

Court of Appeals, Division One
Criminal Petition Review Post Conviction Relief

1 CA-CR 25-0316 PRPC

STATE v. WHERRY

Appellate Case Information

Case Filed: 30-Jul-2025
 Case Closed:

Dept/Composition

Department E
 Hon. Michael J Brown
 Hon. Veronika Fabian
 Hon. Andrew J Becke

Side 1. STATE OF ARIZONA, Respondent
 (Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Respondent
 Douglas Gerlach, Esq. (AZ Bar No. 6869)

Side 2. MARCUS B WHERRY, Petitioner
 (Litigant Group) MARCUS B WHERRY

- Marcus B Wherry

Attorneys for: Petitioner
 Angela Charlene Poliquin, Esq. (AZ Bar No. 23790)

CASE STATUS

Nov 26, 2025... Under Advisement

Nov 26, 2025... Assigned

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2005-012501-001			Suzanne Marie Nicholls, Judge on PC		

10 PROCEEDING ENTRIES

1.	30-Jul-2025	FILED: Petition for Review Rule 32 (Petition for Review (PCR); Petition for Review Rule 32 Certificate of Service; Maricopa County Superior Court ME filed 05/05/2025 re: STC- Petition for Post Conviction Relief Petition- Dismissed /Transcript Ordered; Maricopa County Superior Court ME filed 07/03/2025 re: Motion - Granted Extension of Time to File (Petitioner)			
2.	31-Jul-2025	ORDERED: Clerk of Maricopa County Superior Court to transmit record on appeal, including but not limited to reporter's transcripts and exhibits, to clerk, Court of Appeals, on/before 09/15/2025. Matthew J Martin - Author			
3.	19-Aug-2025	FILED: State of Arizona's Response in Opposition to Petition for Review; Certificate of Service (Respondent)			
4.	2-Sep-2025	FILED: Reply Rule 32; Certificate of Service (Petitioner)			
5.	12-Sep-2025	FILED: e-Record on Appeal: Instruments/Minute Entries: Combined Disposition Report: 84 Digital Exhibits: None sent with e-Record Reporter's Transcripts: 02/08/2007 (Marge Harcarik), 10/03/2006 (Wanda Bauer), 11/14/2006, 11/22/2006 (Linda Lopez), 05/23/2006 (Kimberly McCright), 04/30/2025 (Ellen Kolman)			
6.	12-Sep-2025	FILED: Additional Record on Appeal Physical Exhibits: Hearing Date: 01/02/2007 List # 1 2 3 4 5 8 10.001 12 13 in manila envelope			
7.	30-Apr-2026	FILED: Memorandum: Judge Becke for Judge Weinzweig (Chief Judge Howe)			
8.	7-May-2026	ORDERED: Within 10 days of the date of this order, the parties may each submit a legal memorandum regarding this Court's authority, or lack thereof, to reopen Petitioner's appeal based on this Court's possible error in previously dismissing it. Hon Michael J Brown - Author			
9.	18-May-2026	FILED: State of Arizona's Memorandum Re: 2007 Dismissal Order; Certificate of Service (Respondent)			
10.	21-May-2026	FILED: Legal Memorandum Re: Court's Authority to Reopen Appeal Rule 32 Oral Argument Requested; Certificate of Compliance Re: Legal Memorandum re: Court's Authority to Reopen Appeal; Certificate of Service Re: Legal Memorandum Re: Court's Authority to Reopen Appeal (Petitioner)			