

Court of Appeals, Division One

Criminal

1 CA-CR 22-0589

STATE v. NJIKE

Appellate Case Information

Case Filed: 14-Dec-2022

Case Closed:

Dept/Composition

Department B

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

Consolidated with: 1 CA-CR 23-0073

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Phillip Tomas, Esq. (AZ Bar No. 37879)

Side 2. COLLINS NJIKE, Appellant

(Litigant Group) COLLINS NJIKE

- Collins Njike

Attorneys for: Appellant

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

CASE STATUS

Aug 28, 2024....Pending in ASC

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2021-139933-001, Sexual Conduct with Minor, Class 2; Sexual Conduct with Minor, Class 2, 6 Years, ADOC; 5 Years, ADOC, Mark H Brain, Sentencing, JURY

DESCENDENT CASE(S)

ASC CR-24-0228-PR

CASE DECISION

23-Jul-2024 MEMORANDUM DECISION

David Weinzweig.....Author
Andrew Jacobs.....Concur
Jennifer Perkins.....Concur

Filed: 23-Jul-2024 Mandate:

Table with 1 column: Decision Disposition. Row 1: Affirmed

DECISION APPLIES TO THE FOLLOWING OTHER CASE(S)

1 CA-CR 23-0073 STATE v. NJIKE

55 PROCEEDING ENTRIES

- 1. 14-Dec-2022 FILED: Notice of Appeal from Maricopa County Superior Court filed 12/09/22. Notification sent to Court Reporter dated 12/13/2022.
2. 20-Dec-2022 FILED: Appellate Clerk Notice (31.2(g))
3. 4-Jan-2023 FILED: Motion to Appoint Counsel for Indigent Defendant and Withdraw Trial Counsel; Certificate of Service (Appellant)
4. 10-Jan-2023 ORDERED: Motion to Appoint Counsel for Indigent Defendant and Withdraw Trial Counsel (Appellant) = GRANTED. Appointing the Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Court Reporters Hope Yeager, Jennifer Church Diane Donoho and Ken Crenshaw transcripts due by 02/23/2023 Benjamin A Armstrong ProTem Judge - Author
5. 18-Jan-2023 FILED: Notice of Appearance; Certificate of Service (Appellant)
6. 20-Jan-2023 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 10/19/2022 List # 1 2 3 4 5 6 7 8 9 10 11 12 16 17 18 19 in manila envelope
Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope

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7. 20-Jan-2023 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: 177 Exhibits: None sent with e-Record
8. 3-Feb-2023 FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
9. 14-Feb-2023 ORDERED: Upon presentation of this order, unsealing the confidential Court Information Sheets (I.O.R. 2 and 16); the Rule 2.3 Victim Identifier Information Form (I.O.R. 8); the McDowell Mountain JP Release Questionnaire (I.O.R. 9); the Victim's Therapy Records (I.O.R. 88); the Random Jury List (I.O.R. 151); the Sealed Jury Questionnaires (I.O.R. 152, 153, and 154); the Summary Fee Transaction File List (I.O.R. 165); the Victim's Information Sheet for Lifetime No-Contact Injunction (I.O.R. 167); and the Maricopa County Attorney's Office Request for a Lifetime Injunction (I.O.R. 168) for parties/agents on this appeal only. Benjamin A Armstrong ProTem Judge - Author
10. 20-Feb-2023 FILED: Motion for Extension of Time (Time to File Transcripts)(Jennifer Church)
11. 21-Feb-2023 ORDERED: Motion for Extension of Time (Time to File Transcripts)(Jennifer Church) = GRANTED. Due Dates EXTENDED to 03/27/2023 for Transcripts dated 10/31/2022, 10/27/2022, 10/24/2022 or OSC set for 04/05/2023. Hon David B Gass - Author
12. 22-Feb-2023 FILED: Motion for Extension of Time (Time to File Transcripts)(Hope Yeager)
13. 23-Feb-2023 ORDERED: Motion for Extension of Time (Time to File Transcripts)(Hope Yeager) = GRANTED. Due Dates EXTENDED to 03/27/2023 for Transcripts dated 11/02/2022, 11/01/2022, 10/20/2022 or OSC set on 04/05/2023. FURTHER ORDERED: Due date will not be extended again, absent a timely showing of actual and substantial good cause. Hon David B Gass - Author
14. 24-Feb-2023 FILED: Reporter's Transcript - 10/19/2022 - Trial Day 1 (Diane Donoho)
15. 24-Feb-2023 FILED: Reporter's Transcript - 10/26/2022 - Trial Day 4 (Diane Donoho)
16. 27-Feb-2023 ORDERED: Ken Crenshaw transcript dated 12/02/2022 EXTENDED to 03/29/2023 or OSC set on 04/05/2023. Hon David B Gass - Author
17. 24-Mar-2023 FILED: Reporter's Transcript-10/24/2022-Trial Day 3 (Jennifer Church)
18. 24-Mar-2023 FILED: Reporter's Transcript-10/27/2022-Trial Day 5 (Jennifer Church)
19. 26-Mar-2023 FILED: Motion for 2nd Extension of Time to File Transcripts (Hope J Yeager)
20. 27-Mar-2023 FILED: Reporter's Transcript-10/31/2022-Trial Day 6 (Jennifer Church)
21. 28-Mar-2023 ORDERED: Motion for 2nd Extension of Time to File Transcripts (Hope J Yeager) = GRANTED. Due Dates EXTENDED to 04/26/2023 for Transcripts dated 11/02/2022, 11/01/2022, 10/20/2022 or OSC set on 05/03/2023. FURTHER ORDERED: If Court Reporter Hope Yeager cannot complete the above listed transcript(s) by 04/26/2023, he/she will find an alternate Court Reporter to finish the above listed transcript(s). FURTHER ORDERED: Vacating OSC scheduled for 04/05/2023. Hon David B Gass - Author
22. 4-Apr-2023 FILED: Motion to Extend Time to File Transcripts (Ken Crenshaw)
23. 5-Apr-2023 ORDERED: Motion to Extend Time to File Transcripts (Ken Crenshaw)= GRANTED. Due date EXTENDED from Wednesday, 03-29-2023 to Friday, 04-28-2023 for transcript dated 12/02/2022 or OSC 05/03/2023. FURTHER ORDERED: Vacating the show cause hearing scheduled for 04/05/2023 in the above-referenced matter. Hon David B Gass - Author
24. 23-Apr-2023 FILED: Reporter's Transcript - 10/20/2022 - Trial - Day Two (Hope J Yeager)
25. 23-Apr-2023 FILED: Reporter's Transcript - 11/01/2022 - Trial - Day 7 - PM (Hope J Yeager)
26. 23-Apr-2023 FILED: Reporter's Transcript - 11/02/2022 - Trial - Day 8 (Hope J Yeager)
27. 28-Apr-2023 FILED: Reporter's Transcript - 12/02/2022 - Sentencing (Kimberly McCright)
28. 28-Apr-2023 FILED: Notice of Completion of Record
29. 5-May-2023 FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
30. 17-May-2023 ORDERED: Motion to Withdraw and Substitute New Counsel (Appellant) = GRANTED. FURTHER ORDERED: Appointing 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, 06-12-2023 to Thursday, 07-27-2023. Benjamin A Armstrong ProTem Judge - Author

Court of Appeals, Division One**Criminal****1 CA-CR 22-0589****STATE v. NJIKE****55 PROCEEDING ENTRIES**

31. 27-Jul-2023 FILED: Request for Extension of Time to File Opening Brief (My First Request); Certificate of Service (Appellant)
32. 28-Jul-2023 ORDERED: Request for Extension of Time to File Opening Brief (My First Request) (Appellant) = GRANTED. Due date EXTENDED from Thursday, 07-27-2023 to Monday, 08-28-2023. Benjamin A Armstrong ProTem Judge - Author
33. 28-Aug-2023 FILED: Request for Consolidate [sic] Appeals and Set a Unified Filing Date; Certificate of Service (Appellant)
34. 5-Sep-2023 ORDERED: Request for Consolidate [sic] Appeals and Set a Unified Filing Date; Certificate of Service (Appellant) = GRANTED and consolidating cases 1 CA-CR 22-0589 and 1 CA-CR 23-0073. Case no. 1 CA-CR 22-0589 is designated the primary number and the above caption must be used on all future documents filed in this appeal. FURTHER ORDERED: Opening brief in this consolidated appeal is due on 11/09/2023. Benjamin A Armstrong ProTem Judge - Author
35. 9-Nov-2023 FILED: Request for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
36. 13-Nov-2023 ORDERED: Request for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Thursday, 11-09-2023 to Monday, 11-20-2023. Benjamin A Armstrong ProTem Judge - Author
37. 20-Nov-2023 FILED: Appellant's Consolidated Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
38. 27-Nov-2023 FILED: Notice of Appearance; Certificate of Service (Appellee)
39. 28-Nov-2023 FILED: Notice of Appearance (Duplicate); Certificate of Service (Duplicate) (Appellee)
40. 26-Dec-2023 FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
41. 27-Dec-2023 ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Tuesday, 01-02-2024 to Thursday, 02-01-2024 Benjamin A Armstrong ProTem Judge - Author
42. 29-Jan-2024 FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Second Request); Certificate of Service (Appellee)
43. 30-Jan-2024 ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Second Request) (Appellee) = GRANTED. Due date EXTENDED from Thursday, 02-01-2024 to Monday, 03-04-2024 or OSC set on 03/20/2024. Benjamin A Armstrong ProTem Judge - Author
44. 14-Feb-2024 FILED: Notice of Substitution of Counsel; Certificate of Service (Appellee)
45. 27-Feb-2024 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
46. 18-Mar-2024 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
47. 29-Mar-2024 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
48. 8-Apr-2024 FILED: Supplemented Superior Court e-Record with Revised Index of Record
49. 26-Apr-2024 CLNDR: CONFERENCE, Department B, 6-11-24, COURTROOM 2.
50. 23-Jul-2024 MEMORANDUM DECISION (Affirmed) Hon David D Weinzwieg - Author; Hon Andrew M Jacobs - Concur; Hon Jennifer M Perkins - Concur
51. 23-Jul-2024 FILED: Decision Distribution Notification
52. 28-Aug-2024 FILED: Email Notice from ASC re: Petition for Review filed 08/28/2024; request for partial record
53. 29-Aug-2024 FILED: Letter forwarding partial record to Arizona Supreme Court
54. 29-Aug-2024 FILED: ASC Order filed 08/29/2024 re: denying "Motion for Leave to File Petition for Review Late" without prejudice to Appellant's ability to file a motion in compliance with Arizona Rules of Crim. Proc. Rule 31.6(e) and ARCAP 6(b). This matter is subject to dismissal if a compliant motion is not filed 09/06/2024.
55. 3-Sep-2024 FILED: ASC Order filed 09/03/2024 re: Granting the "Motion for Procedural Order - Motion for Leave to File Petition for Review Late." FURTHER ORDERED: The Petition for Review is filed as of 08/28/2024.