

Court of Appeals, Division One

Criminal

1 CA-CR 25-0153

STATE v. SICARI

Appellate Case Information

Case Filed: 16-Apr-2025

Case Closed:

Dept/Composition

Department B

Hon. Michael S Catlett
Hon. Angela K Paton
Hon. Jennifer M Perkins

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorney for: Appellee

Eliza Ybarra, Esq. (AZ Bar No. 22395)

Side 2. JUSTIN M SICARI, Appellant

(Litigant Group) JUSTIN M SICARI

- Justin M Sicari

Attorney for: Appellant

Seth M Apfel, Esq. (AZ Bar No. 32225)

CASE STATUS

May 21, 2026... Pending in ASC

PREDECESSOR CASE(S)

Table with 6 columns: Case ID, Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2022-146930-001, Kidnap-Death/Inj/Sex/Aid Fel, Class 2; Asl T-Cause Fear of Phys Inj, Class 2; Agg Aslt-Serious Phy Injury, Class 3; Asl T-Cause Fear of Phys Inj, Class 2, 3 Months; 7.50 Years; 3 Months; 5 Years (Probation), Mark H Brain, Sentencing, JURY

DESCENDENT CASE(S)

ASC CR-26-0150-PR

OPEN DUE DATE

Motion for Reconsideration Due

Due By:

Wednesday, June 3, 2026

Re: MEMORANDUM DECISION (Affirmed) Hon Angela K Paton - Author; Hon Michael S Catlett - Concur; Hon Jennifer M Perkins - Concur

CASE DECISION

19-May-2026 MEMORANDUM DECISION

Angela Paton.....Author

Michael Catlett.....Concur

Jennifer Perkins.....Concur

Filed: 19-May-2026

Mandate:

Decision Disposition

Affirmed

72 PROCEEDING ENTRIES

- 1. 16-Apr-2025 FILED: Notice of Appeal and Designation of Record for Appeal from Maricopa County Superior Court filed 04/11/25 - Notification to Court Reporters dated 4/15/25
2. 16-Apr-2025 FILED: Appellate Clerk Notice (31.2(g))
3. 16-Apr-2025 ORDERED: Directing that all transcripts produced in this appeal shall be prepared at public expense. Denise McGimsey ProTem Judge - Author
4. 6-May-2025 FILED: Reporter's Transcript - 02/13/2025 - Jury Trial - Day 4 (Colleen McCarty)
5. 6-May-2025 FILED: Reporter's Transcript - 03/05/2025 - Jury Trial - Day 13 (Colleen McCarty)
6. 12-May-2025 FILED: Reporter's Transcript - 02/20/2025 - Jury Trial - Day 7 (Colleen McCarty)
7. 13-May-2025 FILED: Notice of Appearance; Certificate of Service (Appellant)
8. 16-May-2025 FILED: Reporter's Transcript - 03/03/2025 - Jury Trial - Day 11 (Colleen McCarty)
9. 19-May-2025 FILED: Reporter's Transcript - 02/10/2025 - Jury Trial - Day 1 (Nicola Bauman)
10. 20-May-2025 FILED: Reporter's Transcript - 02/19/2025 - Trial - Day 6 (Treva B. Colwell)

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- 11. 21-May-2025 FILED: Reporter's Transcript - 02/27/2025 - Trial (Continuing) (Luz Franco)
- 12. 22-May-2025 FILED: Reporter's Transcript - 02/12/2025 - Jury Trial Day 3 (Robin Lawlor)
- 13. 22-May-2025 FILED: Reporter's Transcript - 03/04/2025 - Jury Trial Day 12 (Robin Lawlor)
- 14. 22-May-2025 FILED: Reporter's Transcript - 03/07/2025 - Jury Trial Day 14 (Jury Verdict and Aggravation Phase/Verdict) (Robin Lawlor)
- 15. 23-May-2025 FILED: Request for Extension of Time to File Transcript (Nicole Tatlow)
- 16. 23-May-2025 FILED: Additional Record on Appeal
Physical Exhibits:
Hearing Date: 01/19/2024 List # 1 2 3 4 5 6 7 8 13 in manila envelope (in a box)
Hearing Date: 02/10/2025 List # 2 4 5 7 10 11 13 15 16 17 21 22 23 24 25 26 28 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 98 99 100 101 102 103 104 108 109 110 111 112 114 116 117 118 121 123 124 128 129 130 134 135 140 141 142 143 144 145 146 148 150 153 160 161 162 163 164 166 167 169 170 183 184 187 188 189 190 191 192 196 197 202 207 208 in a box
Sealed Exhibit:
Confidential Criminal History Report in Sealed Manila Envelope
- 17. 23-May-2025 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: 326
Digital Exhibits: None sent with e-Record
- 18. 27-May-2025 ORDERED: Request for Extension of Time to File Transcript (Nicole Tatlow) = GRANTED. Due date EXTENDED from Tuesday, 05-27-2025 to Thursday, 06-26-2025 (Transcript for 02/11/2025 by Reporter Nicole Tatlow) or OSC set on 07/02/2025. Hon Randall M Howe - Author
- 19. 27-May-2025 FILED: Request for Extension of Time to File Transcript (Kristine Rogalewski-Mayo)
- 20. 27-May-2025 FILED: Request for Extension of Time to File Transcript (Monica Hill-Morrisette)
- 21. 28-May-2025 ORDERED: Request for Extension of Time to File Transcript (Monica Hill-Morrisette) = GRANTED. Due date EXTENDED from Tuesday, 05-27-2025 to Thursday, 06-26-2025 (Transcript for 04/09/2025 by Reporter Monica S Hill-Morrisette) or OSC set on 07/02/2025. Hon Randall M Howe - Author
- 22. 28-May-2025 ORDERED: Request for Extension of Time to File Transcript (Kristine Rogalewski-Mayo) = GRANTED. Due Dates EXTENDED to 06/26/2025 for Transcripts dated 02/26/2025, 02/25/2025, 02/18/2025 or OSC set on 07/02/2025. Hon Randall M Howe - Author
- 23. 2-Jun-2025 FILED: Motion for Procedural Order: Request to Expand Record to Include and Produce Additional Transcripts; Certificate of Service (Appellant)
- 24. 9-Jun-2025 ORDERED: Motion for Procedural Order: Request to Expand Record to Include and Produce Additional Transcripts (Appellant) = GRANTED and supplementing the record with transcripts for the following proceedings: (1) Status Conference on 01/08/2024, (2) Evidentiary Hearing on 01/19/2024, (3) Oral Argument on 03/21/2024, (4) Final Trial Management Conference on 08/13/2024, (5) Pretrial Conference on 01/24/2025, (6) Oral Argument on 02/05/2025. FURTHER ORDERED: Directing Andrew Carter to file transcripts by 07/09/2025. Denise McGimsey ProTem Judge - Author
- 25. 16-Jun-2025 FILED: Reporter's Transcript - 02/11/2025 - Trial Day 2 (Nicole Tatlow)
- 26. 25-Jun-2025 FILED: Request for Extension of Time to File Transcript (Kristine Mayo)
- 27. 25-Jun-2025 ORDERED: Request for Extension of Time to File Transcript (Kristine Mayo) = GRANTED. Due Dates EXTENDED to 07/28/2025 for Transcripts dated 02/26/2025, 02/25/2025, 02/18/2025 or OSC set on 08/06/2025. FURTHER ORDERED: Vacating the order to show cause hearing that is currently set for 07/02/2025. Hon Randall M Howe - Author
- 28. 27-Jun-2025 FILED: Reporter's Transcript - 04/09/2025 - Oral Argument and Sentencing (Monica S Hill-Morrisette)
- 29. 27-Jun-2025 FILED: Reporter's Transcript - 04/09/2025 - Oral Argument and Sentencing (Duplicate) (Monica S Hill-Morrisette)
- 30. 7-Jul-2025 FILED: Reporter's Transcript - 03/21/2024 - Oral Argument (Elizabeth McIntyre)
- 31. 7-Jul-2025 FILED: Reporter's Transcript - 01/08/2024 - Status Conference (Elizabeth McIntyre)
- 32. 7-Jul-2025 FILED: Reporter's Transcript - 01/24/2025 - Trial Management Conference (Jan Penfield)
- 33. 7-Jul-2025 FILED: Reporter's Transcript - 02/05/2025 - Oral Argument (Jan Penfield)
- 34. 7-Jul-2025 FILED: Reporter's Transcript - 01/19/2024 - Evidentiary Hearing (Courtney Ingram)
- 35. 7-Jul-2025 FILED: Reporter's Transcript - 08/13/2024 - Status Conference (Elizabeth McIntyre)
- 36. 9-Jul-2025 FILED: Reporter's Transcript - 02/18/2025 - Trial Day 5 (Kristine Mayo)
- 37. 9-Jul-2025 FILED: Reporter's Transcript - 02/25/2025 - Trial Day 8 (Kristine Mayo)

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38.	9-Jul-2025	FILED: Reporter's Transcript - 02/26/2025 - Trial Day 9 (Kristine Mayo)
39.	9-Jul-2025	FILED: Notice of Completion of Record
40.	13-Aug-2025	FILED: Motion For Procedural Order: Request To Extend Time For Filing Opening Brief; Certificate of Service (Appellant)
41.	13-Aug-2025	ORDERED: Motion For Procedural Order: Request To Extend Time For Filing Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 08-25-2025 to Wednesday, 09-24-2025 Denise McGimsey ProTem Judge - Author
42.	22-Sep-2025	FILED: Motion for Procedural Order: Request to Extend Time for Filing Opening Brief; Certificate of Service (Appellant)
43.	22-Sep-2025	ORDERED: Motion for Procedural Order: Request to Extend Time for Filing Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 09-24-2025 to Wednesday, 10-08-2025 Denise McGimsey ProTem Judge - Author
44.	29-Sep-2025	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
45.	2-Oct-2025	FILED: Notice of Appearance; Certificate of Service (Appellee)
46.	3-Nov-2025	FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
47.	4-Nov-2025	ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Monday, 11-10-2025 to Wednesday, 12-10-2025 Denise McGimsey ProTem Judge - Author
48.	3-Dec-2025	FILED: Unopposed Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
49.	3-Dec-2025	ORDERED: Unopposed Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Wednesday, 12-10-2025 to Friday, 01-09-2026 Denise McGimsey ProTem Judge - Author
50.	31-Dec-2025	FILED: Motion for Procedural Order (Extension for Answering Brief) (Third Request); Certificate of Service (Appellee)
51.	2-Jan-2026	ORDERED: Motion for Procedural Order (Extension for Answering Brief) (Third Request) (Appellee) = GRANTED. Due date EXTENDED from Friday, 01-09-2026 to Friday, 01-16-2026 Denise McGimsey ProTem Judge - Author
52.	16-Jan-2026	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
53.	16-Jan-2026	FILED: Unopposed Motion for Procedural Order to Exceed Word Limit; Certificate of Service (Appellee)
54.	20-Jan-2026	ORDERED: Unopposed Motion for Procedural Order to Exceed Word Limit (Appellee) = GRANTED and accepting the answering brief filed on 01/16/2026. Hon Randall M Howe - Author
55.	22-Jan-2026	FILED: Appellant's Opening Brief (Reply Brief); Certificate of Compliance; Certificate of Service (Appellant) [Stricken per order filed 01/23/2026]
56.	22-Jan-2026	FILED: Request for Oral Argument; Certificate of Service (Appellant)
57.	23-Jan-2026	FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
58.	23-Jan-2026	FILED: Notice of Errata (Request to Strike Brief filed 01/22/2026); Certificate of Service (Appellant)
59.	23-Jan-2026	ORDERED: Notice of Errata (Request to Strike Brief filed 01/22/2026) (Appellant) = GRANTED and striking appellant's mistitled reply brief filed on 01/22/2026, and accepting appellant's replacement reply brief filed on 01/23/2026. Denise McGimsey ProTem Judge - Author
60.	6-Feb-2026	ORDERED: Request for Oral Argument (Appellant) = GRANTED. Hon Randall M Howe - Author
61.	25-Feb-2026	CLNDR: MONTHLY COURT CASE CALENDAR, Department B, 4-28-26, 09:30 am, COURTROOM 1.
62.	5-Mar-2026	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
63.	13-Mar-2026	FILED: Supplemented Superior Court e-Record with Revised Index of Record
64.	17-Mar-2026	FILED: Notice of Oral Argument
65.	17-Mar-2026	FILED: Return Receipt for Notice of Oral Argument signed by Seth Apfel (Appellant)
66.	18-Mar-2026	FILED: Return Receipt for Notice of Oral Argument signed by Eliza Ybarra (Appellee)
67.	23-Apr-2026	FILED: Notice of Errata; Certificate of Service (Appellee)
68.	28-Apr-2026	FILED: Sign-in Sheet/Case is Under Advisement as of 04/28/2026
69.	19-May-2026	MEMORANDUM DECISION (Affirmed) Hon Angela K Paton - Author; Hon Michael S Catlett - Concur; Hon Jennifer M Perkins - Concur
70.	19-May-2026	FILED: Decision Distribution Notification

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71. 26-May-2026 FILED: ORDERED: Granting Appellant's motion to exceed the word count limit on the petition for review by 993 words for a total of 4,493 words. The petition for review will be filed as of 05/21/2026. FURTHER ORDERED: Granting Appellee an additional 993 words for its response to petition for review, if Appellee chooses to do so. FURTHER ORDERED: Authorizing Appellant to file an amended petition for review
72. 27-May-2026 FILED: Email Notice from ASC re: Petition for Review filed 05/21/2026; request for partial record