

Court of Appeals, Division One

Criminal

1 CA-CR 19-0427

STATE v. CHANTRY

Appellate Case Information

Case Filed: 1-Aug-2019

Case Closed:

Dept/Composition

Department C

Hon. Samuel A Thumma

Hon. D Steven Williams

Hon. David D Weinzweig

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Eliza Ybarra, Esq. (AZ Bar No. 22395)

Side 2. THOMAS JONATHAN CHANTRY, Appellant

(Litigant Group) THOMAS JONATHAN CHANTRY

- Thomas Jonathan Chantry

Attorneys for: Appellant

Lori L Voepel, Esq. (AZ Bar No. 15342)

Alejandro Barrientos, Esq. (AZ Bar No. 34129)

CASE STATUS

Jan 5, 2022.....Pending Closure

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
YAV P1300CR201600966	Molestation of a Child, Class 2; Molestation of a Child, Class 2; Molestation of a Child, Class 2; Molestation of a Child, Class 2	24 Years; 24 Years; 24 Years; 24 Years	Bradley H Astrowsky, Sentencing	JURY	

DESCENDENT CASE(S)

ASC CR-21-0120-PR

OPEN DUE DATE

Stay request (re: Writ of Certiorari) due

Due By: Tuesday, January 25, 2022

Re: Minute Letter of ASC: Petition for Review DENIED

CASE DECISION

25-Feb-2021 MEMORANDUM DECISION

D Williams.....Author

Samuel Thumma.....Concur

David Weinzweig.....Concur

Filed: 25-Feb-2021

Mandate:

Decision Disposition

**Reversed
Remanded**

98 PROCEEDING ENTRIES

- 1-Aug-2019 FILED: Notice of Appeal from Yavapai County Superior Court filed 07/22/19. Notification to Court Reporters dated 07/25/19.
- 1-Aug-2019 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: 291 Exhibits: 1 2 3 4 10 11 12 14 16 17 18 19 20 21 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 52 58 59 62 74 80 82 83 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 121 149 sent with e-Record (includes transcripts)
- 6-Aug-2019 FILED: Additional Record on Appeal: Exhibits - LIST and #73 (CD) and 75 (thumb drive) in small manila envelope Additional Instruments: State's Sentencing Memorandum (w/CD attached) filed 7/10/19; Notice of Filing Documents Pertaining to Juror Communications with Defense Investigator (w/CD attached) filed 7/11/19

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4. 19-Aug-2019 FILED: Reporter's Transcript - 04/19/2019 - Pretrial Conference and Oral Argument (Lisa Steinmeyer)
5. 19-Aug-2019 FILED: Reporter's Transcript - 04/25/2019 - Jury Trial Day 3 (Lisa Steinmeyer)
6. 19-Aug-2019 FILED: Reporter's Transcript - 04/26/2019 - Jury Trial Day 4 (Lisa Steinmeyer)
7. 19-Aug-2019 FILED: Reporter's Transcript - 04/30/2019 - Jury Trial Day 5 (Lisa Steinmeyer)
8. 20-Aug-2019 FILED: Reporter's Transcript - 05/02/2019 - Jury Trial Day 6 (Lisa Steinmeyer)
9. 20-Aug-2019 FILED: Reporter's Transcript - 05/03/2019 - Jury Trial Day 7 (Lisa Steinmeyer)
10. 20-Aug-2019 FILED: Reporter's Transcript - 05/07/2019 - Jury Trial Day 8 (Lisa Steinmeyer)
11. 20-Aug-2019 FILED: Reporter's Transcript - 05/08/2019 - Jury Trial Day 9 (Lisa Steinmeyer)
12. 28-Aug-2019 FILED: Affidavit re: No Financial Arrangements - (Holly Draper)
13. 28-Aug-2019 FILED: Affidavit - No Financial Arrangements Made for Appeal Transcripts - (Mina Hunt)
14. 4-Sep-2019 FILED: Reporter's Transcript - 06/19/2018 - Status Conference (Holly M. Draper)
15. 4-Sep-2019 FILED: Supplemented Superior Court e-Record with Revised Index of Record (Received duplicate transcript dated 11/16/2016 and Notice of Counsel)
16. 5-Sep-2019 FILED: Reporter's Transcript - 07/19/2019 - Sentencing - (Laura Ashbrook)
17. 9-Sep-2019 Court Reporter Mina Hunt OSC set on 09/18/2019 for transcript dated 04/23/2018. Hon Kenton D Jones - Author
18. 9-Sep-2019 FILED: Reporter's Transcript - 04/23/2018 - Evidentiary Hearing/Status Conference (Mina Hunt)
19. 9-Sep-2019 FILED: Request to Accept Transcript as Timely - (Mina Hunt)
20. 10-Sep-2019 FILED: Notice of Completion of Record
21. 11-Sep-2019 ORDERED: Request to Accept Transcript as Timely - (Mina Hunt) = GRANTED. Due date extended to 09/10/2019 for transcript dated 04/23/2018. FURTHER ORDERED: Vacating the OSC hearing set for 09/18/2019. Hon Kenton D Jones - Author
22. 24-Sep-2019 FILED: Notice of Appearance; Certificate of Service (Appellant)
23. 26-Sep-2019 FILED: Motion to Withdraw as Counsel of Record; Certificate of Service re: Motion to Withdraw as Counsel of Record; Notice of Appearance (Appellant)
24. 4-Oct-2019 FILED: Notice of Substitution of Counsel; Certificate of Service (Appellant)
25. 17-Oct-2019 FILED: Defendant/Appellant's Motion for Procedural Order Extending Time to File Opening Brief; Certificate of Service (Appellant)
26. 18-Oct-2019 ORDERED: Defendant/Appellant's Motion for Procedural Order Extending Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 10-25-2019 to Wednesday, 11-25-2019. Benjamin A Armstrong ProTem Judge - Author
27. 19-Nov-2019 FILED: Defendant/Appellant's Unopposed Motion for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
28. 20-Nov-2019 FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes previously filed transcripts dated 04/23/2018, 06/19/2018, and 07/19/2019)
29. 20-Nov-2019 ORDERED: Defendant/Appellant's Unopposed Motion for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 11-25-2019 to Thursday, 12-26-2019. Benjamin A Armstrong ProTem Judge - Author
30. 22-Nov-2019 FILED: Appellant's Motion for Reconsideration of 11/20/19 Order Re: Motion for Extension of Time - Opening Brief; Certificate of Service (Appellant)
31. 2-Dec-2019 ORDERED: Appellant's Motion for Reconsideration of 11/20/19 Order Re: Motion for Extension of Time - Opening Brief (Appellant) = GRANTED and extending the time to file the opening brief to/including 01/17/2020. Benjamin A Armstrong ProTem Judge - Author
32. 7-Dec-2019 FILED: Reporter's Transcript - 01/29/2019 - Status Conference (Lisa A Chaney)
33. 23-Dec-2019 FILED: Appellant's Designation of Additional Transcripts on Appeal and Request for Order Authorizing Court Reporter To Transcribe Sealed Hearing and Release Copy to Counsel; Certificate of Service (Appellant)

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34. 30-Dec-2019 ORDERED: Appellant's Designation of Additional Transcripts on Appeal and Request for Order Authorizing Court Reporter To Transcribe Sealed Hearing and Release Copy to Counsel (Appellant) = GRANTED. Lisa Chaney and Court Reporter Lisa Steinmeyer transcripts due 02/13/2020. FURTHER ORDERED: Unsealing the court reporter notes of the sealed pretrial conference held on 07/19/2018 to permit preparation of the transcript for parties/agents for this appeal only. FURTHER ORDERED: Extending the time for filing opening brief to/including 03/16/2020. Benjamin A Armstrong ProTem Judge - Author
35. 1-Jan-2020 FILED: Reporter's Transcript - 01/29/2019 - Telephonic Status Conference (Lisa Chaney)
36. 6-Jan-2020 FILED: Reporter's Transcript - 07/19/2018 - (Lisa Steinmeyer) (SEALED)
37. 19-Feb-2020 FILED: Notice of Service of 04/23/2018 Reporter's Transcript of Proceedings Designated on Appeal; Certificate of Service; Reporter's Transcript - 04/23/2018 - Evidentiary Hearing/Status Conference - (Mina G. Hunt) (Appellant)
38. 19-Feb-2020 FILED: Notice of Service of 06/19/2018 Reporter's Transcript of Proceedings Designated on Appeal; Certificate of Service; Reporter's Transcript - 06/19/2018 - Status Conference - (Holly Draper) (Appellant)
39. 19-Feb-2020 FILED: Notice of Service of 07/19/2018 Reporter's Transcript of Proceedings Designated on Appeal; Certificate of Service; Reporter's Transcript - 07/19/2018 - Pretrial Conference - (Lisa A. Steinmeyer) (Appellant)
40. 19-Feb-2020 FILED: Notice of Service of 01/29/2019 Reporter's Transcript of Proceedings Designated on Appeal; Certificate of Service; Reporter's Transcript - 01/29/2019 - Telephonic Status Conference - (Lisa A. Chaney) (Appellant)
41. 19-Feb-2020 FILED: Notice of Service of 04/19/2019 Reporter's Transcript of Proceedings Designated on Appeal; Certificate of Service; Reporter's Transcript - 04/19/2019 - Pretrial Conference and Oral Argument - (Lisa A. Steinmeyer) (Appellant)
42. 19-Feb-2020 FILED: Notice of Service of 04/25/2019 Reporter's Transcript of Proceedings Designated on Appeal; Certificate of Service; Reporter's Transcript - 04/25/2019 - Jury Trial Day 3 - (Lisa A. Steinmeyer) (Appellant)
43. 19-Feb-2020 FILED: Notice of Service of 04/26/2019 Reporter's Transcript of Proceedings Designated on Appeal; Certificate of Service; Reporter's Transcript - 04/26/2019 - Jury Trial Day 4 - (Lisa A. Steinmeyer) (Appellant)
44. 19-Feb-2020 FILED: Notice of Service of 04/30/2019 Reporter's Transcript of Proceedings Designated on Appeal; Certificate of Service; Reporter's Transcript - 04/30/2019 - Jury Trial Day 5 - (Lisa A. Steinmeyer) (Appellant)
45. 19-Feb-2020 FILED: Notice of Service of 05/02/2019 Reporter's Transcript of Proceedings Designated on Appeal; Certificate of Service; Reporter's Transcript - 05/02/2019 - Jury Trial Day 6 - (Lisa A. Steinmeyer) (Appellant)
46. 19-Feb-2020 FILED: Notice of Service of 05/03/2019 Reporter's Transcript of Proceedings Designated on Appeal; Certificate of Service; Reporter's Transcript - 05/03/2019 - Jury Trial Day 7 - (Lisa A. Steinmeyer) (Appellant)
47. 19-Feb-2020 FILED: Notice of Service of 05/07/2019 Reporter's Transcript of Proceedings Designated on Appeal; Certificate of Service; Reporter's Transcript - 05/07/2019 - Jury Trial Day 8 - (Lisa A. Steinmeyer) (Appellant)
48. 19-Feb-2020 FILED: Notice of Service of 05/08/2019 Reporter's Transcript of Proceedings Designated on Appeal; Certificate of Service; Reporter's Transcript - 05/08/2019 - Jury Trial Day 9 - (Lisa A. Steinmeyer) (Appellant)
49. 19-Feb-2020 FILED: Notice of Service of 07/19/2019 Reporter's Transcript of Proceedings Designated on Appeal; Certificate of Service; Reporter's Transcript - 07/19/2019 - Sentencing - (Lisa A. Steinmeyer) (Appellant)
50. 11-Mar-2020 FILED: Appellant's Designation of Additional Transcripts on Appeal and Request for Order Authorizing Court Reporter to Transcribe 06/14/2019 Status Conference Hearing and Request for Final 14-Day Extension of Time (Opening Brief); Certificate of Service (Appellant)
51. 16-Mar-2020 FILED: Supplement to Request for Final 14-Day Extension of Time (Opening Brief) and Appellant's Designation of Additional Transcripts on Appeal and Request for Order Authorizing Court Reporter to Transcribe 06/14/2019 Status Conference Hearing; Certificate of Service (Appellant)
52. 16-Mar-2020 FILED: Second Supplement to Request for Final 14-Day Extension of Time (Opening Brief) and Appellant's Designation of Additional Transcripts on Appeal and Request for Order Authorizing Court Reporter to Transcribe 06/14/2019 Status Conference Hearing; Certificate of Service (Appellant)
53. 17-Mar-2020 ORDERED: Appellant's Designation of Additional Transcripts on Appeal and Request for Order Authorizing Court Reporter to Transcribe 06/14/2019 Status Conference Hearing (Appellant) = GRANTED. Court Reporter Lisa Steinmeyer transcripts due 05/01/2020. FURTHER ORDERED: Request for Final 14-Day Extension of Time (Appellant) = GRANTED. Due date EXTENDED from Monday, 03-16-2020 to Friday, 05-15-2020. Benjamin A Armstrong ProTem Judge - Author
54. 20-Apr-2020 FILED: Reporters Transcript - 08/21/2018 - Trial Day 14 - (Lisa Steinmeyer)
55. 20-Apr-2020 FILED: Reporters Transcript - 06/14/2019 - Status Conference - (Lisa Steinmeyer)
56. 15-May-2020 FILED: Motion to Exceed Word Limit for Appellant's Opening Brief; Certificate of Service (Appellant)

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57. 15-May-2020 FILED: Combined Appellant's Opening Brief and Appendix; Certificate of Compliance; Certificate of Service (Appellant)
58. 29-May-2020 ORDERED: Motion to Exceed Word Limit for Appellant's Opening Brief (Appellant) = GRANTED and accepting the opening brief filed 05/15/2020. Hon Peter B Swann - Author
59. 16-Jun-2020 FILED: Notice of Appearance; Certificate of Service (Appellee)
60. 16-Jun-2020 FILED: Unopposed Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
61. 17-Jun-2020 ORDERED: Unopposed Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Wednesday, 06-24-2020 to Friday, 07-24-2020. Geoffrey P Butzine ProTem Judge - Author
62. 7-Jul-2020 FILED: Motion to Unseal Document; Certificate of Service (Appellee)
63. 13-Jul-2020 ORDERED: Motion to Unseal Documents (Appellee) = GRANTED. Upon presentation of this order, unsealing the State's Motion for Court Ordered Jury List and Contact Information, IOR 310, for parties/agents for this appeal only. Benjamin A Armstrong ProTem Judge - Author
[VACATED per order filed 07/13/2020]
64. 13-Jul-2020 ORDERED: Vacating this court's order of 07/13/2020 granting appellee's motion to unseal records. An additional order will follow in due course. Benjamin A Armstrong ProTem Judge - Author
65. 14-Jul-2020 ORDERED: Motion to Unseal Documents (Appellee) = GRANTED. Upon presentation of this order, unsealing the State's Motion for Court Ordered Jury List and Contact Information, IOR 310, for parties/agents for this appeal only. Geoffrey P Butzine ProTem Judge - Author
66. 16-Jul-2020 FILED: Unopposed Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
67. 20-Jul-2020 ORDERED: Unopposed Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Friday, 07-24-2020 to Monday, 08-24-2020. Benjamin A Armstrong ProTem Judge - Author
68. 18-Aug-2020 FILED: Unopposed Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
69. 19-Aug-2020 ORDERED: Unopposed Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 08-24-2020 to Wednesday, 09-23-2020 OSC set on 10/07/2020 for Attorney Eliza C. Ybarra. Geoffrey P Butzine ProTem Judge - Author
70. 2-Sep-2020 FILED: Notice of Association of Counsel; Certificate of Service (Appellant)
71. 23-Sep-2020 FILED: Motion to Exceed Word Limit; Certificate of Service (Appellee)
72. 23-Sep-2020 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
73. 24-Sep-2020 FILED: Appellant's Objection to Appellee's Motion to Exceed the Word Limit; Certificate of Service (Appellant)
74. 25-Sep-2020 ORDERED: Motion to Exceed Word Limit (Appellee) = GRANTED and directing the Clerk of this Court to file the tendered brief. Hon Peter B Swann - Author
75. 8-Oct-2020 FILED: Unopposed Motion to Extend Time to File Reply Brief; Certificate of Service (Appellant)
76. 14-Oct-2020 ORDERED: Unopposed Motion to Extend Time to File Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 10-13-2020 to Thursday, 11-12-2020. Geoffrey P Butzine ProTem Judge - Author
77. 23-Oct-2020 CLNDR: CONFERENCE, Department C, 12-16-20, CONFERENCE ROOM.
78. 6-Nov-2020 FILED: Unopposed Motion to Extend Time to File Reply Brief (Second Request); Certificate of Service (Appellant)
79. 12-Nov-2020 ORDERED: Unopposed Motion to Extend Time to File Reply Brief (Second Request) (Appellant) = GRANTED. Due date EXTENDED from Thursday, 11-12-2020 to Friday, 12-11-2020. Hon Samuel A Thumma - Author
80. 24-Nov-2020 FILED: Appellant's Request for Oral Argument; Certificate of Service (Appellant)
81. 30-Nov-2020 ORDERED: Appellant's Request for Oral Argument (Appellant) = GRANTED and vacating the conference scheduled for this matter on 12/16/2020. FURTHER ORDERED: Setting oral argument in this matter on Wednesday, 01/20/2021 at 1:00pm in Courtroom 1. Hon Samuel A Thumma - Author
82. 1-Dec-2020 FILED: Motion for Remote Oral Argument; Certificate of Service (Appellee)
83. 3-Dec-2020 FILED: Response to State's Motion for Remote Oral Argument; Certificate of Service (Appellant)

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84. 4-Dec-2020 ORDERED: Motion for Remote Oral Argument (Appellee) = GRANTED. FURTHER ORDERED: Parties shall appear by video conference via Microsoft Teams for oral argument on 01/20/2021 at 1:00 pm. Hon Samuel A Thumma - Author
85. 11-Dec-2020 FILED: Unopposed Motion for a Final 10-Day Extension to File Reply Brief; Certificate of Service (Appellant)
86. 14-Dec-2020 ORDERED: Unopposed Motion for a Final 10-Day Extension to File Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 12-11-2020 to Monday, 12-21-2020. Hon Samuel A Thumma - Author
87. 21-Dec-2020 FILED: Motion to Exceed Word Limit for Appellant's Reply Brief; Certificate of Service (Appellant)
88. 21-Dec-2020 FILED: Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
89. 22-Dec-2020 FILED: Return Receipt for Notice of Oral Argument, signed by Eliza C Ybarra, on 12/17/2020 (Appellee)
90. 23-Dec-2020 ORDERED: Motion to Exceed Word Limit for Appellant's Reply Brief (Appellant) = Granting Appellant's motion to exceed word count limit of reply brief by 4,981 words. Hon Samuel A Thumma - Author
91. 6-Jan-2021 FILED: Return Receipt for Notice of Oral Argument, signed by Alejandro D Barrientos, on 11/30/2020 (Appellant)
92. 20-Jan-2021 FILED: Email, 1/20/21, from Heather Marking re: Oral Argument Appearances (Appellant: Alejandro Brarientos; Appellee: Eliza Ybarra)
93. 25-Feb-2021 MEMORANDUM DECISION (Reversed, Remanded) Hon D Steven Williams - Author; Hon Samuel A Thumma - Concur; Hon David D Weinzweig - Concur
94. 25-Feb-2021 FILED: Memorandum Decision Distribution List
95. 26-Mar-2021 FILED: ASC Order filed 03/26/2021 re: granting Appellee's request to exceed the 3500 word count stated in Rule 31.21(g)(2), Arizona Rules of Criminal Procedure. The petition for review is filed as of 03/26/2021.
96. 29-Mar-2021 FILED: Email Notice from ASC re: Petition for Review filed 3/26/21; request for partial record
97. 29-Mar-2021 FILED: Letter forwarding partial record to Arizona Supreme Court
98. 5-Jan-2022 FILED: Letter from ASC, 01/05/2022, re: Petition for Review DENIED on 01/04/2022.