

COURT OF APPEALS OF ARKANSAS, DIVISION I

Deno Dicamillo v. State of Arkansas

Dicamillo, 2026 Ark. App. 176 (Ark. Ct. App. 2026) · No. CR-25-470 · Decided March 11, 2026

SUMMARY

The Arkansas Court of Appeals affirmed Deno Dicamillo’s convictions for two counts of rape and two counts of second-degree sexual assault. The court held that his challenge to the admission of evidence concerning an alleged suicide attempt as consciousness-of-guilt evidence was not preserved because he did not raise the relevance or unfair-prejudice arguments in the circuit court.

CASE DETAILS

COURT	Court of Appeals of Arkansas, Division I
WRITING FOR THE COURT	Kenneth S. Hixson; Chief Judge Klappenbach; Judge Tucker
JURISDICTION	Arkansas Court of Appeals, Division I
DECIDED	March 11, 2026
DOCKET	CR-25-470
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from convictions after a jury trial in the Washington County Circuit Court. The appellant challenged the admission of evidence concerning an alleged suicide attempt as consciousness-of-guilt evidence.
STANDARD OF REVIEW	Admission or rejection of testimony is reviewed for an abuse of discretion, and reversal requires a manifest abuse of discretion plus prejudice. An abuse of discretion requires more than mere error and means the circuit court acted improvidently, thoughtlessly, or without due consideration.
PRECEDENTIAL VALUE	Published Arkansas Court of Appeals opinion
PARTIES	Deno Dicamillo v. State of Arkansas

TOPICS

- preservation of error
- appellate procedure
- evidence
- relevance
- criminal procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Dicamillo preserved for appellate review his argument that evidence of his alleged suicide attempt was irrelevant and unfairly prejudicial under Arkansas Rule of Evidence 403.
2. Whether the circuit court abused its discretion by admitting testimony concerning Dicamillo's alleged suicide attempt as evidence of consciousness of guilt.

HOLDINGS

1. The appellant failed to preserve his appellate arguments that testimony concerning his alleged suicide attempt was irrelevant and unfairly prejudicial because he did not raise those specific grounds in the circuit court or obtain a ruling on them.

KEY QUOTATIONS

“Accordingly, because appellant failed to raise any of his specific arguments on appeal to the circuit court, they are not preserved, and we must affirm.” (at 11)

FACTUAL BACKGROUND

Dicamillo was convicted of sexually assaulting and raping his fourteen-year-old stepdaughter from approximately March 2016 through December 2018. While released on bond pending trial, he failed to appear for a January 23, 2025 court appearance and was later hospitalized after reporting that he had taken a large quantity of pills; he was placed on suicide precautions. At trial, the court excluded the medical records themselves because the State lacked a records custodian but allowed the treating physician to testify about the hospitalization, pill ingestion, and suicide precautions as consciousness-of-guilt evidence.

PROCEDURAL HISTORY

Dicamillo was charged with two counts of rape and two counts of second-degree sexual assault and was tried before a Washington County Circuit Court jury. The circuit court admitted testimony about Dicamillo's hospital admission, pill ingestion, and placement on suicide precautions, while excluding the medical records themselves absent a records custodian. The jury convicted Dicamillo on all four counts and imposed an aggregate sentence of 456 months' imprisonment. He appealed, arguing that the suicide-attempt evidence was irrelevant and unfairly prejudicial; the Court of Appeals affirmed because those specific grounds were not preserved.

DISPOSITION

affirmed

CASES CITED

- Gonzales v. State, 2019 Ark. App. 600, 589 S.W.3d 505
- Deloney v. State, 2021 Ark. App. 36, 617 S.W.3d 717

- Davis v. State, 2018 Ark. App. 450, 558 S.W.3d 897
- Oliver v. State, 2020 Ark. App. 498, 612 S.W.3d 738

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