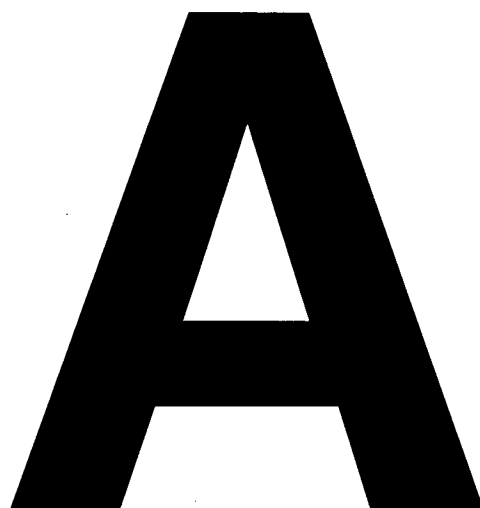


APPENDIX INDEX

Petition for Writ of Certiorari
Salvatore Edward Cocchiola, Jr. v. State of Arizona

Appendix	Date	Document / Description
Appendix A	February 27, 2026	Arizona Supreme Court Order Denying Review
Appendix B	September 2, 2025	Arizona Court of Appeals Memorandum Decision / Order
Appendix C	10-10-24	Trial Court Revocation / Disposition Order or Minute Entry
Appendix D	January 10, 2023 / January 17, 2023	Probation Modification Order deleting/removing the substance-testing condition
Appendix E	April 10, 2024	Relevant excerpts from Witness Violation Hearing Transcript, State v. Salvatore Edward Cocchiola, Maricopa County Superior Court, Case No. CR2016-002319-001 DT



APPENDIX A



Supreme Court

STATE OF ARIZONA

ANN A. SCOTT TIMMER
Chief Justice

ARIZONA STATE COURTS BUILDING
1501 WEST WASHINGTON STREET, SUITE 402
PHOENIX, ARIZONA 85007
TELEPHONE: (602) 452-3396

AARON C. NASH
Clerk of the Court

February 27, 2026

RE: **STATE OF ARIZONA v SALVATORE EDWARD COCCHIOLA**
Arizona Supreme Court No. CR-25-0301-PR
Court of Appeals, Division Two No. 2 CA-CR 24-0234
Maricopa County Superior Court No. CR2016-002319-001DT

GREETINGS:

The following action was taken by the Arizona Supreme Court on February 26, 2026, regarding the above-referenced cause:

ORDERED: Petition for Review = DENIED.

A panel composed of Chief Justice Timmer, Vice Chief Justice Lopez, Justice Beene and Justice King participated in the determination of this matter.

Aaron C. Nash, Clerk

TO:
Salvatore Edward Cocchiola
Alice Jones
Joshua C Smith
Adam Marchant
Lisa V Howell
ck

B

APPENDIX B

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

SALVATORE EDWARD COCCHIOLA,
Appellant.

No. 2 CA-CR 2024-0234
Filed September 2, 2025

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
NOT FOR PUBLICATION

See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.19(e).

Appeal from the Superior Court in Maricopa County
No. CR2016002319001DT
The Honorable Therese A. Gantz, Judge Pro Tempore

AFFIRMED AS CORRECTED

COUNSEL

Kristin K. Mayes, Arizona Attorney General,
By Alice M. Jones, Deputy Solicitor General/Section Chief of Criminal
Appeals, Joshua C. Smith, Assistant Attorney General, and Adam
Marchant, Certified Limited Practice Student
Counsel for Appellee

Vingelli & Company, Law Offices PLLC, Scottsdale
By John N. Vingelli
Counsel for Appellant

STATE v. COCCHIOLA
Decision of the Court

MEMORANDUM DECISION

Presiding Judge Vásquez authored the decision of the Court, in which Judge Kelly and Judge Gard concurred.

V Á S Q U E Z, Presiding Judge:

¶1 Salvatore Cocchiola appeals from the trial court's reinstatement of his life term of supervised probation, which it imposed following a contested probation violation hearing. He argues that the record does not support the court's finding that he had admitted to recording his treatment sessions. We affirm as corrected.

¶2 In 2017, Cocchiola pled guilty to two counts of attempted sexual conduct with a minor and one count of sexual abuse, all dangerous crimes against children. Pursuant to the plea agreement, the trial court sentenced Cocchiola to five years' imprisonment for the sexual abuse count. For the two counts of attempted sexual conduct, the court suspended the imposition of sentence and imposed concurrent lifetime terms of supervised probation.

¶3 Cocchiola was released from prison in October 2020. In 2022, he requested the trial court modify his conditions of probation, citing a cancer diagnosis and his substantial compliance with the terms of probation. On the advice of the probation department and the state, the court removed the condition for regular drug testing, but it declined to otherwise modify the terms of Cocchiola's probation.

¶4 Later that year, the state filed a petition to revoke probation, citing four terms of probation Cocchiola had allegedly violated. After a hearing at which Cocchiola and his probation officer both testified, the trial court found that the state had proven by a preponderance of the evidence that Cocchiola had violated two terms of his probation because (1) he had failed to submit to six drug tests before that condition was removed from his probation conditions and (2) he had failed to "attend, actively participate and remain [in] sex offender treatment" and had been "unsuccessfully discharged from sex offender treatment for failing to follow treatment program rules." The court expressly based this conclusion on its finding that Cocchiola "on the stand admitted that he did record the

STATE v. COCCHIOLA

Decision of the Court

"memory issues" stemming from Alzheimer's disease and chemotherapy treatments, which had motivated his "intent to record" the sessions.

¶8 Cocchiola denied having recorded the sessions. Rather, he testified that although he had told other group members he had recorded sessions and had "meant to do it," he had forgotten to actually record any session. Further, when a surveillance officer searched Cocchiola's phone the day after his discharge from group therapy, no recordings were found on the phone. The state presented no other evidence to suggest Cocchiola had actually recorded any therapy session.

¶9 As Cocchiola's counsel argued to the trial court at the disposition hearing, this evidence supports only a finding that Cocchiola admitted to intending or attempting to record group sessions. Nothing in the record supports the court's finding that Cocchiola "on the stand admitted that he did record the therapy sessions." The state asserts that "Cocchiola's admission to attempting to record, with the intent to record, was sufficient to prove by a preponderance of the evidence that Cocchiola admitted that he recorded therapy sessions." However, the evidence necessary to prove attempt is not sufficient to support a finding of a completed act. *See, e.g.,* A.R.S. § 13-1001 (as relevant, defining attempt as occurring when a person "[i]ntentionally does . . . anything which . . . is any step in the course of conduct planned to culminate in commission of an offense"). The insufficiency of the evidence here is particularly notable given Cocchiola's testimony—uncontradicted by his probation officer or any other evidence—that he did not, in fact, record any session. Because the finding that Cocchiola admitted that he had recorded therapy sessions is unsupported by the evidence, the court acted arbitrarily in making this finding. *See Stotts*, 144 Ariz. at 79. We therefore affirm this ruling as corrected to omit this finding.

¶10 However, the record supports the trial court's ultimate finding that Cocchiola violated a term of his probation. Specifically, the state established that Cocchiola had violated Term 12, requiring him to report for drug testing as directed by his probation officer. Cocchiola's probation officer testified and provided patient history reports showing that Cocchiola had missed six drug tests between November 2021 and November 2022. During his testimony, Cocchiola admitted missing one of those tests, and the state provided a signed behavior agreement in which Cocchiola agreed that he had missed a drug test. Although Cocchiola testified at the violation hearing that he had missed only one test, the trial court is the lone arbiter of witness credibility and was free to disregard this testimony in light of the other evidence supporting the state's allegation.

STATE v. COCCHIOLA

Decision of the Court

See id. Furthermore, the court was free to find a probation violation based solely on the single November 2022 test that Cocchiola admitted he had missed. *See* Ariz. R. Crim. P. 27.8(c)(2) (upon finding that “probationer violated a condition or regulation of probation, the court may revoke, modify, or continue probation”).

¶11 For the foregoing reasons, we affirm the trial court’s order reinstating supervised probation, but we correct the order to omit the finding that Cocchiola admitted to recording group therapy sessions.²

²We also correct a second non-frivolous error in the disposition documents. Although Cocchiola pled guilty to two counts of attempted sexual conduct with a minor, the trial court listed Count 2 as attempt to commit molestation of a child in its signed Uniform Conditions of Supervised Probation filed on May 30, 2024. Cocchiola has previously sought and been granted relief in the form of correcting the record as to this same error. Thus, we order correction of Count 2 of the Uniform Conditions of Supervised Probation to reflect the correct crime, specifically, attempt to commit sexual conduct with minor, in violation of A.R.S. § 13-1405(A).

**Additional material
from this filing is
available in the
Clerk's Office.**