

# Court of Appeals, Division One

Criminal

**1 CA-CR 23-0147**

**STATE v. MERRILL**

## Appellate Case Information

Case Filed: 12-Apr-2023

Case Closed: 11-Apr-2024

Decision

## Dept/Composition

### Department C

Hon. Paul J McMurdie  
Hon. Maria Elena Cruz  
Hon. Cynthia J Bailey

## Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

### Attorneys for: Appellee

Michael O'Toole, Esq. (AZ Bar No. 19555)

## Side 2. TIFFANY LEE MERRILL, Appellant

(Litigant Group) TIFFANY LEE MERRILL

- Tiffany Lee Merrill

### Attorneys for: Appellant

Michael J Dew, Esq. (AZ Bar No. 4543)

## CASE STATUS

Apr 11, 2024.....Case Closed

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
YAV P1300CR202101519	Driving or Actual Physical Control while Under the Influence, Class 1; Endangerment, Class 6; Endangerment, Class 6	74 days, ADOC; 1.5 years, ADOC; 1.5 years, ADOC	Krista M. Carman, Sentencing	JURY	

## CASE DECISION

### 05-Mar-2024 MEMORANDUM DECISION

Cynthia Bailey.....Author

Paul McMurdie.....Concur

Maria Cruz.....Concur

Filed: 05-Mar-2024

Mandate: 11-Apr-2024

Decision Disposition

**Affirmed as Corrected**

## 36 PROCEEDING ENTRIES

- 12-Apr-2023 FILED: Notice of Appeal from Yavapai County Superior Court filed 03/31/23. Notification sent to Court Reporters dated 04/05/2023.
- 12-Apr-2023 FILED: e-Record on Appeal: Instruments/Minute Entries: Combined  
Disposition Report: 18 72  
Digital Exhibits:  
Hearing Date: 12/13/2022 List # P1 P2 P3 P4 P5 P6 P7 P8 P9 P10 P11 P12 P13  
Hearing Date: 12/20/2022 List # D2  
Hearing Date: 12/21/2022 List # P14  
Hearing Date: 11/29/2022 List # D1  
(Includes transcripts dated 12/20/2022 and 12/22/2022)
- 13-Apr-2023 FILED: Appellate Clerk Notice (31.2(g))
- 23-Apr-2023 FILED: Affidavit of No Appellant Attorney Assigned (Lisa A. Chaney)
- 25-Apr-2023 ORDERED: Directing the Contract Administrator of the Yavapai County Public Defender to assign new contract counsel to represent appellant in this appeal and to provide this court the name of assigned counsel by 07/10/2023. FURTHER ORDERED: Additional orders regarding the preparation and filing of transcripts will be issued once the court receives the name of contract counsel. Benjamin A Armstrong ProTem Judge - Author
- 26-Apr-2023 FILED: Notice of Assignment; Certificate of Service (Appellant)
- 28-Apr-2023 ORDERED: Court Reporters Lisa Chaney, Mina Hunt, Susanne Nardoizzi and Laura Ashbrook transcripts due by 06/12/2023. Benjamin A Armstrong ProTem Judge - Author
- 4-May-2023 FILED: Reporter's Transcript - 12/20/2022 - Trial Day One (Mina G. Hunt)

**Court of Appeals, Division One****Criminal****1 CA-CR 23-0147****STATE v. MERRILL****36 PROCEEDING ENTRIES**

9.	4-May-2023	FILED: Reporter's Transcript - 12/22/2022 - Trial Day Three (Mina G. Hunt)
10.	4-May-2023	FILED: Reporter's Transcript - 12/20/2022 - Trial Day One (Mina G. Hunt) (Amended)
11.	4-May-2023	FILED: Reporter's Transcript - 12/22/2022 - Trial Day Three (Mina G. Hunt) (Amended)
12.	4-May-2023	FILED: Reporter's Transcript - 12/22/2022 - Trial Day Three (Mina G. Hunt)
13.	12-May-2023	FILED: Reporter's Transcript - 01/12/2022 - Pretrial Conference, Possible Change of Plea and Sentencing (Lisa A. Chaney)
14.	12-May-2023	FILED: Reporter's Transcript - 03/14/2022 - Settlement Conference, Pretrial Conference, Possible Change of Plea and Sentencing (Lisa A. Chaney)
15.	24-May-2023	FILED: Returned US Mail, Order Regarding Counsel and Transcripts dated 04/25/2023, addressed to Tiffany Lee Merrill, Not at this address
16.	31-May-2023	FILED: Reporter's Transcript - 12/20/2022 - Jury Trial (Laura Ashbrook)
17.	31-May-2023	FILED: Reporter's Transcript - 12/21/2022 - Jury Trial (Laura Ashbrook)
18.	12-Jun-2023	FILED: Reporter's Transcript - 03/30/2023 - Sentencing (Susanne Nardozzi)
19.	13-Jun-2023	FILED: Reporter's Transcript - 12/21/2022 - Jury Trial Day 2 (Susanne Nardozzi)
20.	13-Jun-2023	FILED: Notice of Completion of Record
21.	15-Jun-2023	FILED: Notice of Appointment of Appellate Counsel; Certificate of Service (Appellant)
22.	11-Jul-2023	FILED: Defendant's Motion for Leave to Refile Motion for Supplementation of the Record on Appeal; Certificate of Service (Appellant)
23.	17-Jul-2023	ORDERED: Defendant's Motion for Leave to Refile Motion for Supplementation of the Record on Appeal (Appellant) = GRANTED and directing court reporter Lisa Chaney transcript of the "Torres Hearing" held on 03/06/2023 due by 08/16/2023. FURTHER ORDERED: Opening brief is due by 09/15/2023. Benjamin A Armstrong ProTem Judge - Author
24.	18-Jul-2023	FILED: Request for Extension (Time to File Transcripts) (Lisa Chaney)
25.	18-Jul-2023	ORDERED: Request for Extension (Time to File Transcripts) (Lisa Chaney) = GRANTED. Due date EXTENDED from Wednesday, 08-16-2023 to Friday, 09-15-2023 (Transcript for Torres Hearing on 03/06/2023 by Reporter Lisa A Chaney) or OSC set on 09/27/2023. FURTHER ORDERED: Opening brief due 10/15/2023. Hon Randall M Howe - Author
26.	18-Jul-2023	AMENDED ORDER: Request for Extension (Time to File Transcripts) (Lisa Chaney) = GRANTED. Due date EXTENDED from Wednesday, 08-16-2023 to Friday, 09-15-2023 (Transcript for Torres Hearing on 03/06/2023 by Reporter Lisa A Chaney) or OSC set on 09/27/2023 [sic]. FURTHER ORDERED: Opening brief due 10/16/2023. Hon Randall M Howe - Author  [AMENDED per order filed 08/10/2023]
27.	10-Aug-2023	AMENDED ORDER: Request for Extension (Time to File Transcripts) (Lisa Chaney) = GRANTED. Due date EXTENDED from Wednesday, 08-16-2023 to Friday, 09-15-2023 (Transcript for Torres Hearing on 03/06/2023 by Reporter Lisa A Chaney) or OSC set on 09/20/2023. FURTHER ORDERED: Opening brief due 10/16/2023. Hon Randall M Howe - Author
28.	22-Aug-2023	FILED: Reporter's Transcript - 03/06/2023 - Torres Hearing (Lisa A. Chaney)
29.	14-Oct-2023	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
30.	19-Oct-2023	FILED: Notice of Appearance; Certificate of Service (Appellee)
31.	20-Nov-2023	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
32.	21-Dec-2023	CLNDR: CONFERENCE, Department C, 2-28-24, COURTROOM 1.
33.	5-Mar-2024	MEMORANDUM DECISION (Affirmed as Corrected) Hon Cynthia J Bailey - Author; Hon Paul J McMurdie - Concur; Hon Maria Elena Cruz - Concur
34.	5-Mar-2024	FILED: Decision Distribution Notification
35.	11-Apr-2024	FILED: Mandate, No physical record to be returned to clerk, Yavapai County Superior Court.
36.	11-Apr-2024	FILED: Letter dated 04/11/2024, to Dept Public Safety Re: Copy of Mandate/Decision/Disposition Report