

Court of Appeals, Division One

Criminal

1 CA-CR 22-0494

STATE v. HOWARD

Appellate Case Information

Case Filed: 31-Oct-2022

Case Closed:

Dept/Composition

Department B

Hon. Andrew M Jacobs
Hon. Jennifer M Perkins
Hon. David D Weinzweig

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Karen Moody, Esq. (AZ Bar No. 31112)

Side 2. DIONDRA SHARRELLE HOWARD, Appellant

(Litigant Group) DIONDRA SHARRELLE HOWARD

- Diondra Sharrelle Howard

Attorneys for: Appellant

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

CASE STATUS

Apr 17, 2024.....Under Advisement

Table with 7 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2015-147837-001, Manslaughter-Quarrel, Class 2, 18 Years, ADOC, Roy C Whitehead, Sentencing, JURY.

CALENDAR

Tuesday MONTHLY COURT CASE CALENDAR

CR Cases

16-Apr-2024 Department B; COURTROOM 2

10:30 AM STATE OF ARIZONA..... 20 mins.
DIONDRA SHARRELLE HOWARD..... 20 mins.

73 PROCEEDING ENTRIES

- 1. 31-Oct-2022 FILED: Notice of Appeal from Maricopa County Superior Court filed 10/27/22. Notification sent to Court Reporters dated 10/28/2022.
2. 7-Nov-2022 FILED: Appellate Clerk Notice (31.2(g))
3. 9-Nov-2022 ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Court Reporters Monica Hill-Morrisette, Treva Colwell and Scott Kindle transcripts due by 12/23/2022. Benjamin A Armstrong ProTem Judge - Author
4. 21-Nov-2022 FILED: Designation of Record for Appeal (Appellant)
5. 9-Dec-2022 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 05/03/2022 List # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 114 115 116 117 118 131 132 133 134 in manila envelope
Hearing Date: 10/26/2022 List # 1 2 in manila envelope
Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope
6. 9-Dec-2022 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: 270
Exhibits: None sent with e-Record

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7. 13-Dec-2022 ORDERED: Ken Crenshaw transcripts dated 10/18/2016; 12/13/2016; 06/16/2017; 06/15/2018; 09/19/2019; 10/30/2019; 01/15/2020; 03/15/2021; 11/12/2021; 07/11/2022 due by 01/27/2023. FURTHER ORDERED: Court Reporter Monica Hill-Morrisette transcript dated 08/30/2022 due by 01/27/2023. FURTHER ORDERED: Reaffirming this previously set due date of 12/23/2022 for transcript dated 10/26/2022 for Court Reporter Monica Hill-Morrisette. FURTHER ORDERED: Court Reporter Wanda Bauer transcript dated 04/27/2022 due by 01/27/2023. FURTHER ORDERED: Court Reporter Hope Yeager transcript dated 03/03/2022 due by 01/27/2023. FURTHER ORDERED: Court Reporter Kristyn Lobry transcript dated 08/13/2020 due by 01/27/2023. FURTHER ORDERED: Court Reporter Kristyn Week transcript dated 05/30/2019 due by 01/27/2023. FURTHER ORDERED: Court Reporter Robin Bobbie transcript dated 04/30/2019 due by 01/27/2023. FURTHER ORDERED: Court Reporter Tara Kramer transcript dated 01/20/2016 due by 01/27/2023. FURTHER ORDERED: Court Reporter Treva Colwell transcript dated 04/14/2022 due by 01/27/2023. FURTHER ORDERED: Reaffirming this previously set due date of 12/23/2022 for transcripts dated 05/17/2022; 05/12/2022; 05/11/2022; 05/10/2022, for Court Reporter Treva Colwell. Hon David B Gass - Author
8. 15-Dec-2022 FILED: Request for Extension of Time (Time to File Transcript)(Scott Kindle)
9. 19-Dec-2022 ORDERED: Request for Extension of Time (Time to File Transcript)(Scott Kindle) = GRANTED. Due Dates EXTENDED to 01/23/2023 for Transcripts dated 05/05/2022, 05/04/2022, 05/03/2022 or OSC set for 02/01/2023. Hon David B Gass - Author
10. 20-Dec-2022 FILED: Reporter's Transcripts - 05/10/2022 - Trial - Day 4 (Treva B. Colwell)
11. 20-Dec-2022 FILED: Reporter's Transcripts - 05/11/2022 - Trial - Day 5 (Treva B. Colwell)
12. 20-Dec-2022 FILED: Reporter's Transcripts - 05/12/2022 - Trial - Day 6 (Treva B. Colwell)
13. 20-Dec-2022 FILED: Reporter's Transcripts - 05/17/2022 - Trial - Day 7 (Treva B. Colwell)
14. 23-Dec-2022 FILED: Motion for Extension of Time (Time to File Transcripts)(Monica S Hill-Morrisette)
15. 28-Dec-2022 ORDERED: Motion for Extension of Time (Time to File Transcripts)(Monica S Hill-Morrisette) = GRANTED. Due date EXTENDED from Friday, 12-23-2022 to Monday, 01-23-2023 or OSC set for 02/01/2023,. Hon David B Gass - Author
16. 12-Jan-2023 FILED: Reporter's Transcript - 04/14/2022 - Final Trial Management Conference (Treva B. Colwell)
17. 13-Jan-2023 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
18. 19-Jan-2023 FILED: Reporter's Transcript - 04/30/2019 - Complex Case Management Conference (Robin Lawlor)
19. 20-Jan-2023 FILED: Reporter's Transcript - 04/27/2022 (Wanda Bauer)
20. 23-Jan-2023 ORDERED: Upon presentation of this order, unsealing the confidential Court Information Sheets (I.O.R. 4 and 8); the Medical Reports of Dr. James Huddleston dated July 26, 2017 and April 17, 2017 (I.O.R. 53 and 54); the Medical Report of Dr. Jon Van Doren dated August 1, 2017 (I.O.R. 55); the Medical Report of Dr. Deborah Desrois dated February 1, 2017 (I.O.R. 56); the Random Jury List (I.O.R. 231); the Juror Questionnaires (I.O.R. 240, 241 and 242); and the Restitution Ledger Request (I.O.R. 261) for parties/agents on this appeal only. Benjamin A Armstrong ProTem Judge - Author
21. 23-Jan-2023 FILED: Reporter's Transcript - 08/30/2022 - Status Conference (Monica Hill-Morrisette)
22. 23-Jan-2023 FILED: Reporter's Transcript - 10/26/2022 - Sentencing (Monica Hill-Morrisette)
23. 23-Jan-2023 FILED: Reporter's Transcript - 05/03/2022 - Trial Day 1 (Scott Kindle)
24. 23-Jan-2023 FILED: Reporter's Transcript - 05/04/2022 - Trial Day 2 (Scott Kindle)
25. 23-Jan-2023 FILED: Reporter's Transcript - 05/05/2022 - Trial Day 3 (Scott Kindle)
26. 24-Jan-2023 FILED: Reporter's Transcript - 01/20/2016 - Complex Case Management Conference (Tara L. Kramer)
27. 26-Jan-2023 FILED: Reporter's Transcript - 5/30/2019 - Complex Case Management Conference (Kristi Week)
28. 27-Jan-2023 FILED: Reporter's Transcript - 08/13/2020 - Pre-Trial Conference Final Trial Management Conference (Kristyn Lobry)
29. 27-Jan-2023 FILED: Reporter's Transcript - 03/03/2022 - Final Trial Management Conference (Hope Yeager)
30. 1-Feb-2023 ORDERED: Ken Crenshaw transcripts dated 10/18/2016; 12/13/2016; 06/16/2017; 06/15/2018; 09/19/2019; 10/30/2019; 01/15/2020; 03/15/2021; 11/12/2021; 07/11/2022 due by 03/03/2023 or OSC set for 03/15/2023. Hon David B Gass - Author
31. 2-Mar-2023 FILED: Reporter's Transcripts - 09/19/19 - Trial Continuance Past Last Day (Kimberly McCright)
32. 2-Mar-2023 FILED: Reporter's Transcripts - 11/12/21 - Settlement Conference (Kimberly McCright)
33. 2-Mar-2023 FILED: Reporter's Transcripts - 01/15/20 - Final Trial Management Conference (Kimberly McCright)

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34. 2-Mar-2023 FILED: Reporter's Transcripts - 07/11/22 - Sentencing/Disposition Hearing Reset (Kimberly McCright)
35. 14-Mar-2023 FILED: Motion for Extension of Time (Time to File Transcripts)(Ken Crenshaw)
36. 16-Mar-2023 ORDERED: Motion for Extension of Time (Time to File Transcripts)(Ken Crenshaw) = GRANTED. Due Dates EXTENDED to 04/03/2023 for Transcripts dated 03/15/2021, 10/30/2019, 06/15/2018, 06/16/2017, 12/13/2016, 10/18/2016 or OSC set on 04/05/2023. FURTHER ORDERED that, the court grants this extension based on the delay in retrieving archived digital recording. In the future, this court will accept this reason only if the request indicates the date the archived digital recording was requested and when it was received. FURTHER ORDERED: Vacating the Show Cause hearing currently set for 03/15/2023 for Ken Crenshaw. Hon David B Gass - Author
37. 3-Apr-2023 FILED: Reporter's Transcript - 03/15/2021 - Settlement Conference (Kimberly McCright)
38. 3-Apr-2023 FILED: Reporter's Transcript - 10/18/2016 - Settlement Conference (Kimberly McCright)
39. 3-Apr-2023 FILED: Reporter's Transcript - 12/13/2016 - Complex Case Management Conference (Kimberly McCright)
40. 3-Apr-2023 FILED: Reporter's Transcript - 06/06/2017[sic] - Criminal Competency Hearing (Kimberly McCright)
41. 3-Apr-2023 FILED: Reporter's Transcript - 10/30/2019 - Final Trial Management Conference (Kimberly McCright)
42. 4-Apr-2023 FILED: Affidavit Regarding Ordered Transcripts (6/15/18) (Ken Crenshaw)
43. 5-Apr-2023 ORDERED: Vacating that portion of this court's order filed 03/16/2023, directing Ken Crenshaw to file transcript of proceedings of 06/15/2018, and vacating show cause hearing set for 04/05/2023, in this matter. Hon David B Gass - Author
44. 7-Apr-2023 FILED: Reporter's Transcript - 06/16/2017 - Criminal Competency Hearing (CORRECTED) (Kimberly McCright)
45. 12-Apr-2023 ORDERED: Unavailability of Transcript; Reconstruction of the Record = GRANTED. Parties have until 05/12/2023, to reconstruct the missing portion of the record pursuant to Arizona Rule of Criminal Procedure 31.8 and submit the reconstructed portion of the record to the court. Benjamin A Armstrong ProTem Judge - Author
46. 12-May-2023 FILED: Joint Proposed Summary of Missing Record; Certificate of Service (Appellee)
47. 16-May-2023 FILED: Notice of Completion of Record
48. 17-May-2023 FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
49. 22-May-2023 ORDERED: Motion to Withdraw and Substitute New Counsel (Appellant) = GRANTED and 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 = GRANTED. Due date EXTENDED from Friday, 06-30-2023 to Monday, 08-14-2023. Benjamin A Armstrong ProTem Judge - Author
50. 14-Aug-2023 FILED: Request for Extension of Time to File Opening Brief (My First Request); Certificate of Service (Appellant)
51. 15-Aug-2023 ORDERED: Request for Extension of Time to File Opening Brief (My First Request) (Appellant) = GRANTED. Due date EXTENDED from Monday, 08-14-2023 to Thursday, 09-14-2023. Geoffrey P Butzine ProTem Judge - Author
52. 14-Sep-2023 FILED: Request for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
53. 15-Sep-2023 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service; (Untitled) Judicial Conduct Report (Appellant)
54. 15-Sep-2023 ORDERED: Request for Extension of Time to File Opening Brief (Appellant) = GRANTED and accepting the opening brief filed 09/15/2023. Benjamin A Armstrong ProTem Judge - Author
55. 27-Sep-2023 FILED: Notice of Appearance; Certificate of Service (Appellee)
56. 18-Oct-2023 FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
57. 18-Oct-2023 ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Wednesday, 10-25-2023 to Wednesday, 11-08-2023. Benjamin A Armstrong ProTem Judge - Author
58. 8-Nov-2023 FILED: Motion to Expand the Record; Certificate of Service; Exhibit A (To Motion to Expand the Record) (Appellee)
59. 8-Nov-2023 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)

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60. 13-Nov-2023 ORDERED: Motion to Expand the Record (Appellee) = GRANTED and supplementing the record with the following documents: The May 6 through May 9, email chain between the parties' counsel and superior court personnel regarding jury instructions, attached to the motion as Exhibit A; and the document titled "SECOND DRAFT FINAL Jury Instructions" attached to the motion as Exhibit B. Benjamin A Armstrong ProTem Judge - Author
61. 28-Nov-2023 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
62. 29-Nov-2023 FILED: Request for Extension of Time to File Reply Brief; Certificate of Service (Appellant)
63. 29-Nov-2023 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
64. 29-Nov-2023 ORDERED: Granting the motion to extend the time to file the reply brief, and accepting the reply brief filed on 11/29/2023. Benjamin A Armstrong ProTem Judge - Author
65. 8-Dec-2023 FILED: Supplemented Superior Court e-Record with Revised Index of Record
66. 21-Dec-2023 CLNDR: CONFERENCE, Department B, 2-20-24, COURTROOM 2.
67. 9-Feb-2024 ORDERED: That the parties submit simultaneous supplemental briefs no later than 02/29/2024, not to exceed 4,000 words, addressing whether: (1) Arizona Rule of Criminal Procedure ("Rule") 19.4 applies only where a party makes a motion or request that the court review the record; (2) Rule 19.4 applied in this case; and (3) the superior court complied with Rule 19.4. FURTHER ORDERED: Vacating the 02/20/2024 conference in this matter, and that after receipt of the supplemental briefs, the court will set a date to conference this matter. Hon Andrew M Jacobs - Author
68. 29-Feb-2024 FILED: Appellee's Supplemental Brief; Certificate of Compliance; Certificate of Service (Appellee)
69. 29-Feb-2024 FILED: Appellant's Supplemental Brief; Certificate of Compliance; Certificate of Service (Appellant)
70. 6-Mar-2024 ORDERED: Resetting conference in this matter for Tuesday, 04/16/2024 and setting oral argument in this matter on Tuesday, 04/16/2024 at 10:30 a.m. in Courtroom 2, State Courts Building, 1501 West Washington Street, Phoenix, Arizona. Hon Andrew M Jacobs - Author
71. 13-Mar-2024 FILED: Return Receipt for Notice of Oral Argument, signed by Karen Moody on 03/06/2024 (Appellee)
72. 10-Apr-2024 FILED: Appellant's Return Receipt for Notice of Oral Argument (Appellant)
73. 16-Apr-2024 FILED: Sign-in Sheet/Case is Under Advisement (Dept B)