

Court of Appeals, Division One

Criminal

1 CA-CR 24-0501

STATE v. L&L

Appellate Case Information

Case Filed: 11-Sep-2024

Case Closed:

Dept/Composition

Department D

Hon. David B Gass
Hon. Michael J Brown
Hon. Andrew J Becke

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorney for: Appellee

Deborah Celeste Kinney, Esq. (AZ Bar No. 30741)

Side 2. L&L INVESTMENTS LLC, Appellant

(Litigant Group) L&L INVESTMENTS LLC

- L&L Investments LLC

Attorney for: Appellant

David E Ahl, Esq. (AZ Bar No. 29212)

CASE STATUS

Apr 6, 2026.....Pending in ASC

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2021-002107-017, Conspiracy, Class 2; Illegal Control Of An Enterprise, Class 3; Theft, Class 3; Fraudulent Schemes And Artifices, Class 2, \$1,000,000.00; \$1,000,000.00; \$1,000,000.00; \$1,000,000.00; 7 Years (Probation), David W Garbarino, Sentencing, JURY

DESCENDENT CASE(S)

ASC CR-26-0085-PR

CASE DECISION

20-Feb-2026 OPINION

Andrew Becke.....Author
David Gass.....Concur
Michael Brown.....Concur

Filed: 20-Feb-2026 Mandate:

Table with 1 row: Decision Disposition Affirmed

62 PROCEEDING ENTRIES

- 1. 11-Sep-2024 FILED: Notice of Appeal from Maricopa County Superior Court filed 09/05/24 - Notification to Court Reporters dated 09/10/24
2. 11-Sep-2024 FILED: Appellate Clerk Notice (31.2(g))
3. 12-Sep-2024 ORDERED: Directing appellant to make arrangements with court reporter(s) to pay for preparation of transcripts by 10/14/2024. FURTHER ORDERED: Directing appellant to file notice in this court by 10/22/2024 as to arrangements made. If appellant fails to file a notice, court will dismiss this appeal. Absent satisfactory financial arrangements, no transcripts are due in this case until further order from this court. Benjamin A Armstrong ProTem Judge - Author
4. 10-Oct-2024 FILED: Reporter's Transcript - 05/08/2024 - Trial Day 6 - (Scott Kindle)
5. 10-Oct-2024 FILED: Reporter's Transcript - 05/09/2024 - Trial Day 7 - (Scott Kindle)
6. 14-Oct-2024 FILED: Reporter's Transcript - 05/02/2024 - Trial (Continuing) - (Luz Franco)
7. 14-Oct-2024 FILED: Reporter's Transcript - 05/06/2024 - Trial (Continuing) - (Luz Franco)
8. 14-Oct-2024 FILED: Reporter's Transcript - 04/29/2024 - Trial Day 1 - (Scott Kindle)
9. 16-Oct-2024 FILED: Request for Extension of Time to File Transcript (Wendy Ricard); Untitled (Email, dated 08/19/2024, re: FMLA) (Wendy Ricard)
10. 18-Oct-2024 FILED: Reporter's Transcript - 05/01/2024 - Trial Day 2 (Vanessa Gartner)
11. 18-Oct-2024 FILED: Reporter's Transcript - 08/28/2024 - Sentencing (Vanessa Gartner)
12. 18-Oct-2024 FILED: Reporter's Transcript - 05/07/2024 - Jury Trial (Debra K Upham)

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62 PROCEEDING ENTRIES

- 13. 18-Oct-2024 FILED: Record on Appeal: Combined Instruments/Minute Entries
Disposition Report: None
- 14. 18-Oct-2024 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 04/29/2024 List # 1 2 5 6 19 22 25 26 34 35 36 39 40 41 42 43 46 48 50 52 56 57 58 59 61 62 68 72 73 74 76 83 84 85 88 89 90 91 93 108 109 115 127 129 133 134 135 138 143 144 146 150 151 152 153 155 156 157 158 159 160 161 163 165 166 167 168 170 171 172 173 174 176 177 182 183 185 196 197 198 200 201 203 204 206 207 208 209 210 211 212 213 215 in a box
- 15. 21-Oct-2024 FILED: Notice of Appearance; Certificate of Service (Appellant)
- 16. 21-Oct-2024 FILED: Notice of Compliance with Court's Order Re: Financial Arrangements for Transcripts; Certificate of Service (Appellant)
- 17. 22-Oct-2024 ORDERED: Request for Extension of Time to File Transcript (Wendy Ricard); Untitled (Email, dated 08/19/2024, re: FMLA) (Wendy Ricard) = GRANTED. Due Dates EXTENDED to 11/20/2024 for Transcripts dated 05/16/2024, 05/15/2024, 05/14/2024, 05/13/2024 or OSC set on 12/04/2024. Hon Randall M Howe - Author
- 18. 22-Oct-2024 FILED: Reporter's Transcript - 05/13/2024 - Jury Trial - Day 8 (Colleen McCarty)
- 19. 22-Oct-2024 FILED: Reporter's Transcript - 05/14/2024 - Jury Trial - Day 9 (Colleen McCarty)
- 20. 23-Oct-2024 ORDERED: Court reporter Wendy Ricard transcripts due 12/09/2024. Benjamin A Armstrong ProTem Judge - Author
- 21. 8-Nov-2024 FILED: Reporter's Transcript - 05/15/2024 - Jury Trial - Day 10 (Colleen McCarty)
- 22. 8-Nov-2024 FILED: Reporter's Transcript - 05/16/2024 - Jury Trial - Day 11 (Colleen McCarty)
- 23. 12-Nov-2024 FILED: Notice of Completion of Record
- 24. 16-Dec-2024 FILED: Motion for Procedural Order for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
- 25. 17-Dec-2024 ORDERED: Motion for Procedural Order for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 12-27-2024 to Monday, 01-27-2025. The court will not grant any further extension absent a showing of new and unforeseen circumstances constituting good cause. Benjamin A Armstrong ProTem Judge - Author
- 26. 21-Jan-2025 FILED: Motion for Procedural Order for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
- 27. 23-Jan-2025 ORDERED: Motion for Procedural Order for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 01/27/2025 to Wednesday, 02/26/2025 or OSC set on 03/05/2025. Benjamin A Armstrong ProTem Judge - Author
- 28. 19-Feb-2025 FILED: Motion for Procedural Order for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
- 29. 20-Feb-2025 ORDERED: Motion for Procedural Order for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 02-26-2025 to Friday, 03-28-2025 or OSC set on 04-02-2025. FURTHER ORDERED: Vacating the OSC scheduled for 03-05-2025. Denise McGimsey ProTem Judge - Author
- 30. 27-Mar-2025 FILED: Motion for Procedural Order for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
- 31. 27-Mar-2025 ORDERED: Motion for Procedural Order for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 03/28/2025 to Tuesday, 04/01/2025 and OSC still set on 04/02/2025. Denise McGimsey ProTem Judge - Author
- 32. 1-Apr-2025 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
- 33. 9-Apr-2025 FILED: Notice of Appearance; Certificate of Service (Appellee)
- 34. 6-May-2025 FILED: Unopposed Motion for Procedural Order (Extension of Time to File Answering Brief); Certificate of Service (Appellee)
- 35. 8-May-2025 ORDERED: Unopposed Motion for Procedural Order (Extension of Time to File Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Monday, 05-12-2025 to Wednesday, 06-11-2025. Denise McGimsey ProTem Judge - Author
- 36. 3-Jun-2025 FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
- 37. 4-Jun-2025 ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Wednesday, 06-11-2025 to Wednesday, 07-02-2025. Denise McGimsey ProTem Judge - Author
- 38. 2-Jul-2025 FILED: Unopposed Motion for Procedural Order (Exceed Word Limit for Answering Brief); Certificate of Service (Appellee)
- 39. 2-Jul-2025 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
- 40. 7-Jul-2025 ORDERED: Unopposed Motion for Procedural Order (Exceed Word Limit for Answering Brief) (Appellee) = GRANTED and accepting the answering brief filed on 07/02/2025. Hon Randall M Howe - Author
- 41. 16-Jul-2025 FILED: Unopposed Motion for Procedural Order (Extension of Time to File Reply Brief); Certificate of Service (Appellant)

Court of Appeals, Division One**Criminal****1 CA-CR 24-0501****STATE v. L&L****62 PROCEEDING ENTRIES**

42. 16-Jul-2025 ORDERED: Unopposed Motion for Procedural Order (Extension of Time to File Reply Brief) (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 07-22-2025 to Monday, 08-11-2025 Denise McGimsey ProTem Judge - Author
43. 8-Aug-2025 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
44. 8-Aug-2025 FILED: Second Unopposed Motion for Procedural Order (Two-day Extension of Time to File Reply Brief); Certificate of Service (Appellant)
45. 8-Aug-2025 ORDERED: Second Unopposed Motion for Procedural Order (Two-day Extension of Time to File Reply Brief) (Appellant) = GRANTED. Due date EXTENDED from Monday, 08-11-2025 to Wednesday, 08-13-2025 Steven C Lawrence ProTem Judge - Author
46. 13-Aug-2025 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
47. 15-Aug-2025 FILED: Supplemented Superior Court e-Record with Revised Index of Record
48. 25-Sep-2025 CLNDR: CONFERENCE, Department D, 11-5-25, COURTROOM 2.
49. 25-Sep-2025 ORDERED: Setting oral argument in this matter on Wednesday, 11/05/2025, at 9:30 am. Hon David B Gass - Author
50. 6-Oct-2025 FILED: Return Receipt for Oral Argument, signed by Deborah Celeste Kinney on 10/06/2025 (Appellee)
51. 22-Oct-2025 FILED: Return Receipt for Oral Argument, signed by David Ahl on 10/22/2025 (Appellant)
52. 5-Nov-2025 FILED: Sign-in Sheet/Case is Under Advisement as of 11/05/2025
53. 5-Nov-2025 ORDERED: Parties shall file briefs on/before 11/25/2025, no longer than 500 words addressing following issue: Was the superior court's failure to instruct the jury on the standard for evaluation expert testimony fundamental error necessitating reversal? FURTHER ORDERED: The court will not entertain motions to increase the word limit or to extend time. Hon David B Gass - Author
54. 7-Nov-2025 FILED: Notice of Errata; Certificate of Service (Appellee)
55. 25-Nov-2025 FILED: Appellee's Supplemental Brief; Certificate of Compliance; Certificate of Service (Appellee)
56. 25-Nov-2025 FILED: Appellant's Supplemental Brief; Certificate of Compliance; Certificate of Service (Appellant)
57. 20-Feb-2026 OPINION (Affirmed) Hon Andrew J Becke - Author; Hon David B Gass - Concur; Hon Michael J Brown - Concur
58. 20-Feb-2026 FILED: Decision Distribution Notification
59. 17-Mar-2026 FILED: ASC ORDER filed 03/17/2026 re: granting an extension of time to file the petition for review to no later than 04/06/2026.
60. 8-Apr-2026 FILED: Email Notice from ASC re: Petition for Review filed 04/06/2026; request for partial record
61. 9-Apr-2026 FILED: Letter forwarding partial record to Arizona Supreme Court
62. 1-May-2026 FILED: ASC Order filed 05/01/2026 re: Granting an extension of time to file the response to petition for review to no later than 06/05/2026. No further extensions of time will be granted absent extraordinary circumstances.