# Court of Appeals, Division One

Criminal

## 1 CA-CR 15-0024 STATE v. JOHNSON

**Appellate Case Information**

Case Filed: 16-Jan-2015

Case Closed: 23-Jan-2017

Decision

**Dept/Composition**

**Department C**

Hon. Diane M Johnsen
Hon. Jon W Thompson
Hon. Thomas C Kleinschmidt

**Consolidated with:** 1 CA-CR 15-0029 1 CA-CR 15-0030 1 CA-CR 16-0031

**Side 1. STATE OF ARIZONA, Appellee**

**(Litigant Group) STATE OF ARIZONA**

- **State of Arizona**

**Attorneys for: Appellee**

Robert A Walsh, Esq. (AZ Bar No. 16071)

**Side 2. ROLLINS R JOHNSON, III, Appellant**

**(Litigant Group) ROLLINS R JOHNSON, III**

- **Rollins R Johnson, III**

**Attorneys for: Appellant**

Janelle A McEachern, Esq. (AZ Bar No. 16652)

**CASE STATUS**

**Jan 23, 2017....Case Closed**

| PREDECESSOR CASE(S) | | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments> | Trial | Dispo |
|---|---|---|---|---|---|---|
| MAR | CR2012-117689-001 | Possession of Marijuana for Sale, Class 4 | 10 Years | Brian Kaiser, Sentencing | JURY | |

**CASE DECISION**

**06-Dec-2016 MEMORANDUM DECISION**

**Jon Thompson**.....Author
**Diane Johnsen**.....Concur
**Thomas Kleinschmidt**.....Concur

Filed: **06-Dec-2016** Mandate: **23-Jan-2017**

| Decision Disposition |
|---|
| ***Affirmed*** |

| DECISION APPLIES TO THE FOLLOWING OTHER CASE(S) | |
|---|---|
| **1 CA-CR 15-0029** | STATE v. JOHNSON |
| **1 CA-CR 15-0030** | STATE v. JOHNSON |
| **1 CA-CR 16-0031** | STATE v. JOHNSON |

**46 PROCEEDING ENTRIES**

| | | |
|---|---|---|
| 1. | 16-Jan-2015 | FILED: Notice of Appeal from Maricopa County Superior Court filed 01/13/15. Notification to Court Reporters dated 01/15/15. Includes Designation of Record. |
| 2. | 23-Feb-2015 | FILED: Reporter's Transcript - 09/19/13 - Sentencing (Marmie Guimont) |
| 3. | 26-Feb-2015 | FILED: Additional Record on Appeal:<br>Exhibits: Hearing Date 8/14/13 - List and # 7, 8 in manila envelope |
| 4. | 26-Feb-2015 | FILED: e-Record on Appeal:<br>Instruments/Minute entries: Combined<br>disposition Report: None<br>Exhibits: None |
| 5. | 26-Feb-2015 | FILED: Reporters Transcript (11/20/12 [Kimberly D McAndrews]) filed with e-Record |
| 6. | 3-Mar-2015 | ORDERED: Consolidating cases 1 CA-CR 15-0024, 1 CA-CR 15-0029 and 1 CA-CR 15-0030. Case No. 1 CA-CR 15-0024 is designated the primary number. FURTHER ORDERED: Vacating the notice of completion and opening brief due date in the 1 CA-CR 15-0030 matter. Anthony Mackey ProTem Judge - Author |
| 7. | 9-Mar-2015 | FILED: Request for Extension of Time (to File Transcripts) (Gail Ferguson) |



*Information presented in this document may not reflect all case activity and is subject to change without notice.*

**46 PROCEEDING ENTRIES**

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|---|---|---|
| 8. | 12-Mar-2015 | ORDERED: Court Reporter Helene Paustian due date EXTENDED from Friday, 02-27-2015 to Monday, 04-13-2015 for transcript of proceedings held on 08/15/2013. Hon Michael J Brown - Author |
| 9. | 12-Mar-2015 | ORDERED: Court Reporter Brenda J Brown due date EXTENDED from Friday, 02-27-2015 to Monday, 04-13-2015 for transcript of proceedings held on 04/29/2013. Hon Michael J Brown - Author |
| 10. | 12-Mar-2015 | ORDERED: Request for Extension of Time (to File Transcripts) (Gail Ferguson) = GRANTED. Due Dates EXTENDED to 04/13/2015 for Transcripts dated 08/13/2013, 08/14/2013. Hon Michael J Brown - Author |
| 11. | 12-Mar-2015 | ORDERED: Court Reporter Kimberly D McAndrews due date EXTENDED from Friday, 02-27-2015 to Monday, 04-13-2015 for transcript of proceedings held on 11/20/2012. Hon Michael J Brown - Author |
| 12. | 19-Mar-2015 | FILED: Reporter's Transcript - Continuance - 4-29-13 - (Brenda Brown) |
| 13. | 13-Apr-2015 | FILED: Reporter's Transcript - 8-15-13 - Jury Trial/Aggravating Circumstance Hrg/Trial on Priors (Helene Paustian) |
| 14. | 14-Apr-2015 | ORDERED: Court Reporter Gail Ferguson due dates EXTENDED to 05/14/2015 for Transcripts dated 08/13/2013, 08/14/2013 or OSC on 05/20/2015. Hon Michael J Brown - Author |
| 15. | 20-May-2015 | FILED: Reporter's Transcripts: - 8/13/2013 - trial (Gail Ferguson) |
| 16. | 20-May-2015 | FILED: Reporter's Transcripts: - 8/14/2013 - trial (Gail Ferguson) |
| 17. | 21-May-2015 | FILED: Notice of Completion of Record |
| 18. | 3-Jun-2015 | FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant) |
| 19. | 9-Jun-2015 | ORDERED: Motion to Withdraw and Substitute New Counsel (Appellant) = GRANTED. FURTHER ORDERED: Appointing Janelle McEachern as counsel for appellant. FURTHER ORDERED: Maricopa County Public Defender forward all files to newly appointed counsel. FURTHER ORDERED: Motion to Extend Opening Brief Due Date (Appellant) = GRANTED. Due date EXTENDED from Monday, 07-06-2015 to Thursday, 07-23-2015 Fred Cole ProTem Judge - Author |
| 20. | 22-Jul-2015 | FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Mailing (Appellant) (STRIKEN per order dated 02/08/16) |
| 21. | 22-Jul-2015 | FILED: Motion for Leave of Appellant to File Supplemental Brief in Propria Persona; Certificate of Mailing (Appellant) |
| 22. | 22-Jul-2015 | ORDERED: Allowing appellant to file supplemental brief in propria persona; FURTHER ORDERED: Counsel to send copy of record to appellant, and copy of transmittal letter to Clerk/AG; FURTHER ORDERED: Appellant may raise additional points on/before 8/31/15; FURTHER ORDERED: Answering brief to await court order. Anthony Mackey ProTem Judge - Author |
| 23. | 3-Aug-2015 | FILED: Letter, dated 07/28/2015, to Appellant from Counsel re: Forwarding records on appeal (Appellant) |
| 24. | 11-Sep-2015 | FILED: Assigning Anders appeal to Dept E for consideration and disposition. [Ruth Willingham, Clerk] |
| 25. | 11-Sep-2015 | FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days |
| 26. | 17-Sep-2015 | FILED: Supplemented Superior Court e-Record with Revised Index of Record |
| 27. | 18-Sep-2015 | ORDERED: Staying these consolidated appeals. FURTHER ORDERED: Revesting jurisdiction to the Superior Court of Maricopa County. FURTHER ORDERED: Superior Court supplement the record of its rulings on the above motions, within five days from the entry. Hon Patricia A Orozco - Author |
| 28. | 4-Dec-2015 | FILED: Maricopa County Superior Court Minute entry dated 11/27/2015 re: Ruling on stayed appeal |
| 29. | 9-Dec-2015 | FILED: Supplemented Superior Court e-Record with Revised Index of Record |
| 30. | 24-Dec-2015 | FILED: Supplemented Superior Court e-Record with Revised Index of Record |



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# 1 CA-CR 15-0024 STATE v. JOHNSON

**46 PROCEEDING ENTRIES**

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| 31. | 8-Feb-2016 | ORDERED: Vacating the previous assignment of this case to Department E. FURTHER ORDERED: Striking Appellant's Opening Brief previously filed in this matter on 07/22/15. FURTHER ORDERED: Directing Appellant's counsel to file a new Opening Brief no later than 04/08/16. FURTHER ORDERED: Directing the State to file an Answering Brief within forty-five days of the service of Appellant's Opening Brief. FURTHER ORDERED: Vacating of the Anders designation in these appeals, only Appellant's counsel shall file future motions and/or supplemental briefing. Hon Patricia A Orozco - Author |
| 32. | 8-Feb-2016 | ORDERED: Consolidating case 1 CA-CR 16-0031 with the previously consolidated appeals: 1 CA-CR 15-0024, 1 CA-CR 15-0029 and 1 CA-CR 15-0030 Hon Patricia A Orozco - Author |
| 33. | 8-Apr-2016 | FILED: Motion for Extension of Time to File Opening Brief; Certificate of Mailing (Appellant) |
| 34. | 13-Apr-2016 | ORDERED: Motion for Extension of Time to File Opening Brief (Appellant) = GRANTED/ Due date EXTENDED from Friday, 04-08-2016 to Monday, 05-09-2016. Anthony Mackey ProTem Judge - Author |
| 35. | 9-May-2016 | FILED: Appellant's Amended Opening Brief; Certificate of Compliance; Certificate of Mailing (Appellant) |
| 36. | 20-May-2016 | FILED: Notice of Appearance; Certificate of Service (Appellee) |
| 37. | 22-Jun-2016 | ORDERED: Answering Brief due date EXTENDED from Monday, 06-27-2016 to Wednesday, 07-27-2016. Fred Cole ProTem Judge - Author |
| 38. | 27-Jul-2016 | FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee) |
| 39. | 27-Jul-2016 | FILED: Appendices to Appellee's Answering Brief (Appellee) |
| 40. | 29-Aug-2016 | CLNDR: CONFERENCE, Department C, 10-19-16, COURTROOM 1. |
| 41. | 31-Aug-2016 | FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days |
| 42. | 9-Sep-2016 | FILED: Supplemented Superior Court e-Record with Revised Index of Record |
| 43. | 6-Dec-2016 | MEMORANDUM DECISION (Affirmed) Hon Jon W Thompson - Author; Hon Diane M Johnsen - Concur; Hon Thomas C Kleinschmidt - Concur |
| 44. | 6-Dec-2016 | FILED: Memorandum Decision Distribution List |
| 45. | 10-Jan-2017 | FILED: Courtesy Copy - Notice of Post-Conviction Relief filed in Maricopa County Superior Court on 01/05/2017 |
| 46. | 23-Jan-2017 | FILED: Mandate, Record returned to superior court. |



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