

Court of Appeals, Division One

Criminal

1 CA-CR 22-0390

STATE v. SPINK

Appellate Case Information

Case Filed: 2-Sep-2022

Case Closed:

Dept/Composition

Department E

Hon. Anni Hill Foster
Hon. Brian Y Furuya
Hon. Randall M Howe

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Kevin M Morrow, Esq. (AZ Bar No. 34697)

Side 2. SHAWN TERRY SPINK, Appellant

(Litigant Group) SHAWN TERRY SPINK

- Shawn Terry Spink

Attorneys for: Appellant

Stephen M Johnson, Esq. (AZ Bar No. 15831)

CASE STATUS

Apr 15, 2024.....Decision Rendered

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2018-145662-001	See File	See File	Roy C Whitehead, Sentencing	JURY	

2 OPEN DUE DATES

Motion for Reconsideration due

Due By:

Monday, May 6, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Randall M Howe - Author; Hon Anni Hill Foster - Concur; Hon Brian Y Furuya - Concur

Petition for Review to ASC due

Due By:

Wednesday, May 15, 2024

Re: MEMORANDUM DECISION (Affirmed) Hon Randall M Howe - Author; Hon Anni Hill Foster - Concur; Hon Brian Y Furuya - Concur

CASE DECISION

15-Apr-2024 MEMORANDUM DECISION

Randall Howe.....Author
Anni Foster.....Concur
Brian Furuya.....Concur

Filed: 16-Apr-2024

Mandate:

Decision Disposition

Affirmed

73 PROCEEDING ENTRIES

1.	2-Sep-2022	FILED: Notice of Appeal from Maricopa County Superior Court filed 08/30/22. Notification sent to Court Reporters dated 09/01/2022.
2.	7-Sep-2022	FILED: Appellate Clerk Notice (31.2(g))
3.	9-Sep-2022	ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Court Reporters Monica Hill-Morrisette, Kristine Mayo, Michele Kaley, and Robin Lawlor transcripts due by 10/24/2022. Benjamin A Armstrong ProTem Judge - Author
4.	15-Sep-2022	FILED: Designation of Record for Appeal (Appellant)
5.	16-Sep-2022	FILED: Reporter's Transcript - 06/14/2022 - Jury Trial Day 10 (Robin Lawlor)
6.	21-Sep-2022	ORDERED: Ken Crenshaw transcripts dated 12/17/2018; 01/24/2019; 03/20/2019; 04/05/2019; 06/13/2019; 06/26/2019; 08/22/2019; 08/17/2020; 09/24/2020; 06/16/2021 due by 11/07/2022. FURTHER ORDERED: Court Reporter Vanessa Gartner transcripts dated 03/07/2022; 12/13/2021; 07/30/2020 due by 11/07/2022. Hon David B Gass - Author
7.	8-Oct-2022	FILED: Reporter's Transcript - 05/19/2022 - Jury Trial (Monica S Hill-Morrisette)
8.	8-Oct-2022	FILED: Reporter's Transcript - 05/26/2022 - Jury Trial (Monica S Hill-Morrisette)

Court of Appeals, Division One**Criminal****1 CA-CR 22-0390****STATE v. SPINK****73 PROCEEDING ENTRIES**

9.	8-Oct-2022	FILED: Reporter's Transcript - 06/06/2022 - Jury Trial (Monica S Hill-Morrisette)
10.	8-Oct-2022	FILED: Reporter's Transcript - 06/30/2022 - Jury Trial (Monica S Hill-Morrisette)
11.	13-Oct-2022	FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: 224 Exhibits: None sent with e-Record
12.	13-Oct-2022	FILED: Reporter's Transcript - 06/15/2022 - Trial (Michele Kaley)
13.	13-Oct-2022	FILED: Additional Record on Appeal Physical Exhibits: Hearing Date: 05/12/2022 List # 2 47 52 54 55 56 57 59 60 61 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 85 86 87 88 89 90 91 92 93 94 95 96 97 98 100 in manila envelope Sealed Exhibit: Confidential Criminal History Report in Sealed Manila Envelope
14.	17-Oct-2022	FILED: Reporter's Transcript - 05/17/2022 - Jury Trial (Monica Hill-Morrisette)
15.	23-Oct-2022	FILED: Reporter's Transcript - 06/16/2022 - Trial Day 12 (Kristine Mayo)
16.	24-Oct-2022	FILED: Reporter's Transcript - 05/18/2022 - Jury Trial (Monica S Hill-Morrisette)
17.	24-Oct-2022	FILED: Motion for Extension of Time (Time to File Transcripts)(Monica S Hill-Morrisette)
18.	24-Oct-2022	FILED: Reporter's Transcript - 05/24/2022 - Jury Trial (Monica S Hill-Morrisette)
19.	25-Oct-2022	FILED: Reporter's Transcripts - 07/30/2020 - Trial Continuance (Vanessa Gartner)
20.	25-Oct-2022	FILED: Reporter's Transcripts - 12/13/2021 - Trial Continuance (Vanessa Gartner)
21.	25-Oct-2022	FILED: Reporter's Transcripts - 03/07/2022 - Trial Continuance (Vanessa Gartner)
22.	26-Oct-2022	ORDERED: Motion for Extension of Time (Time to File Transcripts)(Monica S Hill-Morrisette) = GRANTED. Due Dates EXTENDED to 11/23/2022 for Transcripts dated 08/30/2022, 08/26/2022, 06/29/2022, 06/28/2022, 06/13/2022, 06/09/2022, 05/23/2022, 05/16/2022, 05/02/2022 or OSC set for 12/07/2022. Hon David B Gass - Author
23.	27-Oct-2022	FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
24.	8-Nov-2022	FILED: Reporter's Transcript - 06/09/2022 - Jury Trial (Monica S Hill-Morrisette)
25.	8-Nov-2022	FILED: Reporter's Transcript - 05/23/2022 - Jury Trial (Monica S Hill-Morrisette)
26.	9-Nov-2022	ORDERED: Ken Crenshaw transcripts dated 12/17/2018; 01/24/2019; 03/20/2019; 04/05/2019; 06/13/2019; 06/26/2019; 08/22/2019; 08/17/2020; 09/24/2020; 06/16/2021 due by 12/09/2022 or OSC set for 12/21/2022. Hon David B Gass - Author
27.	14-Nov-2022	FILED: Reporter's Transcript - 05/16/2022 - Jury Trial (Monica S Hill-Morrisette)
28.	14-Nov-2022	FILED: Reporter's Transcript - 06/13/2022 - Jury Trial (Monica S Hill-Morrisette)
29.	22-Nov-2022	ORDERED: Upon presentation of this order, unsealing the confidential Court Information Sheets (I.O.R. 2 and 10); the Medical Report of Dr. Sarah Gallimore (I.O.R. 45); the Medical Reports of Dr. Jason Frizzell (I.O.R. 46 and 47); the Interview with Shawn Spink (I.O.R. 157); the Random Jury List (I.O.R. 180); the Restitution Ledger Request (I.O.R. 208); and the Sentencing Memorandum (I.O.R. 211) for agents/parties on this appeal only. Benjamin A Armstrong ProTem Judge - Author
30.	23-Nov-2022	FILED: Reporter's Transcript - 06/28/2022 - Jury Trial (Monica S Hill-Morrisette)
31.	23-Nov-2022	FILED: Reporter's Transcript - 06/29/2022 - Jury Trial (Monica S Hill-Morrisette)
32.	24-Nov-2022	FILED: Reporter's Transcript - 05/02/2022 - Trial Procedure Conference (Monica S Hill-Morrisette)
33.	24-Nov-2022	FILED: Reporter's Transcript - 08/26/2022 - Sentencing Continued (Monica S Hill-Morrisette)
34.	24-Nov-2022	FILED: Reporter's Transcript - 05/02/2022 - Trial Procedure Conference (Monica S Hill-Morrisette)
35.	24-Nov-2022	FILED: Reporter's Transcript - 08/26/2022 - Sentencing Continued (Monica S Hill-Morrisette)
36.	24-Nov-2022	FILED: Reporter's Transcript - 08/30/2022 - Sentencing (Monica S Hill-Morrisette)

Court of Appeals, Division One**Criminal****1 CA-CR 22-0390****STATE v. SPINK****73 PROCEEDING ENTRIES**

37.	19-Dec-2022	FILED: Motion for Extension of Time to File Transcripts (Ken Crenshaw)
38.	20-Dec-2022	ORDERED: Motion for Extension of Time to File Transcripts (Ken Crenshaw) = GRANTED. Due Dates EXTENDED to 01/09/2023 for Transcripts dated 06/16/2021, 09/24/2020, 08/17/2020, 08/22/2019, 06/26/2019, 06/13/2019, 04/05/2019, 03/20/2019, 01/24/2019, 12/17/2018 or OSC set for 01/18/2023. Hon David B Gass - Author
39.	21-Dec-2022	AMENDED ORDER: Motion for Extension of Time to File Transcripts (Ken Crenshaw) = GRANTED. Due Dates EXTENDED to 01/09/2023 for Transcripts dated 06/16/2021, 09/24/2020, 08/17/2020, 08/22/2019, 06/26/2019, 06/13/2019, 04/05/2019, 03/20/2019, 01/24/2019, 12/17/2018 or OSC set for 01/18/2023. FURTHER ORDERED: Vacating the Order to Show Cause hearing on 12/21/2022 for Ken Crenshaw. Hon David B Gass - Author
40.	28-Dec-2022	FILED: Additional Record on Appeal Physical Exhibits: Hearing Date: 05/12/2022 List # 12 in manila envelope
41.	28-Dec-2022	FILED: Supplemented Superior Court e-Record with Revised Index of Record
42.	17-Jan-2023	FILED: Motion for Extension of Time to File Transcripts (Ken Crenshaw)
43.	19-Jan-2023	ORDERED: Motion for Extension of Time to File Transcripts (Ken Crenshaw) = GRANTED. Due Dates EXTENDED to 02/08/2023 for Transcripts dated 06/16/2021, 09/24/2020, 08/17/2020, 08/22/2019, 06/26/2019, 06/13/2019, 04/05/2019, 03/20/2019, 01/24/2019, 12/17/2018- or OSC set for 02/15/2023. FURTHER ORDERED: Vacating the Order to Show Cause hearing on 01/18/2023 for Ken Crenshaw. Hon David B Gass - Author
44.	14-Feb-2023	FILED: Motion for Extension of Time to File Transcripts (Ken Crenshaw)
45.	24-Feb-2023	ORDERED: Motion for Extension of Time to File Transcripts (Ken Crenshaw) = GRANTED. Due Dates EXTENDED to 03/17/2023 for Transcripts dated 06/16/2021, 09/24/2020, 08/17/2020, 08/22/2019, 06/26/2019, 06/13/2019, 04/05/2019, 03/20/2019, 01/24/2019, 12/17/2018 or OSC set on 04/05/2023. FURTHER ORDERED: Vacating OSC set on 02/15/2022 [sic]. Hon David B Gass - Author
46.	27-Feb-2023	AMENDED ORDER: Motion for Extension of Time to File Transcripts (Ken Crenshaw) = GRANTED. Due Dates EXTENDED to 03/17/2023 for Transcripts dated 06/16/2021, 09/24/2020, 08/17/2020, 08/22/2019, 06/26/2019, 06/13/2019, 04/05/2019, 03/20/2019, 01/24/2019, 12/17/2018 or OSC set on 04/05/2023. FURTHER ORDERED: Vacating OSC set on 02/15/2023. Hon David B Gass - Author
47.	9-Mar-2023	FILED: Reporter's Transcript - 12/17/18 - Complex Case Order - (Kimberly McCright)
48.	9-Mar-2023	FILED: Reporter's Transcript - 01/24/19 - Complex Case Management Conference - (Kimberly McCright)
49.	9-Mar-2023	FILED: Reporter's Transcript - 03/20/19 - Complex Case Management Conference - (Kimberly McCright)
50.	9-Mar-2023	FILED: Reporter's Transcript - 04/05/19 - Settlement Conference - (Kimberly McCright)
51.	9-Mar-2023	FILED: Reporter's Transcript - 06/13/19 - Defendant Competent-Submission - (Kimberly McCright)
52.	9-Mar-2023	FILED: Reporter's Transcript - 06/26/19 - Status Conference - (Kimberly McCright)
53.	9-Mar-2023	FILED: Reporter's Transcript - 08/22/19 - Trial Continuance Past Last Day - (Kimberly McCright)
54.	9-Mar-2023	FILED: Reporter's Transcript - 08/17/20 - Status Conference - (Kimberly McCright)
55.	9-Mar-2023	FILED: Reporter's Transcript - 09/24/20 - Final Trial Management Conference - (Kimberly McCright)
56.	9-Mar-2023	FILED: Reporter's Transcript - 06/16/21 - Trial Continuance Past Last Day - (Kimberly McCright)
57.	26-May-2023	FILED: Notice of Completion of Record
58.	2-Jun-2023	FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
59.	13-Jun-2023	ORDERED: Motion To Withdraw And Substitute New Counsel (Appellant) = GRANTED. FURTHER ORDERED: Appointing attorney Stephen Johnson as attorney for appellant in this appeal. FURTHER ORDERED: Maricopa County Public Defender must immediately forward all files, records, transcripts, and other documents that relate to this appeal to newly-appointed counsel. FURTHER ORDERED: Motion To Extend Opening Brief Due Date (Appellant) = GRANTED. Due date EXTENDED from Monday, 07-10-2023 to Thursday, 08-24-2023 Benjamin A Armstrong ProTem Judge - Author
60.	25-Aug-2023	FILED: Request for Extension of Time to File Opening Brief (My First Request); Certificate of Service (Appellant)

Court of Appeals, Division One**Criminal****1 CA-CR 22-0390****STATE v. SPINK****73 PROCEEDING ENTRIES**

61.	25-Aug-2023	ORDERED: Request for Extension of Time to File Opening Brief (My First Request) (Appellant) = GRANTED. Due date EXTENDED from Thursday, 08-24-2023 to Monday, 09-25-2023. Barbara Vidal Vaught ProTem Judge - Author
62.	28-Aug-2023	ORDERED: Request for Extension of Time to File Opening Brief (My First Request) (Appellant) = GRANTED. Due date EXTENDED from Monday, 09-25-2023 to Wednesday, 10-25-2023. Benjamin A Armstrong ProTem Judge - Author [VACATED per order filed 08/28/2023]
63.	28-Aug-2023	ORDERED: Vacating the 08/28/2023, order extending the time to file the opening brief. FURTHER ORDERED: The order of 08/25/2023, remains in effect. Benjamin A Armstrong ProTem Judge - Author
64.	25-Sep-2023	FILED: Request for Extension of Time to File Opening Brief (Second Request); Certificate of Service (Appellant)
65.	26-Sep-2023	ORDERED: Request for Extension of Time to File Opening Brief (Second Request) (Appellant) = GRANTED. Due date EXTENDED from Monday, 09-25-2023 to Wednesday, 10-25-2023 or OSC set on 11/01/2023. Benjamin A Armstrong ProTem Judge - Author
66.	25-Oct-2023	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
67.	30-Oct-2023	FILED: Notice of Appearance; Certificate of Service (Appellee)
68.	4-Dec-2023	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
69.	29-Dec-2023	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
70.	8-Jan-2024	FILED: Supplemented Superior Court e-Record with Revised Index of Record
71.	26-Jan-2024	CLNDR: CONFERENCE, Department E, 3-21-24, CONFERENCE ROOM.
72.	16-Apr-2024	MEMORANDUM DECISION (Affirmed) Hon Randall M Howe - Author; Hon Anni Hill Foster - Concur; Hon Brian Y Furuya - Concu
73.	16-Apr-2024	FILED: Decision Distribution Notification