

Court of Appeals, Division One
Criminal

1 CA-CR 15-0024

STATE v. JOHNSON

Appellate Case Information

Case Filed: 16-Jan-2015
Case Closed:

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

Dec 6, 2016.....Decision Rendered

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	

2 OPEN DUE DATES

Motion for Reconsideration due **Due By:** Tuesday, December 27, 2016

Re: MEMORANDUM DECISION (Affirmed) Hon Jon W Thompson - Author; Hon Diane M Johnsen - Concur; Hon Thomas C Kleinschmidt - Concur

Petition for Review to ASC due **Due By:** Tuesday, January 10, 2017

Re: MEMORANDUM DECISION (Affirmed) Hon Jon W Thompson - Author; Hon Diane M Johnsen - Concur; Hon Thomas C Kleinschmidt - Concur

CASE DECISION

06-Dec-2016 MEMORANDUM DECISION

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

Filed: **06-Dec-2016** Mandate:

Decision Disposition

Affirmed

44 PROCEEDING ENTRIES

- 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.
- 23-Feb-2015 FILED: Reporter's Transcript - 09/19/13 - Sentencing (Marmie Guimont)
- 26-Feb-2015 FILED: Additional Record on Appeal: Exhibits: Hearing Date 8/14/13 - List and # 7, 8 in manila envelope
- 26-Feb-2015 FILED: e-Record on Appeal: Instruments/Minute entries: Combined disposition Report: None Exhibits: None
- 26-Feb-2015 FILED: Reporters Transcript (11/20/12 [Kimberly D McAndrews]) filed with e-Record

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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)
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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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