

Court of Appeals, Division One

Criminal

1 CA-CR 25-0251

STATE v. TONEY

Appellate Case Information

Case Filed: 16-Jun-2025

Case Closed:

Dept/Composition

Department C

Hon. Andrew M Jacobs
Hon. Brian Y Furuya
Hon. James B Morse Jr.

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Rebecca Jones, Esq. (AZ Bar No. 28996)

Side 2. DAVID E TONEY, JR., Appellant

(Litigant Group) DAVID E TONEY, JR.

- David E Toney, Jr.

Attorneys for: Appellant

Abigail Smith, Esq. (AZ Bar No. 38034)

CASE STATUS

May 11, 2026...Decision Rendered

Table with 6 columns: PREDECESSOR CASE(S), Cause/Charge/Class, Judgment/Sentence, Judge, Role <Comments>, Trial, Dispo. Row 1: MAR, CR2023-007738-001, See file, See file, Pamela Hearn Dunne, Sentencing, JURY

OPEN DUE DATE

Petition for Review to ASC Due

Due By:

Wednesday, June 10, 2026

Re: MEMORANDUM DECISION (Affirmed) Hon Brian Y Furuya - Author; Hon Andrew M Jacobs - Concur; Hon James B Morse Jr. - Concur

CASE DECISION

11-May-2026 MEMORANDUM DECISION

Brian Furuya.....Author
Andrew Jacobs.....Concur
James Morse Jr.....Concur

Filed: 11-May-2026

Mandate:

Decision Disposition

Affirmed

45 PROCEEDING ENTRIES

- 1. 16-Jun-2025 FILED: Notice of Appeal from Maricopa County Superior Court filed 06/11/25. Notification to Court Reporters dated 06/13/25.
2. 17-Jun-2025 FILED: Appellate Clerk Notice (31.2(g))
3. 19-Jun-2025 ORDERED: Appointing Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Court Reporters Tara Kramer, Kit Walker, Nicola Bauman, Lori Reinhardt, Colleen McCarty, and Monica Hill- Morrisette transcripts 08/04/2025. Denise McGimsey ProTem Judge - Author
4. 30-Jun-2025 FILED: Courtesy Copy - Designation of Record for Appeal Filed in Superior Court (Appellant)
5. 1-Jul-2025 FILED: Reporter's Transcript - 04/09/2025 - Jury Trial - Day 6 (Colleen McCarty)
6. 3-Jul-2025 ORDERED: Andrew Carter transcript(s) dated 04/29/2025 (9:04am - 9:08am), 04/29/2025 (9:34am - 9:41am), 04/29/2025 (9:59am - 10:03am), 05/24/2024, 09/23/2024, 12/02/2024, 01/23/2025, 02/19/2025, 02/24/2025, 03/12/2025, 03/26/2025 (11:28am - 11:33am), and 03/26/2025 (2:10pm - 3:20pm) due by 08/18/2025. Hon David D Weinzweig - Author
7. 11-Jul-2025 FILED: Reporter's Transcript - 03/27/2025 - Jury Trial Day 1 (Tara L. Kramer)
8. 23-Jul-2025 FILED: Reporter's Transcript - 01/23/2025 - Continuance (Julie Sponaugle)
9. 24-Jul-2025 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: None Digital Exhibits: None sent with e-Record
10. 24-Jul-2025 FILED: Additional Record on Appeal Physical Exhibits: Hearing Date: 03/27/2025 List # 7 8 10 in manila envelope Confidential Criminal History Report in Sealed Manila Envelope

Court of Appeals, Division One**Criminal****1 CA-CR 25-0251****STATE v. TONEY****45 PROCEEDING ENTRIES**

11.	28-Jul-2025	FILED: Reporter's Transcript - 04/08/2025 (Lori Reinhardt)
12.	29-Jul-2025	FILED: Reporter's Transcript - 04/01/2025 - Jury Trial Day Two (Kit Walker)
13.	29-Jul-2025	FILED: Reporter's Transcript - 04/03/2025 - Jury Trial Day Four (Kit Walker)
14.	29-Jul-2025	FILED: Reporter's Transcript - 04/09/2025 - Jury Trial Day Six (Kit Walker)
15.	29-Jul-2025	FILED: Reporter's Transcript - 04/14/2025 - Jury Trial Day Seven (Kit Walker)
16.	30-Jul-2025	FILED: Reporter's Transcript - 02/19/2025 - Continuance (Julie Sponaugle)
17.	30-Jul-2025	FILED: Reporter's Transcript - 12/02/2024 - Trial Continuance Past Last Day (Julie Sponaugle)
18.	30-Jul-2025	FILED: Reporter's Transcript - 05/24/2024 - Settlement Conference (Julie Sponaugle)
19.	30-Jul-2025	FILED: Reporter's Transcript - 04/29/2024 - Trial Continuance Past Last Day (Julie Sponaugle)
20.	30-Jul-2025	FILED: Reporter's Transcript - 02/24/2025 - Trial Continuance Past Last Day/Trial Assignment (Julie Sponaugle)
21.	30-Jul-2025	FILED: Reporter's Transcript - 03/12/2025 - Trial Procedure Conference (Julie Sponaugle)
22.	30-Jul-2025	FILED: Reporter's Transcript - 09/23/2024 - Trial Continuance Past Last Day (Julie Sponaugle)
23.	31-Jul-2025	FILED: Reporter's Transcript - 03/26/2025 - Status Conference (Rita Peluso)
24.	4-Aug-2025	FILED: Request for Extension of Time to File Transcript (Nicola Bauman)
25.	4-Aug-2025	ORDERED: Request for Extension of Time to File Transcript (Nicola Bauman) = GRANTED. Due date EXTENDED from Monday, 08-04-2025 to Wednesday, 09-03-2025 (Transcript for 04/02/2025 by Reporter Nicola Bauman) or OSC set on 09/17/2025. Hon David D Weinzweig - Author
26.	5-Aug-2025	FILED: Reporter's Transcript - 05/28/2025 - Sentencing (Monica S Hill-Morrisette)
27.	18-Aug-2025	FILED: Reporter's Transcript - 04/02/2025 - Jury Trial Day 3 (Nicola Bauman)
28.	18-Aug-2025	FILED: Notice of Completion of Record
29.	21-Aug-2025	FILED: Notice of Appearance; Certificate of Service (Appellant)
30.	4-Sep-2025	FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
31.	5-Sep-2025	ORDERED: Motion to Unseal Documents; Certificate of Service (Appellant) = GRANTED. Upon presentation of this order, unsealing the jury questionnaires (IOR 75, 76, 77, 78, and 79), for parties/agents for this appeal only. Denise McGimsey ProTem Judge - Author
32.	30-Sep-2025	FILED: Motion for Extension of Time to File Appellant's Opening Brief; Certificate of Service (Appellant)
33.	1-Oct-2025	ORDERED: Motion for Extension of Time to File Appellant's Opening Brief; Certificate of Service (Appellant) = GRANTED. Due date EXTENDED from Thursday, 10-02-2025 to Monday, 11-03-2025 Denise McGimsey ProTem Judge - Author
34.	3-Nov-2025	FILED: Appellant's Opening Brief; Appellant's Certificate of Compliance with Rule 31.12, ARCP; Certificate of Service (Appellant)
35.	6-Nov-2025	FILED: Notice of Appearance; Certificate of Service (Appellee)
36.	4-Dec-2025	FILED: Unopposed First Motion for Procedural Order (Extension for Answering Brief); Certificate of Service (Appellee)
37.	4-Dec-2025	ORDERED: Unopposed First Motion for Procedural Order (Extension for Answering Brief) (Appellee) = GRANTED. Due date EXTENDED from Monday, 12-15-2025 to Wednesday, 01-14-2026 Denise McGimsey ProTem Judge - Author
38.	5-Jan-2026	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
39.	26-Jan-2026	FILED: Appellant's Reply Brief; Appellant's Certificate of Compliance with Rule 31.12, ARCP; Certificate of Service (Appellant)
40.	4-Feb-2026	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
41.	25-Feb-2026	CLNDR: CONFERENCE, Department C, 4-29-26, COURTROOM 1.
42.	25-Feb-2026	FILED: Supplemented Superior Court e-Record with Revised Index of Record
43.	16-Mar-2026	ORDERED: Vacating the conference initially set for Wednesday, 04/29/2026, and resetting the conference in this matter before Department C for Tuesday, 04/28/2026. This matter will be conferenced without oral argument. Hon Andrew M Jacobs - Author
44.	11-May-2026	MEMORANDUM DECISION (Affirmed) Hon Brian Y Furuya - Author; Hon Andrew M Jacobs - Concur; Hon James B Morse Jr. - Concur
45.	11-May-2026	FILED: Decision Distribution Notification

