

Court of Appeals, Division One
Criminal

1 CA-CR 15-0351

STATE v. JOHNSON

Appellate Case Information Case Filed: 26-May-2015 Case Closed:	Dept/Composition Dept C July 2016 Hon. Margaret H Downie Hon. Patricia K Norris Hon. Maurice Portley
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Side 1. STATE OF ARIZONA, Appellee
(Litigant Group) STATE OF ARIZONA

• State of Arizona **Attorneys for: Appellee**
Alice Jones, Esq. (AZ Bar No. 28062)

Side 2. ELIAS DEWAYNE JOHNSON, Appellant
(Litigant Group) ELIAS DEWAYNE JOHNSON

• Elias Dewayne Johnson **Attorneys for: Appellant**
Terry Reid, Esq. (AZ Bar No. 20643)

CASE STATUS

Oct 26, 2016.....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2013-004934-001	Burglary, Class 4	8 Years	Jerry Bernstein, Sentencing	JURY	

DESCENDENT CASE(S)
ASC CR-16-0373-PR

2 CASE DECISIONS

25-Aug-2016 **MEMORANDUM DECISION**

Maurice Portley.....Author	Filed: 25-Aug-2016	Mandate:
Margaret Downie.....Concur	Decision Disposition	
Patricia Norris.....Concur	Affirmed	

25-Aug-2016 **OPINION**

Maurice Portley.....Author	Filed: 25-Aug-2016	Mandate:
Margaret Downie.....Concur	Decision Disposition	
Patricia Norris.....Concur	Affirmed	

62 PROCEEDING ENTRIES

- 26-May-2015 FILED: Notice of Appeal from Maricopa County Superior Court filed 05/18/15. Notification to Court Reporters dated 05/22/2015
- 19-Jun-2015 FILED: Motion for Extension of Time to File Transcripts (Crystal Hereford)
- 23-Jun-2015 ORDERED: Motion for Extension of Time to File Transcripts (Crystal Hereford) = GRANTED. Due Dates EXTENDED to 08/03/2015 for Transcripts dated 02/19/2015, 02/24/2015, 02/25/2015 or OSC 8/5/15. Hon Michael J Brown - Author
- 29-Jun-2015 FILED: Reporter's Transcript - 02/13/2015 - Oral Argument (Patricia Kotarba)
- 29-Jun-2015 FILED: Motion for Extension of Time to File Transcripts (Helene Paustian)

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6. 1-Jul-2015 FILED: Additional Record on Appeal
Exhibits:
Hearing Date 02/18/2015 List # 1 in a Manila Envelope
Sealed Items:
Confidential Criminal History Addendum in Sealed Manila Envelope
7. 1-Jul-2015 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None
8. 2-Jul-2015 FILED: Motion for Extension (of Time to File Transcripts) (Karen Bolton)
9. 2-Jul-2015 ORDERED: Motion for Extension of Time to File Transcripts (Helene Paustian) = GRANTED. Transcript dated 03/27/2015 due date EXTENDED from Thursday, 07-02-2015 to Monday, 08-03-2015 or OSC 8/5/15. Hon Samuel A Thumma - Author
10. 3-Jul-2015 FILED: Reporter's Transcript - 02/23/15 - Trial (Cindy Lineburg)
11. 6-Jul-2015 FILED: Reporter's Transcript - 04-28-2015 - Sentencing (Kristi Week)
12. 10-Jul-2015 ORDERED: Motion for Extension (of Time to File Transcripts) (Karen Bolton) = GRANTED/Transcript dated 2/18/15 due date EXTENDED from Thursday, 07-02-2015 to Monday, 08-10-2015 or OSC 8/19/15. Hon Samuel A Thumma - Author
13. 14-Jul-2015 FILED: Reporters Transcript 04/27/2015 (Jane Westlund)
14. 14-Jul-2015 FILED: Reporters Transcript 04/27/2015 (Jane Westlund) (Duplicate)
15. 14-Jul-2015 ORDERED: Court Reporter Jane Westlund transcript dated 4/27/15 due 8/13/15. Hon Samuel A Thumma - Author
16. 14-Jul-2015 ORDERED: Court Reporter Antoinette Salazar transcripts dated 8/14/14, 10/23/14 due 8/13/15. Hon Samuel A Thumma - Author
17. 14-Jul-2015 ORDERED: Court Reporter Kristen Brown transcript dated 7/30/14 due 8/13/15. Hon Samuel A Thumma - Author
18. 14-Jul-2015 ORDERED: Ken Crenshaw transcripts dated 3/4/14, 4/1/14, 6/10/14, 10/16/14, 11/24/14, 2/3/15. 2/4/15, 2/5/15 due 8/13/15. Hon Samuel A Thumma - Author
19. 17-Jul-2015 FILED: Courtesy Copy of Nunc Pro Tunc Filed in Superior Court Re: 07/30/14 (Kristen Brown)
20. 17-Jul-2015 FILED: Reporter's Affidavit - Incorrect Minute Entry - No Transcripts Due CR-15-0351 (Kristen L. Brown)
21. 22-Jul-2015 FILED: Reporters Transcript 08/14/2014 (Antoinette Salazar)
22. 22-Jul-2015 FILED: Reporters Transcript 10/23/2014 (Antionette Salazar)
23. 29-Jul-2015 ORDERED: Court Reporter Renee Mobley to file transcript dated 07/30/2014 due by 08/28/2015. Hon Samuel A Thumma - Author
24. 3-Aug-2015 FILED: Reporter's Transcript - 07/30/2014 - (Renee Mobley)
25. 3-Aug-2015 FILED: Reporter's Transcript - 02/19/2015 - (Crystal Hereford)
26. 3-Aug-2015 FILED: Reporter's Transcript - 02/24/15 - (Crystal Hereford)
27. 3-Aug-2015 FILED: Reporter's Transcript - 02/25/15 - (Crystal Hereford)
28. 3-Aug-2015 FILED: Reporter's Transcript - 3-27-15 - Trial on Priors (Helene Paustian)
29. 8-Aug-2015 FILED: Reporter's Transcript - 02/18/2015 - Trial - (Karen Bolton)
30. 3-Sep-2015 ORDERED: Ken Crenshaw due Dates EXTENDED to 10/05/2015 for Transcripts dated 03/04/2014, 04/01/2014, 06/10/2014, 10/16/2014, 11/24/2014, 02/03/2015, 02/05/2015 or OSC on 10/07/2015. Hon Samuel A Thumma - Author

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31. 29-Oct-2015 FILED: Reporters Transcript - 3/04/2014 - (Jacki Buckley)
32. 29-Oct-2015 FILED: Reporters Transcript - 4/01/2014 - (Jacki Buckley)
33. 29-Oct-2015 FILED: Reporters Transcript - 6/10/2014 - (Jacki Buckley)
34. 29-Oct-2015 FILED: Reporters Transcript - 10/16/2014 - (Jacki Buckley)
35. 29-Oct-2015 FILED: Reporters Transcript - 11/24/2014 - (Jacki Buckley)
36. 29-Oct-2015 FILED: Reporters Transcript - 2/3/2015 - (Jacki Buckley)
37. 29-Oct-2015 FILED: Reporters Transcript - 2/04/2015 - (Jacki Buckley)
38. 29-Oct-2015 FILED: Reporters Transcript - 2/05/2015 - (Jacki Buckley)
39. 12-Nov-2015 FILED: Notice of Appearance; Certificate of Service (Appellant)
40. 17-Nov-2015 FILED: Notice of Completion of Record
41. 4-Dec-2015 FILED: Motion to Unseal Jury List, Rule 11 Mental Health Evaluations and Final Restoration Report; Certificate of Service (Appellant)
42. 7-Dec-2015 ORDERED: Motion to Unseal Jury List, Rule 11 Mental Health Evaluations and Final Restoration Report (Appellant) = GRANTED/Unsealing the following documents; Random jury list, IOR 78, Dr. Jason Frizzell, evaluation dated February 24, 2014, IOR 29, Dr. Jacqueline Worsley, evaluation dated February 25, 2014, IOR 28, Dr. Joanne Babich, evaluation dated March 27, 2014, IOR 27, Dr. Gary Freitas, medical reports dated June 3, 2014, IOR 33, Dr. Gary Freitas, final competency report dated May 25, 2014, IOR 33, Dr. Craig Rypma, evaluation dated September 19, 2014, IOR 49, Dr. Wayne General, evaluation dated September 28, 2014, IOR 48, to permit inspection and/or copying of these documents for use by the appellant or the appellee for this appeal only. Anthony Mackey ProTem Judge - Author
43. 5-Jan-2016 ORDERED: Opening Brief due date EXTENDED from 01/04/2015 to 02/03/2016. Fred Cole ProTem Judge - Author
44. 3-Feb-2016 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
45. 22-Feb-2016 FILED: Notice of Appearance; Certificate of Service (Appellee)
46. 22-Mar-2016 ORDERED: Answering Brief due date EXTENDED from Monday, 03-21-2016 to Wednesday, 04-20-2016. Fred Cole ProTem Judge - Author
47. 20-Apr-2016 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service; Appendices to Appellee's Answering Brief (Appellee)
48. 28-Apr-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
49. 9-May-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes copy of transcripts filed directly with COA1 previously)
50. 17-May-2016 ORDERED: Reply Brief due date EXTENDED from Monday, 05-16-2016 to Tuesday, 05-31-2016. Fred Cole ProTem Judge - Author AMENDED (see Order filed 05/18/2016)
51. 18-May-2016 AMENDED ORDER: Reply Brief due date EXTENDED from Monday, 05-16-2016 to Wednesday, 06-15-2016. Fred Cole ProTem Judge - Author
52. 31-May-2016 CLNDR: CONFERENCE, Dept C July 2016, 7-12-16, COURTROOM 2.
53. 15-Jun-2016 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
54. 25-Aug-2016 OPINION (Affirmed) Hon Maurice Portley - Author; Hon Margaret H Downie - Concur; Hon Patricia K Norris - Concur
55. 25-Aug-2016 FILED: Opinion Distribution List
56. 25-Aug-2016 MEMORANDUM DECISION (Affirmed) Hon Maurice Portley - Author; Hon Margaret H Downie - Concur; Hon Patricia K Norris - Concur
57. 25-Aug-2016 FILED: Memorandum Decision Distribution List
58. 20-Sep-2016 FILED: Letter, dated 9/20/2016, to Appellant from Counsel re: Right to File Petition for Review (Appellant)
59. 21-Sep-2016 FILED: ASC Order filed 09/21/2016 re: extending time for filing Petition for Review to 10/26/2016

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60. 26-Sep-2016 FILED: ASC Order filed 09/26/2016 re: granting counsel for Appellant Johnson an extension of time to file the petition for review on/before 10/26/2016. FURTHER ORDERED: 09/21/2016 order granting an extension of time to file pro per Petition for Review is vacated
61. 26-Oct-2016 FILED: Email Notice from ASC re: Petition for Review filed 10/26/16; request for partial record
62. 26-Oct-2016 FILED: Letter forwarding partial record to Arizona Supreme Court