1ST DEG-DURING CRIME	DEATH	Chuck Whitehead, Trial	JURY	

15 PROCEEDING ENTRIES

- 12-Mar-2024 FILED: Notice of Appeal
- 22-Mar-2024 FILED: Affidavit Re: Non-Filing of Transcripts; in the Alternative, Request for Extension; (Copy of) Notice of Appeal Email (MCSC) [Tara Kramer]

Arizona Supreme Court
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15 PROCEEDING ENTRIES

3. 28-Mar-2024 On February 27, 2024 (docketed on March 7, 2024), the superior court clerk filed the Notice of Appeal in this matter.
- On March 7, 2024 (docketed on March 12, 2024), Appellant Woodman, pursuant to Ariz. R. Crim. P. 24.1, filed a Motion for New Penalty Phase Trial.
- On March 12, 2024, the Clerk of the Court received the Notice of Appeal in this matter from the superior court clerk. Pursuant to Ariz. R. Crim. P. 31.2(e)(4), when the superior court clerk sends a notice of appeal to an appellate court, the clerk "must include a copy of any motion filed by a party under Rule 24 that the superior court has not yet decided."
- Therefore,
- IT IS ORDERED that the superior court clerk, pursuant to Ariz. R. Crim. P. 31.2(e)(4), immediately send copies of Appellant Woodman's Rule 24 Motion for New Penalty Phase Trial to the Attorney General and to the Supreme Court clerk.
- On March 22, 2024, certified court reporter Tara L. Kramer filed an Affidavit Re: Non-Filing of Transcripts; in the Alternative, Request for Extension informing the Court that because there is a pending Rule 24 motion, appellate counsel has not been appointed which is problematic to court reporters being paid for preparing the certified transcripts. Therefore, Ms. Kramer requests that the Court grant an extension of the due date for the preparation and filing of certified transcripts until the superior court's final ruling on the pending Rule 24 motion.
- Pursuant to Ariz. R. Crim. P. 31.2(b), the superior court clerk timely sent the required "noti[ce] [to] all assigned certified reporters. . . that they are required to transmit their portions of the certified transcripts to the Supreme Court clerk." See Ariz. R. Crim. P. 1.7(b), 1.10(a). Additionally, pursuant to the deadlines outlined in Ariz. R. Crim. P. 31.8(d)(1), 31.9(a), and 31.9(c)(1), certified reporters are required to file certified transcripts with the Supreme Court clerk "no later than 45 days after a notice of appeal is filed," absent the Court granting an extension pursuant to Ariz. R. Crim. P. 31.9(c)(2).
- Therefore, based on the foregoing, on the Court's own motion,
- IT IS ORDERED pursuant to Ariz. R. Crim. P. 31.3(b)(1) suspending this appeal pending the superior court's order granting or denying relief under Rule 24 and the Clerk of the Court's receipt of the notice required by Ariz. R. Crim. P. 31.3(b)(3).
- IT IS FURTHER ORDERED that the Clerk of the Court provide the notice required by Ariz. R. Crim. P. 31.3(b)(2).
- IT IS FURTHER ORDERED that upon entry of the superior court's order granting or denying relief on Appellant Woodman's Rule 24 motion, the Appellant comply with Ariz. R. Crim. P. 31.3(b)(3).
- IT IS FURTHER ORDERED that upon entry of the superior court's order granting or denying relief on Appellant Woodman's Rule 24 motion, the party seeking review of that order file the required amended notice of appeal in compliance with the requirements of Ariz. R. Crim. P. 31.2(h). (Hon. James P Beene)
4. 1-Apr-2024 FILED: (Copy of) Motion for New Penalty Phase Trial (Appellant Woodman)

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15 PROCEEDING ENTRIES

5. 11-Apr-2024 FILED: Record Fromm MCSC
- Minutes and Instruments Electronic
- EXHIBIT(S):
- Grand Jury Transcript - Filed 03/02/2020 - 02/10/2020 - By Diane Donoho
- HD 07/23/2021 - BOX 1 OF 5 - LIST # 1 2 3 4 5 6 7 8
9(SEALED) 10 11 12 13 14 IN MANILA ENVELOPE
- HD 08/18/2022 - BOX 1 OF 5 - LIST # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32
33 34 35 36 37 IN A BOX
- HD 01/06/2023 - BOX 1 OF 5 - LIST # 1 2 3 4 5 6 7 8 9 10 11 12 IN
MANILA ENVELOPE
- HD 07/20/2023 - BOX 1 OF 5 - LIST # 1 2 3 4 5 6 7 8 9 IN MANILA
ENVELOPE
- EXHIBIT(S): HD 07/10/2023 - BOX 2 OF 5 - LIST # 22 23 24 25 26 27 28
29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 5253 54 55 56 57 58 59 60 61 62 63 64 66 69 71 72 73
74 75 76 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111
112 113 114 115 117 118 119 120 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142
143 144 145 146 147 148 149 150 151 152 153 156 157 158 159 160 161 162 163 164 165 166 167 168 169 169.001 172 173
174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 230 251 252 255 283 284 285 286
287 288 292 296 297 299...
- EXHIBIT(S): HD 07/10/2023 - CONTINUED - BOX 2 OF 5 - # 300 301 302
303 305 306 307 308 310 311 312 313 314 315 316 317 318 319 321 322 323 325 326 327 328 329 330 331 332 333 334 335
337 338 339 340 340.001 IN A BOX
- HD 07/10/2023 - CONTINUED - BOX 2 OF 5 - CD'S - # 294 295 374 414
416 429 440 513 515 517 519 563 568 636 637 638 639 693 699 706 735.001 750 IN A BOX
- EXHIBIT(S): HD 07/10/2023 - CONTINUED - BOX 3 OF 5 - # 340.002
340.003 340.004 341 342 342.001 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 364 365
366 367 368 369 370 371 372 373 375 376 376.001 377 378 379 380 381 382 383 384 387 388 390 391 402 403 405 406 409
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- EXHIBIT(S): HD 07/10/2023 - CONTINUED - BOX 4 OF 5 - # 525 526 527
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543(SEALED) 544 545 546 548 548.001 549 550 551 551.001 552
552.001 553 554 555 556 558 559 560 561 562 565 566 567 569 570 571 572 573 575 578 583(SEALED) 584 584.001 586
586.001 587 588 589 590 591 592 594 595 596 597 598 600 602 603 604 605 608 608.001 609(SEALED) 610(SEALED) 611 613
614 616 617 617.001 623 624 630 631 632 633 634 635 640 641 642 643 644 645 646 647 648 649 650 651 652 653 655 656
657 658 659 661 662 663 664 667 668 669 670 671 672 IN A BOX
- EXHIBIT(S): HD 07/10/2023 - CONTINUED - BOX 5 OF 5 - # 673 674
674.001 674.002 674.003 675 676 677 678 679 679.001 680 680.001 681 682 683 684 685 686 687 688 689 690 691 692 697
698 700 701 703 704 705 707 708 709 710 711 712 713 714 715 716 717 718 719 720 723 724 725 726 727 728 730 731 732
733 734 736 737 738 739 740 742 743 744 745 746 747 748 752 753 754 IN A BOX
6. 15-Aug-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
7. 23-Aug-2024 FILED: Motion for Reinstatement of Appeal and Amended Notice of Appeal to Include Rule 24 Denial; Certificate of Service;
Certificate of Compliance (Appellant Woodman)

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15 PROCEEDING ENTRIES

8. 4-Sep-2024 On February 27, 2024, the superior court clerk filed the Notice of Appeal in this matter. On March 7, 2024, Appellant Woodman, pursuant to Ariz. R. Crim. P. 24.1, filed a Motion for New Penalty Phase Trial in the superior court. On March 12, 2024, the Clerk of the Court received the Notice of Appeal in this matter from the superior court clerk.
- On March 28, 2024, pursuant to Ariz. R. Crim. P. 31.3(b)(1), the Court suspended this appeal pending the superior court's order granting or denying relief under Rule 24 and the Clerk of the Court's receipt of the notice required by Ariz. R. Crim. P. 31.3(b)(3).
- The Court further ordered that upon entry of the superior court's order granting or denying relief on Appellant Woodman's Rule 24 motion, that Appellant comply with Ariz. R. Crim. P. 31.3(b)(3) and the party seeking review of the superior court's order on Appellant's Rule 24 motion file the required amended notice of appeal in compliance with the requirements of Ariz. R. Crim. P. 31.2(h).
- On August 23, 2024, the Court received Appellant's Motion for Reinstatement of Appeal and Amended Notice of Appeal to Include Rule 24 Denial, advising that the superior court denied Appellant's Rule 24 motion on August 6, 2024. However, the certificate of service accompanying Appellant's Motion for Reinstatement of Appeal and Amended Notice of Appeal to Include Rule 24 Denial does indicate that Appellant "serve[d] a copy of [the motion and amended notice] on all persons entitled to notice under [Rule 31.3](b)(2)." See Ariz. R. Crim. P. 31.3(b)(3). Rule 31.3(b)(2) requires that notice is provided to "the parties, the superior court clerk, and . . . the certified [court] reporters." (Emphasis added).
- Therefore,
- IT IS ORDERED pursuant to Ariz. R. Crim. P. 31.3(b)(3) that Appellant's appeal is reinstated.
- IT IS FURTHER ORDERED that within ten days of this order, Appellant file an amended certificate of service that confirms he has complied with Rule 31.3(b)(3)'s requirement to serve the Motion for Reinstatement of Appeal and Amended Notice of Appeal to Include Rule 24 Denial on all persons entitled to notice under Rule 31.3(b)(2).
- IT IS FURTHER ORDERED that upon Appellant's filing of the amended certificate of service that confirms Appellant has complied with Rule 31.3(b)(3), all assigned certified reporters are required to transmit their portions of the certified transcripts to the Supreme Court clerk, see Ariz. R. Crim. P. 1.7(b), 1.10(a), no later than 45 days after Appellant files the amended certificate of service that confirms he has complied with Rule 31.3(b)(3)'s requirement to serve the notice of reinstatement of appeal on all persons entitled to notice under Rule 31.3(b)(2), absent the Court granting an extension pursuant to Ariz. R. Crim. P. 31.9(c)(2). See Ariz. R. Crim. P. 31.8(d)(1), 31.9(a), and 31.9(c)(1).
- IT IS FURTHER ORDERED that the superior court shall timely appoint appellate counsel to represent Appellant in this matter and advise this Court of that appointment.
- IT IS FURTHER ORDERED that upon appointment by the superior court, appellate counsel shall file a notice of appearance with this Court.
- IT IS FURTHER ORDERED that the superior court clerk timely send a copy of this order as notice to all assigned certified reporters that they are required to transmit their portions of the certified transcripts to the Supreme Court clerk pursuant to the deadlines outlined in Ariz. R. Crim. P. 31.8(d)(1), 31.9(a), and 31.9(c)(1). See Ariz. R. Crim. P. 1.7(b), 1.10(a). (Hon. Robert Brutinel)
9. 6-Sep-2024 FILED: Amended Certificate of Service; (Duplicate) Amended Certificate of Service (Appellant Woodman)
10. 13-Sep-2024 FILED: Reporter's Transcripts - 8/23/23 - Trial Day 16 [Lisa Bradley]
11. 13-Sep-2024 FILED: Reporter's Transcripts - 9/27/23 - Trial Day 28 [Lisa Bradley]
12. 13-Sep-2024 FILED: Reporter's Transcripts - 10/23/23 - Trial Day 38, Penalty Phase [Lisa Bradley]
13. 13-Sep-2024 FILED: Reporter's Transcripts - 9/17/21 - Chronis Hearing and Case Management [Lisa Bradley]
14. 13-Sep-2024 FILED: Reporter's Transcripts - 4/26/22 - Capital Case Management [Lisa Bradley]
15. 13-Sep-2024 FILED: Reporter's Transcripts - 6/09/22 - Capital Case Status Conference [Lisa Bradley]