

Court of Appeals, Division One

Criminal

1 CA-CR 24-0622

STATE v. KIRUI

Appellate Case Information

Case Filed: 14-Nov-2024

Case Closed:

Dept/Composition

Department E

Hon. Michael J Brown
Hon. Veronika Fabian
Hon. David D Weinzweig

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorney for: Appellee

Alison Kovalchick, Esq. (AZ Bar No. 38471)

Side 2. KENNETH KIPRONO KIRUI, Appellant

(Litigant Group) KENNETH KIPRONO KIRUI

- Kenneth Kiprono Kirui

Attorney for: Appellant

Sheri M Lauritano, Esq. (AZ Bar No. 16087)

CASE STATUS

May 7, 2026.....Pending Closure

Apr 27, 2026.....Pending in ASC

PREDECESSOR CASE(S)

Table with 6 columns: MAR, CR2022-001578-001, Sexual Assault, Class 2; Sexual Assault, Class 2; Kidnap-Death/Inj/Sex/Aid Fel, Class 2, 7 Years (ADCRR); 7 Years (ADCRR); 7 Years (Probation), Kerstin G LeMaire, Sentencing, JURY, Dispo

DESCENDENT CASE(S)

Table with 2 columns: ASC, CR-26-0121-PR; ASC, M-25-0046; ASC, M-25-0047

CASE DECISION

08-Apr-2026 MEMORANDUM DECISION

Michael Brown.....Author
Veronika Fabian.....Concur
David Weinzweig.....Concur

Filed: 08-Apr-2026

Mandate:

Decision Disposition

Affirmed

97 PROCEEDING ENTRIES

- 1. 14-Nov-2024 FILED: Notice of Appeal from Maricopa County Superior Court filed 11/05/24 - Notification to Court Reporters dated 11/13/24
2. 19-Nov-2024 FILED: Appellate Clerk Notice (31.2(g))
3. 20-Nov-2024 ORDERED: Appointing the Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Court reporters Nicole Tatlow, Kassie Kosmal, Lisa Bradley, Tara Kramer, Kimberly Portik, and Nicola Bauman transcripts due 01/06/2025. Benjamin A Armstrong ProTem Judge - Author
4. 26-Nov-2024 FILED: Courtesy Copy- Designation of Record for Appeal Filed in Superior Court (Appellant)
5. 29-Nov-2024 ORDERED: Ken Crenshaw transcripts dated 02/09/2023, 04/05/2023, 05/17/2023, 05/24/2023, 06/21/2023, 08/23/2023,09/29/2023, 10/25/2023, 11/17/2023, 01/05/2024, 01/19/2024, 02/09/2024, 03/15/2024, 04/17/2024, 05/03/2024, 06/03/2024, 06/10/2024 (9:00am - 9:16am), 06/10/2024 (11:27am - 11:32am), 06/13/2024, 06/24/2024 due by 01/13/2025. FURTHER ORDERED: Court Reporter Vanessa Gartner transcript dated 06/25/2024 due by 01/13/2025. FURTHER ORDERED: Court Reporter Catherine Turner transcript dated 09/24/2024 due by 01/13/2025. FURTHER ORDERED: Court Reporter Kit Walker transcript dated 08/19/2024 due by 01/13/2025. FURTHER ORDERED: Court Reporter Tara Kramer transcript dated 06/27/2024 due by 01/13/2025. FURTHER ORDERED: Reaffirming this previously set due date of 01/06/2025 for transcript dated 07/02/2024 for Court Reporter Tara Kramer. Hon Randall M Howe - Author
6. 19-Dec-2024 FILED: Re: Motion to Suspend Appeal (Appellant Pro Per)

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Criminal

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- 7. 19-Dec-2024 FILED: Additional Record on Appeal  
Physical Exhibits:  
Hearing Date: 11/17/2023 List # 1 2 3 in manila envelope (in a box)  
Hearing Date: 06/25/2024 List # 6 7 10 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 61 62 83 84 85 88 89 90 91 92 93 94 95 96 97 98 99 100 114 115 116  
117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 136 137 138 139 140 141 142 143 144 145 146 147  
148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 211 212 213 214 215 216 217 218 219  
220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248  
249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277  
278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306  
307 308 309 310 311 312 313 314 315 316 317 318 319 321 322 323 324 325 326 327 328 330 331 332 333 334 335 336 337  
338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366  
367 368 372 375 376 377 378 379 380 381 382 383 384 385 386 387 in a box  
Sealed Exhibit:  
Confidential Criminal History Report in Sealed Manila Envelope
- 8. 23-Dec-2024 FILED: Reporter's Transcript - 07/15/2024 (Lisa Bradley)
- 9. 24-Dec-2024 ORDERED: Re: Motion to Suspend Appeal (Appellant Pro Per) = DENIED. Benjamin A Armstrong ProTem Judge - Author
- 10. 24-Dec-2024 FILED: Reporter's Transcript - 07/16/2024 (Lisa Bradley)
- 11. 24-Dec-2024 FILED: e-Record on Appeal:  
Instruments/Minute Entries: Combined  
Disposition Report: 276  
Exhibits: None sent with e-Record
- 12. 26-Dec-2024 FILED: Reporter's Transcript - 10/25/2023 - Continuance (Robin Hoeksema)
- 13. 26-Dec-2024 FILED: Request for Extension of Time to File Transcript (Court Reporter Kimberly Portik)
- 14. 27-Dec-2024 FILED: Reporter's Transcript - 06/27/2024 - Jury Trial Day 3 (Tara L. Kramer)
- 15. 27-Dec-2024 FILED: Reporter's Transcript - 07/02/2024 - Jury Trial Day 4 (Tara L. Kramer)
- 16. 27-Dec-2024 FILED: Reporter's Transcript - 09/24/2024 - Sentencing (Catherine Turner)
- 17. 30-Dec-2024 ORDERED: Request for Extension of Time to File Transcript (Court Reporter Kimberly Portik) = GRANTED. Due date  
EXTENDED from Monday, 01/06/2025 to Wednesday, 02/05/2025 for Transcript dated 06/26/2024 or OSC set on 02/19/2025.  
Hon Randall M Howe - Author
- 18. 2-Jan-2025 FILED: Reporter's Transcript - 11/17/2023 - Continuance (Lloyd Bass)
- 19. 2-Jan-2025 FILED: Reporter's Transcript - 06/24/2024 - Status Conference (JoAnn Brown)
- 20. 2-Jan-2025 FILED: Reporter's Transcript - 07/17/2024 (Lisa Bradley)
- 21. 3-Jan-2025 FILED: Reporter's Transcript - 08/23/2023 - Trial Continuance Past Last Day (Lloyd Bass)
- 22. 3-Jan-2025 FILED: Re: Motion to Suspend Appeal Dated 12/13/24 Your Order Denying Dated 12/24/2024 (Appellant Pro Per)
- 23. 5-Jan-2025 FILED: Reporter's Transcript - 11/01/2024 - Sentencing (Nicole Tatlow)
- 24. 6-Jan-2025 FILED: Reporter's Transcript - 08/19/2024 - Continuance (Kit Walker)
- 25. 6-Jan-2025 FILED: Request for Extension of Time to File Transcript (Kassie Kosmal)
- 26. 7-Jan-2025 FILED: Reporter's Transcript - 04/05/2023 - Continuance (Amanda Davis)
- 27. 7-Jan-2025 FILED: Reporter's Transcript - 05/03/2024 - Complex Case Management Conference (Amanda Davis)
- 28. 7-Jan-2025 FILED: Reporter's Transcript - 05/24/2023 - Final Trial Management Conference (Amanda Davis)
- 29. 7-Jan-2025 FILED: Reporter's Transcript - 05/17/2023 - Status Conference (Amanda Davis)
- 30. 7-Jan-2025 FILED: Reporter's Transcript - 04/17/2024 - Complex Case Management Conference (Amanda Davis)
- 31. 7-Jan-2025 FILED: Reporter's Transcript - 09/29/2023 - Complex Case Management Conference (Jennifer Poulson)
- 32. 7-Jan-2025 ORDERED: Request for Extension of Time to File Transcript (Kassie Kosmal) = GRANTED. Due date EXTENDED from Monday,  
01/06/2025 to Wednesday, 02/05/2025 for transcript dated 07/18/2024 or OSC set on 02/19/2025. Hon Randall M Howe - Author
- 33. 13-Jan-2025 FILED: Reporter's Transcript - 02/09/2023 - Complex Case Order (Kanchan Mutreja)
- 34. 13-Jan-2025 FILED: Reporter's Transcript - 01/19/2024 - Trial Vacated (Kanchan Mutreja)
- 35. 13-Jan-2025 FILED: Reporter's Transcript - 06/25/2024 - Trial Day 1 (Vanessa Gartner)

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36. 13-Jan-2025 FILED: Reporter's Transcript - 01/05/2024 - Minute Entry (Kanchan Mutreja)
37. 13-Jan-2025 FILED: Reporter's Transcript - 02/09/2024 - Status Conference (Kanchan Mutreja)  
[Stricken per order filed 06/27/2025]
38. 13-Jan-2025 FILED: Reporter's Transcript - 03/15/2023 [sic] - Status Conference (Kanchan Mutreja)
39. 14-Jan-2025 FILED: Reporter's Transcript - 07/17/2024 - Jury Trial Day 7 (Nicola Bauman)
40. 14-Jan-2025 ORDERED: Re: Motion to Suspend Appeal Dated 12/13/24 Your Order Denying Dated 12/24/2024 (Appellant Pro Per) = DENIED. Benjamin A Armstrong ProTem Judge - Author
41. 15-Jan-2025 FILED: Untitled (Motion for Extension of Time to File Transcripts) (Kimberly McCright)
42. 16-Jan-2025 ORDERED: Untitled (Motion for Extension of Time to File Transcripts) (Kimberly McCright) = GRANTED. Due Dates EXTENDED to 02/12/2025 for Transcripts dated 06/13/2024, 06/10/2024, 06/10/2024, 06/03/2024, 06/21/2023 or OSC set on 02/19/2025. Hon Randall M Howe - Author
43. 20-Jan-2025 FILED: Reporter's Transcript - 03/15/2024 - Status Conference (Kanchan Mutreja)  
[Stricken per order filed 06/27/2025]
44. 3-Feb-2025 FILED: Reporter's Transcript - 06/26/2024 - Trial Day 2 (Kimberly Portik)
45. 10-Feb-2025 FILED: Reporter's Transcript - 07/18/2024 - Jury Trial (Kassie Kosmal)
46. 10-Feb-2025 FILED: Reporter's Transcript - 06/21/2023 - Status Conference (Kimberly C. McCright)
47. 10-Feb-2025 FILED: Reporter's Transcript - 06/03/2024 - Final Trial Management Conference (Kimberly C. McCright)
48. 10-Feb-2025 FILED: Reporter's Transcript - 06/10/2024 - Status Conference (Kimberly C. McCright)
49. 10-Feb-2025 FILED: Reporter's Transcript - 06/10/2024 - Trial Assignment Calendar - (Kimberly C. McCright)
50. 10-Feb-2025 FILED: Reporter's Transcript - 06/13/2024 - Trial Procedure Conference (Kimberly C. McCright)
51. 12-Feb-2025 FILED: Notice of Completion of Record
52. 20-Feb-2025 FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
53. 20-Feb-2025 FILED: Courtesy Copy of Notice of Post-Conviction Relief filed in the Superior Court of Maricopa County 2/18/25
54. 21-Feb-2025 ORDERED: Motion to Withdraw and Substitute New Counsel; (Appellant) = GRANTED and appointing attorney Michael Dew as attorney for appellant in this appeal. FURTHER ORDERED: The 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 Monday, 03-31-2025 to Thursday, 05-15-2025. Denise McGimsey ProTem Judge - Author
55. 11-Mar-2025 FILED: Motion to Withdraw as Counsel of Record for Appellant; Certificate of Service (Appellant)
56. 17-Mar-2025 ORDERED: Motion to Withdraw as Counsel of Record for Appellant (Appellant) = GRANTED. FURTHER ORDERED: Directing the Maricopa County Office of Public Defense Services to assign new counsel for appellant in this appeal and to provide this court the name of assigned counsel by 03/31/2025. FURTHER ORDERED: That Michael Dew must immediately forward all files, records, transcripts, and other documents that relate to this appeal to newly assigned counsel. FURTHER ORDERED: The opening brief is due by 06/30/2025. Denise McGimsey ProTem Judge - Author
57. 20-Mar-2025 FILED: Notice of Appearance; Notice of Appearance Certificate of Service: (Appellant)
58. 21-Apr-2025 FILED: Reporter's Transcript - 11/17/2023 - Continuance (Lloyd Bass)(Duplicate)
59. 22-Apr-2025 FILED: Reporter's Transcript - 08/23/2023 - Trial Continuance Past Last Day (Lloyd Bass)(Duplicate)
60. 18-Jun-2025 FILED: Request Change of Appellate Counsel (Appellant Pro Per)
61. 23-Jun-2025 FILED: Modification of Transcripts (Appellant Pro Per)
62. 24-Jun-2025 ORDERED: Request Change of Appellate Counsel (Appellant Pro Per) = DENIED. Denise McGimsey ProTem Judge - Author
63. 27-Jun-2025 ORDERED: Modification of Transcripts (Appellant Pro Per) = GRANTED and striking the transcripts of the Status Conferences held on (1) 02/09/2024, which was filed on 01/13/2025, and (2) 03/15/2024, which was filed on 01/20/2025. FURTHER ORDERED: Andrew Carter correct transcripts due by 07/30/2025. FURTHER ORDERED: The opening brief is due by 08/29/2025. Denise McGimsey ProTem Judge - Author
64. 11-Jul-2025 FILED: Untitled (Motion for Corrected Transcripts) (Appellant Pro Per)

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65.	18-Jul-2025	ORDERED: Untitled (Motion for Corrected Transcripts) (Appellant Pro Per) = TAKING NO ACTION on appellant's letter filed on 07/11/2025. Denise McGimsey ProTem Judge - Author
66.	29-Jul-2025	FILED: Reporter's Transcript - 02/09/2024 - Status Conference (Kimberly C. McCright)
67.	29-Jul-2025	FILED: Reporter's Transcript - 03/15/2024 - Status Conference (Kimberly C. McCright)
68.	4-Aug-2025	FILED: Letter, dated 07/22/2025, from Appellant to Counsel re: Notice of Disclosure
69.	29-Aug-2025	FILED: Request to Extend Time; Request to Extend Time Certificate of Service (Appellant)
70.	29-Aug-2025	ORDERED: Request to Extend Time (Appellant) = GRANTED. Due date EXTENDED from Friday, 08-29-2025 to Monday, 09-29-2025 Denise McGimsey ProTem Judge - Author
71.	15-Sep-2025	FILED: Courtesy Copy - Letter, dated 09/11/2025, from Appellant Pro Per to Counsel
72.	18-Sep-2025	FILED: Appellant's Opening Brief; Appellant's Opening Brief Certificate of Compliance; Appellant's Opening Brief Certificate of Service (Appellant)
73.	22-Sep-2025	FILED: Notice of Appearance; Certificate of Service (Appellee)
74.	29-Sep-2025	FILED: Motion Requesting Supplemental Brief (Appellant Pro Per)
75.	6-Oct-2025	ORDERED: Motion Requesting Supplemental Brief (Appellant Pro Per) = DENIED. Denise McGimsey ProTem Judge - Author
76.	17-Oct-2025	FILED: Reconsideration of Pro Se Motion to File Supplemental Brief (Appellant Pro Per)
77.	21-Oct-2025	FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
78.	21-Oct-2025	ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Tuesday, 10-28-2025 to Friday, 11-28-2025 Denise McGimsey ProTem Judge - Author
79.	30-Oct-2025	ORDERED: Reconsideration of Pro Se Motion to File Supplemental Brief (Appellant Pro Per) = DENIED. Hon Randall M Howe - Author
80.	10-Nov-2025	FILED: Motion to Withdraw Counsel (Appellant Pro Per)
81.	19-Nov-2025	ORDERED: Motion to Withdraw Counsel (Appellant Pro Per) = DENIED. Denise McGimsey ProTem Judge - Author
82.	26-Nov-2025	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
83.	1-Dec-2025	FILED: Appellant's Reply Brief; Appellant's Reply Brief Certificate of Compliance; Appellant's Reply Brief Certificate of Service (Appellant)
84.	22-Dec-2025	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
85.	26-Dec-2025	FILED: Motion for Stay of Mandate (Appellant Pro Per)
86.	2-Jan-2026	FILED: Supplemented Superior Court e-Record with Revised Index of Record
87.	7-Jan-2026	ORDERED: Motion for Stay of Mandate (Appellant Pro Per) = DENIED. Denise McGimsey ProTem Judge - Author
88.	13-Jan-2026	FILED: Courtesy Copy of Supplement Record Disclosure (Appellant Pro Per)
89.	26-Jan-2026	CLNDR: CONFERENCE, Department E, 3-12-26, COURTROOM 1.
90.	23-Feb-2026	FILED: ASC Order filed 02/23/2026 re: Dismissing Petitioner's pro per Petition for Special Action without prejudice to Petitioner filing a timely petition for review from the Court of Appeals' final decision in 1 CA-CR 24-0622.
91.	8-Apr-2026	MEMORANDUM DECISION (Affirmed) Hon Michael J Brown - Author; Hon Veronika Fabian - Concur; Hon David D Weinzweig - Concur
92.	8-Apr-2026	FILED: Decision Distribution Notification
93.	22-Apr-2026	FILED: Motion for Reconsideration (Appellant Pro Per)
94.	27-Apr-2026	FILED: Notice to Court (Motion to Accept the Motion for Reconsideration) (Appellant Pro Per)
95.	1-May-2026	FILED: Email Notice from ASC re: Petition for Review filed 04/27/2026; request for partial record
96.	4-May-2026	FILED: Letter forwarding partial record to Arizona Supreme Court
97.	7-May-2026	ORDERED: Motion for Reconsideration and Notice to Court (Motion to Accept the Motion for Reconsideration) (Appellant Pro Per) = DENIED. Hon Michael J Brown - Author