

**Court of Appeals, Division One**  
**Civil Appeal**

**1 CA-CV 25-0102**

**STATE v. ALLEN**

**Appellate Case Information**

Case Filed: 4-Feb-2025

Case Closed: 25-Mar-2025

Reinstated x 1: 10-Apr-2025 Dismissal

Re-Closed:

**Dept/Composition**

**Department D**

Hon. Daniel J Kiley  
Hon. D Steven Williams  
Hon. Cynthia J Bailey

**Side 1. DAMION ALLEN, Plaintiff/Appellant**

(Litigant Group) DAMION ALLEN

- Damion Allen

**Attorneys for: Plaintiff/Appellant**

Robert J McWhirter, Esq. (AZ Bar No. 12283)

**Side 2. STATE OF ARIZONA, Defendant/Appellee**

(Litigant Group) STATE OF ARIZONA

- State of Arizona

**Attorneys for: Defendant/Appellee**

Alan Webster Witt, Esq. (AZ Bar No. 34489)

Julie Hawkins, Esq. (AZ Bar No. 20939)

**CASE STATUS**

Apr 29, 2026....**Decision Rendered**

Apr 10, 2025....**Reinstated Case**

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2024-033695					
MAR LC2024-000234-001	Special Action After Rule 33 Re-Hearing		Max Covil, Authoring Judge of Order		
TEMPM 22-013449-3			Comments: (none)		
MAR LC2024-000404-001					

**DESCENDENT CASE(S)**

ASC CV-25-0084-PR

**OPEN DUE DATE**

**Petition for Review to ASC Due**

**Due By:**

Friday, May 29, 2026

*Re: \* ORDERED: dismissing this appeal and vacating the superior court's orders as void, without prejudice to Allen asking the municipal court for permission to seek delayed relief under Rule 33.16(a)(4). FURTHER ORDERED: amending the caption. Hon Cynthia J B*

**2 CASE DECISIONS**

**12-Feb-2025 ORDER**

\*\*\*Vacated\*\*\*

ORDERED: Dismissing this appeal.

Melina Brill.....Author

Filed: **12-Feb-2025**

Mandate:

Decision Disposition

**Dismissed**

**29-Apr-2026 ORDER**

ORDERED: dismissing this appeal and vacating the superior court's orders as void, without prejudice to Allen asking the municipal court for permission to seek delayed relief under Rule 33.16(a)(4). FURTHER ORDERED: amending the caption.

Cynthia Bailey.....Author

Filed: **29-Apr-2026**

Mandate:

Decision Disposition

**Dismissed**

**43 PROCEEDING ENTRIES**

1. 4-Feb-2025 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 12/13/24
2. 4-Feb-2025 FILED: e-Record on Appeal (LC2024-000234-001): Instruments/Minute Entries Exhibits: None

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3. 4-Feb-2025 FILED: Appellate Clerk Notice re: Continuing Deferral of Fees for Damion Allen, Appellant
4. 4-Feb-2025 FILED: Appellate Clerk Notice re: Appellant's Fee Deferred/No Appellee's Filing Fee Due/Case Management Statement/Brief Due
5. 12-Feb-2025 ORDERED: Dismissing this appeal. Melina Brill ProTem Judge - Author  
[Vacated per ASC Order filed 11/6/25]
6. 24-Feb-2025 FILED: Motion to Reinstate Appeal and (Certificate of Service)(Appellant)
7. 3-Mar-2025 ORDERED: Motion to Reinstate Appeal (Certificate of Service) (Appellant) = DENIED. Hon David B Gass - Author  
[Vacated per ASC Order filed 11/6/25]
8. 3-Mar-2025 FILED: Motion to Reinstate Appeal (Duplicate); Order Dismissing Appeal (Appellant)
9. 4-Mar-2025 FILED: Motion to Accept Attachment to Reinstate Appeal; Maricopa County Superior Court ME filed 12/06/2024 Re: Ruling (Appellant)
10. 5-Mar-2025 ORDERED: Motion to Accept Attachment to Reinstate Appeal (Appellant) = GRANTED and accepting the 12/03/2024 minute entry. FURTHER ORDERED: Motion to Reinstate Appeal; Order Dismissing Appeal (Appellant) = DENIED. Hon David B Gass - Author  
[Vacated per ASC Order filed 11/6/25]
11. 10-Mar-2025 FILED: Motion to Reinstate Appeal; Courtesy Copy - Maricopa County Superior Court Filed 03/11/2025 re: Special Action from Ruling After Rule 33 (Appellant)
12. 19-Mar-2025 ORDERED: Motion to Reinstate Appeal (Appellant) = DENIED. Hon David B Gass - Author  
[Vacated per ASC Order filed 11/6/25]
13. 25-Mar-2025 FILED: Letter, 03/25/2025, Certified Copy of Order dismissing appeal. No physical record to be returned to clerk, Maricopa County Superior Court.  
[vacated per order filed 04/10/2025]
14. 25-Mar-2025 FILED: Notice of Court Fees and Costs Due - payment of court fees in the amount of \$330 or Supplemental Application for waiver or further deferral due by Damion Allen, Appellant by 04/04/2025.
15. 3-Apr-2025 FILED: ASC Letter filed 04/03/2025 re: If you do not file a motion for extension of time on or before 04/17/2025 or a petition for review on or before 05/05/2025, your case may be dismissed.
16. 7-Apr-2025 FILED: Motion for Leave for Late Filing of Request for Waiver of Court Fees and Costs; Untitled (Statement of Assets) (Appellant)
17. 7-Apr-2025 FILED: Supplemental Application for Deferral or Waiver of Court Fees and/or Costs (Appellant Pro Per)
18. 7-Apr-2025 FILED: Email Notice from ASC re: Petition for Review filed 04/02/2025; request for partial record
19. 9-Apr-2025 ORDERED: Motion for Leave for Late Filing of Request for Waiver of Court Fees and Costs (Appellant) = GRANTED and accepting the Supplemental Application for Deferral or Waiver of Court Fees filed 04/07/2025. FURTHER ORDERED: Supplemental Application for Deferral or Waiver of Court Fees and/or Costs (Appellant Pro Per) = GRANTED waiving the unpaid fees in the amount of \$330.00. Melina Brill ProTem Judge - Author
20. 10-Apr-2025 ORDERED: Vacating the mandate filed 03/25/2025 and reinstating this appeal for the purpose of transferring documents requested by the Arizona Supreme Court for review. Hon David B Gass - Author
21. 11-Apr-2025 FILED: Letter forwarding partial record to Arizona Supreme Court
22. 15-Apr-2025 FILED: Motion to Consolidate Petitioner' Second Special Action in 1 CA-CV 25-0066 and 1-CA-CV-25-0064 and 1-CA-CV-25-0102; Certificate of Filing (Appellant)
23. 16-Apr-2025 ORDERED: Motion to Consolidate Petitioner' Second Special Action in 1 CA-CV 25-0066 and 1-CA-CV-25-0064 and 1-CA-CV-25-0102 (Appellant) = DENIED. Hon David B Gass - Author
24. 30-Jul-2025 FILED: ASC Order filed 07/30/2025 re: Striking 07/29/2025 order. FURTHER ORDERED: City of Tempe shall file response to Petition for Review no later than 08/29/2025.
25. 6-Nov-2025 FILED: Letter from ASC, 11/6/25, re: Petition for Review GRANTED on 11/4/25; Vacating the 2/12/25 Court of Appeals Order dismissing the appeal, vacating the 3/3/25, 3/5/25, and 3/19/25 orders denying the motions to reinstate the appeal, and remanding the matter to the Court of Appeals.
26. 12-Nov-2025 ORDERED: Reinstating this appeal. FURTHER ORDERED: Directing the Clerk of the Maricopa County Superior Court to prepare an index of record for Maricopa County Superior Court case no. LC2024-000404-001 and to transmit the record to this court by 11/24/2025, as part of this court's case number 1 CA-CV 25-0102. FURTHER ORDERED: That the case management statement is due by 12/15/2025, and the opening brief is due by 01/09/2026. If the statement and brief are not timely filed, the court will dismiss this appeal. Hon Randall M Howe - Author

**Court of Appeals, Division One**

**Civil Appeal**

**1 CA-CV 25-0102**

**STATE v. ALLEN**

**43 PROCEEDING ENTRIES**

27.	17-Nov-2025	ORDERED: Amending the caption in this appeal to include Maricopa County Superior Court Case no. LC2024-000404-001. All future documents filed in this appeal must use the caption shown on this order. Melina Brill ProTem Judge - Author
28.	24-Nov-2025	FILED: Supplemented Superior Court e-Record with Revised Index of Record (LC2024-000234-001)
29.	24-Nov-2025	FILED: Record on Appeal (LC2024-000404-001): Combined Instruments/Minute Entries
30.	24-Nov-2025	FILED: Record on Appeal (CV2024-033695): Combined Instruments/Minute Entries
31.	24-Nov-2025	FILED: Physical Exhibits: 6 CDs From Tempe Justice Court in manila envelope; Exhibit #2 from Tempe Justice Court in manila envelope
32.	29-Dec-2025	ORDERED: The case management statement must be filed by 01/09/2026. The opening brief remains due by 01/09/2026. If the statement and brief are not timely filed, the court will dismiss this appeal. Patrick Philippe Lacroix ProTem Judge - Author
33.	7-Jan-2026	FILED: Appellant Damion Allen Opening Brief; Appellant Damion Allen Opening Brief (Duplicate); Certificate of Service; Case Management Statement (Appellant)
34.	22-Jan-2026	FILED: BRIEF - Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
35.	23-Jan-2026	ORDERED: Directing the City of Tempe to file a signed certificate of service for the answering brief by 02/02/2026. Steven C Lawrence ProTem Judge - Author
36.	23-Jan-2026	FILED: Certificate of Service; Certificate of Service (Duplicate) (Appellee)
37.	28-Jan-2026	FILED: Appellant Damion Allen Reply Brief; Appellant Damion Allen Reply Brief (Duplicate); Certificate of Service (Appellant)
38.	9-Mar-2026	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
39.	19-Mar-2026	FILED: Supplemented Superior Court e-Record with Revised Index of Record (LC2024-000234-001)
40.	19-Mar-2026	FILED: Supplemented Superior Court e-Record with Revised Index of Record (LC2024-000404-001)
41.	25-Mar-2026	CLNDR: CONFERENCE, Department D, 5-20-26, COURTROOM 2.
42.	17-Apr-2026	ORDERED: Vacating the conference initially set for 05/20/2026, and resetting the conference in this matter before Department D for 04/29/2026. This matter will be conferenced without oral argument. Hon Daniel J Kiley - Author
43.	29-Apr-2026	ORDERED: dismissing this appeal and vacating the superior court's orders as void, without prejudice to Allen asking the municipal court for permission to seek delayed relief under Rule 33.16(a)(4). FURTHER ORDERED: amending the caption. Hon Cynthia J Bailey - Author