

**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**

May 15, 2024....Pending in ASC

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	

**DESCENDENT CASE (S)**

ASC CR-24-0125-PR

**CASE DECISION**

**15-Apr-2024 MEMORANDUM DECISION**

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

Filed: **16-Apr-2024** Mandate:

Decision Disposition
<b>Affirmed</b>

**75 PROCEEDING ENTRIES**

- 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.
- 7-Sep-2022 FILED: Appellate Clerk Notice (31.2(g))
- 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
- 15-Sep-2022 FILED: Designation of Record for Appeal (Appellant)
- 16-Sep-2022 FILED: Reporter's Transcript - 06/14/2022 - Jury Trial Day 10 (Robin Lawlor)
- 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
- 8-Oct-2022 FILED: Reporter's Transcript - 05/19/2022 - Jury Trial (Monica S Hill-Morrisette)
- 8-Oct-2022 FILED: Reporter's Transcript - 05/26/2022 - Jury Trial (Monica S Hill-Morrisette)
- 8-Oct-2022 FILED: Reporter's Transcript - 06/06/2022 - Jury Trial (Monica S Hill-Morrisette)
- 8-Oct-2022 FILED: Reporter's Transcript - 06/30/2022 - Jury Trial (Monica S Hill-Morrisette)

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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)
37. 19-Dec-2022 FILED: Motion for Extension of Time to File Transcripts (Ken Crenshaw)

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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)
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

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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
74. 15-May-2024 FILED: Email Notice from ASC re: Petition for Review filed 05/15/24; request for partial record
75. 16-May-2024 FILED: Letter forwarding partial record to Arizona Supreme Court