

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

**1 CA-CR 23-0129 PRPC**

**STATE v. KERL**

**Appellate Case Information**

Case Filed: 28-Mar-2023  
Case Closed:

**Dept/Composition**

**Department F**

Hon. Jennifer B Campbell  
Hon. Kent E Cattani  
Hon. Anni Hill Foster

**Side 1. STATE OF ARIZONA, Respondent**

(Litigant Group) STATE OF ARIZONA

- State of Arizona

**Attorneys for: Respondent**

Julie A Done, Esq. (AZ Bar No. 24370)  
Krista Wood, Esq. (AZ Bar No. 25503)

**Side 2. DAMON LEE KERL, Petitioner**

(Litigant Group) DAMON LEE KERL

- Damon Lee Kerl

**Attorneys for: Petitioner**

Erika Warner, Esq. (AZ Bar No. 26189)

**CASE STATUS**

Feb 16, 2024....Pending in ASC

| PREDECESSOR CASE(S) | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments>    | Trial | Dispo |
|---------------------|--------------------|-------------------|---------------------------|-------|-------|
| MAR CR 1993-007451  |                    |                   | Mark H Brain, Judge on PC |       |       |

**DESCENDENT CASE(S)**

ASC CR-24-0015-PR

**CASE DECISION**

**21-Dec-2023 MEMORANDUM DECISION**

Anni Foster.....Author  
Jennifer Campbell.....Concur  
Kent Cattani.....Concur

Filed: 21-Dec-2023

Mandate:

Decision Disposition

**Review Granted**  
**Relief Denied**

**25 PROCEEDING ENTRIES**

- 28-Mar-2023 FILED: Petition for Review; Certificate of Service; Certificate of Compliance (Petitioner)
- 5-Apr-2023 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 05/22/2023. Amy M Wood - Author
- 27-Apr-2023 FILED: State of Arizona's Response in Opposition to Petition for Review; Certificate of Service - State of Arizona's Response in Opposition to Petition for Review (Respondent)
- 11-May-2023 FILED: Reply to State's Response to Petition for Review (Oral Argument Requested); Certificate of Service (Petitioner)
- 19-May-2023 FILED: Additional Record on Appeal  
Physical Exhibits:  
Hearing Date: 01/13/1995 List # 1 in manila envelope  
Hearing Date: 07/13/1995 List # 1 2 3 in manila envelope  
Hearing Date: 07/17/1995 List # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 22 23 24 25 26 27 28 29 30 31 37 38 39 40 41 42 in a manila envelope  
Hearing Date: 09/22/1995 List # 1 in manila envelope  
Hearing Date: 01/12/1996 List # 1 2 3 4 in manila envelope  
Hearing Date: 04/26/1999 List # 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 42 69 71 74 75 76 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 in a box

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6. 19-May-2023 FILED: e-Record on Appeal:  
Instruments/Minute Entries: Combined  
Disposition Report: 86  
Exhibits: None sent with e-Record  
(Includes transcripts dated 05/06/1994, 07/25/1995, 07/27/1995, 07/18/1995, 07/20/1995, 07/26/1995, 02/10/1995, 07/19/1995, 07/13/1995, 01/13/1995, 07/17/1995, 07/27/1995, 09/22/1995, 07/24/1995, 01/03/1995, 05/11/1999, 03/18/1998, 05/05/1999, 05/06/1999, 03/17/1998, 03/24/1998, 03/25/1998, 03/26/1998, 03/30/1998, 05/03/1999, 03/11/1998, 03/28/1999, 03/16/1998, 04/29/1999, 02/17/1999, 05/10/1999, 04/22/1999, 03/03/1998, 04/27/1999, 10/20/1993, 06/05/1998, 06/08/1999, 04/26/1999, 05/04/1999, 03/10/1998, 03/19/1998, 03/02/1998)
7. 5-Jun-2023 ORDERED: Reply to State's Response to Petition for Review (ORAL ARGUMENT REQUESTED) (Petitioner) = GRANTED. Hon Kent E Cattani - Author
8. 6-Jun-2023 FILED: Notice of Scheduling Conflicts; Certificate of Service (Petitioner)
9. 16-Jun-2023 FILED: State's Notice Of Scheduling Conflict; Certificate of Service (Respondent)
10. 28-Jul-2023 FILED: Notice of Oral Argument
11. 9-Aug-2023 CLNDR: MONTHLY COURT CASE CALENDAR, Department F, 10-5-23, 09:30 am, COURTROOM 2.
12. 15-Sep-2023 FILED: Motion for Procedural Order: State's Motion to Continue and Reset Oral Argument, Currently Scheduled for October 5, 2023, or Alternatively, Permission to Appear and Present Oral Argument on October 5, 2023, via Video Conference; Certificate of Service for Motion for Procedural Order: State's Motion to Continue and Reset Oral Argument, Currently Scheduled for October 5, 2023, or Alternatively, Permission to Appear and Present Oral Argument on October 5, 2023, via Video Conference (Respondent)
13. 18-Sep-2023 ORDERED: Motion for Procedural Order: State's Motion to Continue and Reset Oral Argument, Currently Scheduled for October 5, 2023, or Alternatively, Permission to Appear and Present Oral Argument on October 5, 2023, via Video Conference (Respondent) = GRANTED and vacating Oral Argument set for 10/05/2023, at 9:30 a.m. FURTHER ORDERED: Resetting oral argument in this matter for 11/09/2023, at 11:00 a.m. Hon Jennifer B Campbell - Author
14. 20-Sep-2023 ORDERED: Oral argument in this matter will be held on November 9, 2023, at 11:00 a.m. before Department F in Courtroom 1. Hon Jennifer B Campbell - Author
15. 26-Sep-2023 FILED: Notice of Oral Argument
16. 24-Oct-2023 FILED: Return Receipt Re Oral Argument (Respondent)
17. 24-Oct-2023 FILED: Notice of Supplemental Authority; Certificate of Service for Notice of Supplemental Authority (Respondent)
18. 1-Nov-2023 FILED: Notice of Supplemental Authority; Certificate of Service (Petitioner)
19. 3-Nov-2023 FILED: Return Receipt Re Oral Argument (Petitioner)
20. 9-Nov-2023 FILED: Sign-in Sheet/Case is Under Advisement as of 11/09/2023
21. 21-Dec-2023 MEMORANDUM DECISION (Review Granted, Relief Denied) Hon Anni Hill Foster - Author; Hon Jennifer B Campbell - Concur; Hon Kent E Cattani - Concur
22. 21-Dec-2023 FILED: Memorandum Decision Distribution List
23. 17-Jan-2024 FILED: ASC Order filed 01/17/2024 re: extending time for filing Petition for Review to 02/21/2024; matter subject to dismissal if the petition for review is not filed by 02/21/2024.
24. 16-Feb-2024 FILED: Email Notice from ASC re: Petition for Review filed 02/16/2024; request for partial record
25. 20-Feb-2024 FILED: Letter forwarding partial record to Arizona Supreme Court