

STATE OF MINNESOTA
IN COURT OF APPEALS



State of Minnesota,

Respondent,

vs.

Tamika Latoi Suttles,

Appellant (A11-356),

Daniel Drijic,

Appellant (A11-361).

ORDER

A11-356

A11-361

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:

1. In appeal A11-356, which was filed on February 23, 2011, Tamika Suttles seeks review of felony convictions on February 22, 2011, for aiding and abetting burglary in the third degree. Suttles' principal brief is due on August 15, 2011, which is 60 days after the last transcript was delivered on June 16. *See* Minn. R. Crim. P. 28.02, subd. 10.

2. In appeal A11-361, which was filed on February 23, 2011, Daniel Drijic seeks review of February 22, 2011 convictions for aiding and abetting burglary in the second and third degrees.

3. Drijic's principal brief was due on July 15, 2011, which was 60 days after the last transcript was delivered on May 16. *See* Minn. R. Crim. P. 28.02, subd. 10.

Because Drijic had not filed a brief or a motion for an extension, this court issued an order on July 28, 2011, directing Drijic to file the brief and denying oral argument. The order filed on July 28, 2011, notes that a party aggrieved by the decision to deny oral argument may file a motion requesting reconsideration of the decision. Minn. R. Civ. App. P. 134.01.

4. The same attorney represents Suttles and Drijic. On August 4, 2011, Suttles and Drijic filed motions by mail to consolidate their appeals, to allow oral argument for both appeals, and to extend the briefing deadline. Appellants' counsel states that the cases are about the same incident and that appellants were tried in the same jury trial. Counsel states that there are overlapping issues of fact, procedural history, and assignment of error.

5. Appellants' counsel states that she neglected to file a motion to consolidate the appeals earlier in the appellate process. Counsel indicates that the brief in the Drijic appeal appeared to be late because more transcripts were filed in the Suttles appeal.

6. Counsel states that she seeks to file one brief for both appeals. In view of the similarities between the appeals, consolidation will enhance judicial economy.

7. Counsel also states that the appeals involve some unusual issues and that allowing oral argument for both appeals will assist appellate review.

IT IS HEREBY ORDERED:

1. The motions by appellants Tamika Suttles and Daniel Drijic to consolidate appeals A11-356 and A11-361 are granted.

2. The parties' briefs shall address both appeals.
3. Appellants' motions to extend the briefing schedule are granted.

Appellants' joint brief shall be served and filed by August 29, 2011.

4. Briefing shall continue pursuant to Minn. R. Crim. P. 28.02, subd. 10.
5. Appellant Daniel Drijic's motion to reinstate oral argument in appeal A11-361 is granted. Upon completion of briefing, the consolidated appeals shall be scheduled for oral argument.

Dated: August 10, 2011

BY THE COURT

/s/ _____
Matthew E. Johnson
Chief Judge