

FILED *el* 1  
DOCKETED BY: \_\_\_\_\_

IN THE JUSTICE COURT  
APACHE COUNTY, ARIZONA 2010 APR 2 PM 1:01

ROUND VALLEY PRECINCT SUE HALL, CLERK  
APACHE COUNTY SUPERIOR COURT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STATE OF ARIZONA,	)	
	)	
Plaintiff,	)	Case No. CR2009-259
	)	
vs.	)	CR2010 047
	)	
JOSEPH DOUGLAS ROBERTS,	)	
	)	
Defendant.	)	
	)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

ST. JOHNS, ARIZONA  
FRIDAY, MARCH 19, 2010  
1:33 P.M.

CONTINUATION OF PRELIMINARY HEARING  
FROM FEBRUARY 5, 2010

BEFORE: THE HONORABLE SHERRY L. GEISLER  
JUSTICE OF THE PEACE

**UNFILED  
COPY**

PERFORMANCE REPORTERS, INC.  
121 East Birch Avenue, Suite 501  
Flagstaff, Arizona 86001  
By: Michelle K. Seymour, RPR, CSR, CCR  
Arizona Certified Reporter #50710

1 APPEARANCES:

2 For the State of Arizona:

3 MARTIN BRANNAN, Chief Deputy  
4 Apache County Attorney's Office  
5 Box 637  
6 St. Johns, Arizona 85936

7 For the Defendant:

8 David J. Martin, Esq.  
9 P.O. Box 808  
10 Lakeside, Arizona 85929-0808

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I N D E X

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STATE'S WITNESSES

PAGE

LANCE SPIVEY

Direct Examination

9

Cross-Examination

18

JOHN SCRUGGS

Direct Examination

29

Cross-Examination

34

Redirect Examination

40

## P R O C E E D I N G S

\* \* \* \* \*

1  
2  
3 THE COURT: This is the Round Valley  
4 Justice Court. We're having this hearing in the  
5 Superior Court in St. Johns, case number  
6 CR 2009-0259. This is in the matter of State versus  
7 Joseph Douglas Roberts.

8 For the record, the Court does note the  
9 presence of prosecutor, as well as investigating  
10 deputy, Mr. Martin, defense counsel, and the  
11 defendant.

12 For the record, I would like to go over  
13 this a little bit. Preliminary hearing was convened  
14 in this matter on February 5th of 2010. The State  
15 called their first witness, direct examination was  
16 completed, and the State rested at that time.  
17 Mr. Martin at that time then began with questions  
18 and requested a motion to continue. And this is the  
19 reconvening of that preliminary hearing.

20 Again, I'd like to state that this is a  
21 preliminary hearing. It is just a first screening  
22 of the charges and it is up to the State to prove  
23 probable cause.

24 So, Mr. Martin, are you ready?

25 MR. BRANNAN: I have another witness,

1 Judge.

2 THE COURT: Pardon me?

3 MR. BRANNAN: I do have another  
4 witness.

5 THE COURT: Okay.

6 MR. BRANNAN: Sergeant Spivey.

7 MR. MARTIN: May I be heard?

8 THE COURT: Mr. Martin.

9 MR. MARTIN: There is a pending motion  
10 to dismiss that has been unresponded to. Court  
11 didn't mention that in the recitation of what's  
12 occurred thus far in this case. The Court indicated  
13 that the State rested after its first witness. I  
14 believe that's incorrect. I interjected a motion to  
15 dismiss, which was denied, and then I made a verbal  
16 motion to continue, which was granted. There is, as  
17 I said, a pending motion to dismiss that's been  
18 unresponded to.

19 And, finally, my understanding that there  
20 is pending against the Apache County Attorney and  
21 the Chief Deputy prosecuting this case a bar  
22 complaint with the Arizona State Bar by virtue of  
23 the conduct that was testified to by Investigator  
24 Hounshell at the last hearing.

25 THE COURT: Mr. Martin. Or Brannan.

1                   MR. BRANNAN: I believe that the Court  
2 dealt with the motion to dismiss, the motion to  
3 permit telephonic testimony, the motion to remove  
4 prisoner, in its order of March 3rd, 2010. So I  
5 believe that those are moot issues, that this Court  
6 determined it didn't have jurisdiction to consider.

7                   And as for the bar complaint, I don't know  
8 anything about it.

9                   THE COURT: Okay. Yes, that was  
10 addressed in that, that it was a determination of  
11 myself that the motions that had been filed, that  
12 was a motion to dismiss, the motion to permit  
13 telephonic testimony, motion for removal of  
14 prisoner, had been filed prematurely, that this  
15 Court does not have jurisdiction to address those  
16 issues, and that the motion to allow Mr. Griffin to  
17 appear telephonically and to have Mr. Inmon  
18 transported over were premature. And so those  
19 motions at this time were not even addressed, other  
20 than the fact that they were premature. I do not  
21 feel that that is something that this Court has  
22 jurisdiction over.

23                   MR. MARTIN: I only raise the issue,  
24 Your Honor, because the minute entry of March 3rd  
25 says, quote, "These motions cannot be ruled upon at

1 this time." That was as of March 3rd, 2010.

2 THE COURT: Right, because they were  
3 filed prematurely is the contention of this Court.  
4 So we will move forward with the preliminary  
5 hearing.

6 As far as your statement as to the bar  
7 complaint, this Court has not been apprised of any  
8 information, other than that. And as I indicated,  
9 that these, I believe, the issues that you're  
10 raising before this Court are something that need to  
11 be addressed in the Superior Court, which we cannot  
12 get this matter to the Superior Court until we've  
13 completed the preliminary hearing.

14 MR. MARTIN: We believe it's a  
15 conflict of interest for the Apache County  
16 Attorney's office to be prosecuting this case at  
17 this time.

18 MR. BRANNAN: I think a written motion  
19 would have been in order, and far sooner than today,  
20 if that were the case.

21 THE COURT: Yeah, I haven't received  
22 anything in reference to that, Mr. Martin.

23 MR. MARTIN: We make no waiver of that  
24 objection.

25 THE COURT: We'll carry on with the

1 preliminary hearing.

2 MR. BRANNAN: I had called Sergeant  
3 Spivey.

4 (Whereupon, LANCE SPIVEY was called as  
5 a witness by the State, and was  
6 duly sworn by the Court.)

7 MR. MARTIN: I move for sequestration  
8 of witnesses.

9 MR. BRANNAN: I believe that would  
10 only apply to Sergeant Scruggs. He is the only  
11 other witness I would call here today. If there are  
12 going to be defense witnesses, then they can leave  
13 as well.

14 THE COURT: Do you have any witnesses?

15 MR. MARTIN: I have none in the  
16 courtroom.

17 THE COURT: So you're stating that  
18 Sergeant Scruggs is the only witness --

19 MR. BRANNAN: He's the only other  
20 potential witness, yes.

21 (Whereupon, John Scruggs was called as  
22 a witness by the State, and was  
23 duly sworn by the Court.)

24 THE COURT: A rule has been invoked  
25 and I'll have to ask you to step outside the

1 courtroom until your testimony's needed. Thank you.

2 (Whereupon, Witness Scruggs left  
3 the courtroom.)

4 THE COURT: Mr. Brannan.

5

6 Thereupon --

7

LANCE SPIVEY,

8 was called as a witness by the State, and having  
9 been first duly sworn by the Court, was examined,  
10 and testified as follows:

11

12

DIRECT EXAMINATION

13

BY MR. BRANNAN:

14

Q. Could you please state your name and  
15 occupation for the record.

16

A. Lance Spivey, S-p-i-v-e-y. I'm a sergeant  
17 with the Apache County Sheriff's Office.

18

Q. And how long have you been a police  
19 officer?

20

A. Since December of 2000.

21

Q. And how long have you been employed by the  
22 Apache County Sheriff's Office?

23

A. Since June of 2006.

24

Q. Were you involved in the investigations,  
25 first, into the death of a William F. McCarraghe?

1 A. Yes.

2 Q. And how did you become involved in that  
3 investigation?

4 A. I was one of the first officers that  
5 responded to the scene and was later assigned as the  
6 case officer.

7 Q. And were you also involved in the  
8 investigation into the death of a man named Daniel  
9 Achten?

10 A. Yes, I was.

11 Q. Do you know who the person seated next to  
12 Mr. Martin is?

13 A. Joseph Roberts.

14 Q. And how do you know that that is Joseph  
15 Roberts?

16 A. Through interviews that were conducted in  
17 connection with the Daniel Achten case and William  
18 McCarraghe case.

19 Q. Do you recall how many times you've  
20 interviewed Mr. Roberts?

21 A. Two that I can recall.

22 Q. And do you recall the dates of those  
23 interviews?

24 A. One was in August of 2009, I believe it was  
25 the 29th, around there, and then the next one was

1 September. In September. I'm sorry. There was one  
2 with McCarraghe. McCarraghe case, two. Or three.

3 Q. And when was the interview that you did in  
4 McCarraghe's case?

5 A. I'd have to look through my reports.

6 Q. If that'll help you.

7 A. I don't have McCarraghe's case with me. I  
8 have Achten's.

9 Q. Was it this year or --

10 A. It was in 2007.

11 Q. In 2007?

12 A. Late 2007.

13 Q. And did you discuss -- let's go through the  
14 McCarraghe case first.

15 How did you come to interview Mr. Roberts  
16 in late 2007, if you recall?

17 A. Sergeant Scruggs and I were conducting  
18 interviews. We had stopped Mr. Dandridge in his  
19 van. We talked to Mr. Dandridge, Mr. Roberts, and  
20 Mr. Weese at the same time.

21 Q. And did you talk to Mr. Roberts  
22 specifically about the homicide?

23 A. I really don't have my report.

24 Q. Was that the reason that you were  
25 interviewing him?

1           A. Yeah, it was in reference to this murder,  
2 the murder of McCarraghe.

3           Q. At that time, did he tell you that  
4 Mr. Dandridge and Mr. Inmon were involved in that  
5 homicide?

6           A. No, they didn't. Denied any involvement.

7                   MR. MARTIN: I'm going to object to  
8 the answer as nonresponsive. He said "they" denied.  
9 The question was "did he." I don't know how a  
10 singular gets converted to a plural, but it's very  
11 confusing.

12                   THE COURT: Can we address that,  
13 please?

14                   THE WITNESS: Roberts, Weese, and  
15 Inmon all denied involvement in that.

16                   MR. MARTIN: I'm going to object to  
17 the availability of Dandridge and Weese. It hasn't  
18 been established for future testimony, pursuant to  
19 Rule 6.

20                   MR. BRANNAN: The only thing that's  
21 relevant here, Judge, is that Mr. Roberts denied.

22                   MR. MARTIN: If it's not relevant, I'm  
23 not sure why it's being offered at this point, other  
24 than for potential confusion.

25                   MR. BRANNAN: Are you confused, Judge?

1     Apparently Mr. Martin has some concerns about this  
2     Court not being able to understand very simple  
3     statements.  But I don't know why --

4             MR. MARTIN:  No, I'm more concerned  
5     about keeping a clean record.  5.4(c) requires that  
6     there be -- 5.4(c)(3) requires that there be a  
7     foundation of reasonable ground to believe that the  
8     declarants, i.e., Weese and Dandridge, in this  
9     in-unison response of they denied any involvement,  
10    that they will be personally available to trial.  
11    There's no foundation for those statements.

12            MR. BRANNAN:  And, Judge, Rule 801  
13    defines hearsay as a statement that's submitted to  
14    prove the truth of the matter asserted.  And our  
15    assertion is that all three people lied.  We are not  
16    submitting it for its truth.

17            THE COURT:  I'm going to overrule it,  
18    the objection.  Carry on.

19            Q.  (BY MR. BRANNAN)  I want to move forward  
20    now to August of 2009.  And why were you  
21    interviewing Mr. Roberts at that time?

22            A.  We had received information that he had  
23    been stopped in a white Corvette, I believe it was a  
24    1960 model Corvette, in Springerville, that had  
25    actually been registered to Daniel James Achten.

1 And we had been investigating the disappearance of  
2 Mr. Achten at that time.

3 Q. And did he make any statements to you  
4 concerning his knowledge into the death or the  
5 aftermath of the death of Mr. Achten?

6 A. Not to me. To Sergeant Scruggs. Sergeant  
7 Scruggs, I talked to him. Initially he said he  
8 didn't have anything to do with it, and then  
9 Sergeant Scruggs went in and talked to him at Eagar  
10 Police Department, and that's when he told Sergeant  
11 Scruggs about the detail involving Achten.

12 Q. That was in September of 2009?

13 A. Yes.

14 Q. But in August of 2009 he denied that he had  
15 any knowledge?

16 A. I thought August was when we talked to him.  
17 It was so drawn out, I thought August was when we  
18 had the interview, the recorded proffer talks and  
19 everything.

20 Q. So this all happened in the same day?

21 A. Yes. That long interview was, Roberts was,  
22 I thought, in August, but apparently September.

23 Q. Okay. And at the beginning of that  
24 interview, you spoke to Mr. Roberts?

25 A. Yes. And he denied.

1 Q. He denied any involvement?

2 A. Yes.

3 Q. Did you speak to him after he spoke to  
4 Sergeant Scruggs?

5 A. Yes. Later, in September, we had talked to  
6 him about McCarraghe, "Stoney" case.

7 Q. When do you think that was? Was it within  
8 days of the proffer talk, or was it weeks?

9 A. Probably week, couple of weeks.

10 Q. And where did that conversation take place?

11 A. At the Apache County Sheriff's Office.

12 Q. And what did he tell you was his  
13 involvement in the McCarraghe case at that time?

14 A. He admitted being there at the scene. He  
15 admitted to participating in the death of William  
16 McCarraghe. He admitted to shooting the gun in the  
17 direction of William McCarraghe, who was lying in  
18 the bed.

19 Q. Did he make any statements about why they  
20 were at Mr. McCarraghe's house?

21 A. To get even.

22 Q. For?

23 A. For being a bad person. There was several  
24 reasons. That Inmon, he --

25 Q. Without regard to what Inmon said, what did

1 Roberts say?

2 A. To get even with him for being a bad  
3 person.

4 Q. Because Mr. McCarraghe was a bad person?

5 A. Yes.

6 MR. MARTIN: Objection. Leading.

7 MR. BRANNAN: Just trying to clarify,  
8 Judge.

9 MR. MARTIN: Just trying to lead,  
10 Judge.

11 Q. (BY MR. BRANNAN) Who was the bad person,  
12 other than Mr. Roberts?

13 A. Who was the bad person?

14 Q. They were trying to get even with whom for  
15 being a bad person?

16 A. McCarraghe.

17 Q. Did he say anything else about his  
18 activities, Mr. Roberts' activities, while they were  
19 at McCarraghe's house?

20 A. Not that I can recall.

21 Q. Did he indicate to you how he and Inmon got  
22 to McCarraghe's house?

23 A. In the Inmon -- or not Inmon van.  
24 Dandridge's van.

25 Q. Did you discuss a theft at McCarraghe's

1 house at all?

2 A. Not that I can recall, in that interview.  
3 I'd have to watch that interview again.

4 Q. You said that he admitted that he fired a  
5 weapon?

6 A. Yes.

7 Q. What type of weapon?

8 A. It's a rifle. It was a .22 rifle.

9 Q. Did he say what he fired it at?

10 A. Towards McCarraghe. He told me, he tried  
11 to reason that his eyes were closed, but he did pull  
12 the trigger. He knew McCarraghe was in that room.

13 Q. Did he make any statements to you about  
14 when he was stopped in Round Valley driving the car  
15 that you first interviewed him about?

16 A. No, I didn't talk to him about that, not  
17 that I --

18 Q. At any time? Or on this occasion?

19 A. On that occasion, I just talked to him  
20 about McCarraghe.

21 Q. What about in the earlier occasion?

22 A. I asked him about the car. He said he got  
23 the car from William Inmon.

24 Q. And what did he say about the car? How did  
25 he get -- how did Inmon have it?

1           A.    It was taken after Achten's death when I  
2 was watching the interview.

3           Q.    Did he say how he believed Inmon got the  
4 car?

5           A.    Not that I remember.

6           Q.    Okay. He did admit that he was driving the  
7 car though?

8           A.    Yes.

9                   MR. BRANNAN: I have no further  
10 questions of this witness at this time, Judge.

11                   THE COURT: Thank you.

12                   Mr. Martin.

13

14

CROSS-EXAMINATION

15 BY MR. MARTIN:

16           Q.    Do you read and understand English?

17           A.    Yes.

18           Q.    What's a proffer talk?

19           A.    A proffer talk, my limited understanding --  
20 this was my first time ever being involved in a  
21 proffer talk -- basically, if you tell us something  
22 this is what -- it's a contract, it's basically how  
23 I understand it. We -- the State agrees to do  
24 something in return for your interview and  
25 confession. That's my limited understanding of it.

1 Q. Did you tell this Court today under oath  
2 that you engaged in a proffer talk with my client?

3 A. We had the interview. No, Inmon was the  
4 proffer talk. Then we had Roberts come in after  
5 Inmon, and he talked to your client after Inmon  
6 interview. There was no proffer talk with Roberts.

7 Q. Your reference to a proffer talk in your  
8 testimony thus far in this court is relating only to  
9 Inmon; is that your testimony?

10 A. Yes.

11 Q. You testified that you engaged in three  
12 interviews with my client. Do I have that right?

13 A. Yes.

14 Q. Three separate occasions?

15 A. Yes.

16 Q. One in late 2007. True?

17 A. Yes.

18 Q. The second one was in August of 2009.

19 True?

20 A. That was, yeah, that's the one in  
21 September. I thought it was August. It was towards  
22 the end of.

23 Q. One more time.

24 Did you engage in an interview with my  
25 client in August of 2009? That's a yes-or-no answer

1 will do, or "I don't know" is okay too.

2 A. I don't know.

3 Q. Did you engage in an interview with my  
4 client in September of 2009?

5 A. Yes.

6 Q. Did you engage in an interview of my client  
7 at any other time other than those dates I've given  
8 you in the last three questions?

9 A. No.

10 Q. What was the month and year in which my  
11 client, as you've testified, "admitted to being  
12 there"?

13 A. Admitted to being -- that would have been  
14 in the second interview. And I would like to look  
15 at my report to get you the exact date.

16 Q. Is the report there in front of you?

17 A. Yes.

18 Q. Did you make the report contemporaneous  
19 with the events that you've testified to in this  
20 court?

21 A. Yes.

22 Q. By looking at that report, would it refresh  
23 your memory as to what month it was that my client  
24 allegedly "admitted being there"?

25 A. Yes, it would.

1 Q. Go ahead and look at your report, please.

2 A. September 25, 2009 is when the interview  
3 occurred at the Eagar Police Department with  
4 Mr. Roberts.

5 Q. What page of the report were you just  
6 looking at?

7 A. Commander Womack's supplement, page 29.

8 Q. Hold on a second. We went through this and  
9 you said you wanted to look at your report?

10 A. Right. This is the entire case report.

11 Q. I understand. But you are Lance Spivey?

12 A. Yes.

13 Q. You're not Commander Womack, are you?

14 A. No.

15 Q. So what were you just looking at then to  
16 refresh your memory if it was not your report that  
17 was made contemporaneous with the events you  
18 testified to occurring here in court?

19 A. It was the first date that I came to. I  
20 can look through my report.

21 Q. Were you present with my client on  
22 September 25th, 2009?

23 A. In regards to the third interview?

24 Q. It's not in regards to anything. It's just  
25 a straightforward question. Were you present, that

1 is, kind of in the same proximity, within viewing  
2 distance of my client and hearing distance of my  
3 client on September 25th, 2009?

4 A. September 25th, yes, I was.

5 Q. And you've testified that was at the Eagar  
6 Police Department; is that correct?

7 A. Yes, it is.

8 Q. Did you not testify earlier it was at the  
9 Apache County Sheriff's Office?

10 A. That was the third interview.

11 Q. What is the month and year of the third  
12 interview?

13 A. September.

14 Q. So it's your testimony there were two  
15 interviews in September?

16 A. Yes.

17 Q. Is the second interview September 25th,  
18 2009?

19 A. Yes.

20 Q. So what's the date of the third?

21 A. It was a few days later, after. The 29th,  
22 yes.

23 Q. September 25th.

24 Is it your testimony that my client said he  
25 shot a .22 rifle?

1 A. Yes.

2 Q. He used the words ".22 rifle"?

3 A. "The rifle."

4 Q. "The rifle"?

5 A. Yes.

6 Q. Did he say ".22 rifle"?

7 A. I'd have to look back at the interview.

8 Q. You testified that he said his eyes were  
9 closed at the time that he pulled the trigger of the  
10 .22 rifle; is that correct?

11 A. Yes.

12 Q. The statements that you've testified to  
13 that you attribute to my client, were they spoken in  
14 response to your questions or someone else's  
15 questions?

16 A. Which time? The 29th?

17 Q. All of the words that you stated here,  
18 stated forth that you attributed to my client, were  
19 they in response to your questions or someone  
20 else's? And if it's a little bit of both, please  
21 explain.

22 A. The 29th is mine. I conducted that  
23 interview September 29th. On the 25th, the date, at  
24 the police department, I started talking with  
25 Mr. Roberts. Mr. Roberts denied any involvement.

1 Sergeant Scruggs came in and continued to interview,  
2 which I watched in the adjacent observation room,  
3 basically, and watched the interview. So, September  
4 25th, he denied to me initially. Sergeant Scruggs  
5 came in on the 25th, after me, and conducted the  
6 interview. At that time, he admitted to being  
7 involved with McCarraghe.

8 Q. So the words you're relating to us about  
9 him admitting to being there, shooting in a room  
10 where Mr. McCarraghe was, are all words that were  
11 allegedly spoken in response to Mr. Scruggs, where  
12 you were not present in the room?

13 A. No, that's the 29th. 25th was a separate  
14 interview. 29th is when he finally said he shot the  
15 rifle, shot McCarraghe, his eye were closed. He  
16 wouldn't admit to partaking just being there on the  
17 25th to Scruggs too.

18 Q. Did he tell you on the 29th, the third  
19 interview, that he shot into the room?

20 A. Yes.

21 Q. Did he tell you that he shot McCarraghe?

22 A. He said his eye were closed, the gun was  
23 pointed at him, that he pulled the trigger,  
24 McCarraghe was in the room when he pulled the  
25 trigger.

1 Q. Did you ever ask him if he -- upon pulling  
2 the trigger, whether the gun discharged?

3 A. No. He just said he pulled the trigger.  
4 And there was casings found outside the bedroom  
5 window from several different weapons, all .22  
6 caliber.

7 Q. Did you ever ask him whether or not he had  
8 killed McCarraghe?

9 A. No.

10 Q. Did you ever ask him if he intended to kill  
11 McCarraghe?

12 A. No.

13 Q. Did you ever ask him if he knew that his  
14 conduct would cause the death of Mr. McCarraghe?

15 A. No.

16 Q. Did you ever ask him what his relationship  
17 was with William Inmon?

18 A. No.

19 Q. Did you ask him where he was when he shot  
20 into the room?

21 A. No.

22 Q. Did you ask him who he was referring to as  
23 being "a bad person"?

24 A. No.

25 Q. With respect to words that you attributed

1 to my client, if I understand correctly -- and  
2 please correct me if I've misstated your  
3 testimony -- you asked about the car and he said he  
4 got it from Inmon. Have I restated your testimony  
5 correctly?

6 A. Yes.

7 Q. Was that on September 25th or later?

8 A. It was on the 25th, first -- the second  
9 interview.

10 Q. The second interview?

11 A. Yeah.

12 Q. Did you ask him the circumstances under  
13 which he received the car from Inmon?

14 A. Not that I can recall.

15 Q. Did you ask him if he knew who the owner of  
16 the car was?

17 A. No, I didn't.

18 Q. Did you ask him if he knew whether the car  
19 had been stolen?

20 A. No.

21 Q. You said that you spoke to my client or  
22 interviewed him in late 2007; is that correct?

23 A. From what I remember, yes.

24 Q. From what you remember. I'm not sure how  
25 much you remember. Perhaps we could explore that.

1           Is there anything that might refresh your  
2 memory on that, such as the report that's in front  
3 of you?

4           A.    This is Achten's report. McCarraghe's, I  
5 didn't bring with me.

6           Q.    Where did you interview -- well, let's  
7 start over.

8           Are you certain that you interviewed my  
9 client in late 2007, certain to a degree of moral  
10 certainty, being under oath, being sworn to tell the  
11 truth?

12          A.    From what I remember from 2007, I thought I  
13 interviewed him.

14          Q.    You think you interviewed him?

15          A.    I mean, we did 50 or so interviews. I  
16 mean, I'd have to look at every interview that I  
17 did.

18          Q.    Do you recall where you interviewed Joseph  
19 Roberts in late 2007?

20          A.    We did a lot of interviews at our  
21 substation, which is right next door to the  
22 courthouse, in the white house right by the jail.

23          Q.    I understand you may have done a lot of  
24 them there and you may be sweeping up this vague  
25 memory of speaking to Mr. Roberts in late 2007, but

1 do you have a memory of speaking to him at the  
2 substation?

3 A. I remember -- from what I can remember, I  
4 thought I did. I'd have to look at the report. But  
5 I don't have it with me.

6 Q. As I understood your earlier testimony, you  
7 said that Mr. Roberts was with two other people, a  
8 Mr. Weese and Mr. Dandridge, is that correct, when  
9 you first encountered him, leading up to this  
10 interview?

11 A. Yes.

12 Q. Where did you encounter him, Mr. Dandridge,  
13 and Mr. Weese?

14 A. It was, from what I remember, we stopped  
15 him in a green van at the Circle K. And then  
16 Roberts was interviewed. And Inmon -- not Inmon.  
17 Inmon was interviewed too. And Weese.

18 Q. Was Inmon in the van too?

19 A. It was Dandridge. I mean, I don't have the  
20 report. I'd have to look. I'm not trying to be  
21 difficult. I just can't remember 2007.

22 Q. That's fine. If the answer is "I don't  
23 know without looking at my report," I can live with  
24 that. Is that your answer?

25 A. That's my answer.

1                   MR. MARTIN: No further questions.  
2 Thank you, sir.

3                   THE COURT: Thank you, Mr. Martin.  
4                   Mr. Brannan.

5                   MR. BRANNAN: No further questions of  
6 this witness.

7                   THE COURT: You may step down.  
8                   (Whereupon, Witness Spivey was excused  
9 and left the stand.)

10                   (Whereupon, Mr. Brannan left the  
11 courtroom and returned with Witness  
12 Scruggs.)

13                   THE COURT: Sergeant Scruggs, you were  
14 previously sworn. Please take a seat.

15  
16 Thereupon --

17                                 JOHN SCRUGGS,  
18 was called as a witness by the State, and having  
19 been first duly sworn by the Court, was examined,  
20 and testified as follows:

21  
22   DIRECT EXAMINATION

23 BY MR. BRANNAN:

24                   Q. Would you please state your name and  
25 occupation for the record.

1           A.   John Scruggs.  I'm a deputy sheriff with  
2 Apache County Sheriff's Office.

3           Q.   And how long have you been a police  
4 officer?

5           A.   Over ten years.

6           Q.   And how long have you been with the Apache  
7 County Sheriff's Office?

8           A.   Little over ten years.

9           Q.   Have you been with the Sheriff's Office the  
10 entire time you've been a police officer?

11          A.   Yes, sir.

12          Q.   Do you recall working on September 25th,  
13 last year?

14          A.   Yeah.  Last year?

15          Q.   2009.

16          A.   It's possible.

17          Q.   Do you recall doing an interview with  
18 Joseph Roberts last year?

19          A.   Yes, sir.

20          Q.   Do you recall when that occurred?

21          A.   I need to refer to my report to get the  
22 exact date.

23                       September 25th, 2009, at 8:00 p.m.

24          Q.   And where was the interview conducted?

25          A.   It was the Eagar Police Department.

1 Q. And what was the purpose of the interview?

2 A. We were conducting a series of murder  
3 investigations.

4 Q. And why were you interviewing Mr. Roberts?

5 A. I interviewed Mr. Roberts primarily about  
6 the murder of William McCarraghe.

7 Q. And did you talk about the murder of  
8 anybody else during the interview?

9 A. Yes, sir.

10 Q. Who was the other person you talked with?

11 A. I believe it was a Mr. Achten.

12 Q. Let's start with Mr. Achten. What did  
13 Mr. Roberts tell you was his involvement concerning  
14 Mr. Achten?

15 A. As I recall, Joseph Roberts told me that he  
16 had been involved in that crime after the murder had  
17 been committed by William Inmon; that he primarily  
18 assisted Mr. Inmon with getting the body out of  
19 Mr. Achten's residence and disposing of the body.

20 Q. And how did they dispose of the body?

21 A. It's my understanding that they dug a hole  
22 out --

23 MR. MARTIN: Objection. Foundation.  
24 It's either the words of the defendant or just some  
25 information that he's gathered elsewhere.

1 THE COURT: Mr. Brannan, can you lay  
2 some foundation, please?

3 Q. (BY MR. BRANNAN) What did Mr. Roberts tell  
4 you was his involvement in the disposal of the body  
5 of Daniel Achten?

6 A. Mr. Roberts told me that he assisted with  
7 getting the body out of the residence and into a  
8 hole which had been dug and then burning the body.

9 Q. How did Mr. Roberts tell you that he and  
10 Mr. Inmon got the body from the trailer to the hole?

11 A. He said that they had used, I believe it  
12 was a Corvette, and they had attached a tow strap to  
13 the body of Mr. Achten, and they had attached the  
14 other end of the tow strap to the Corvette and drug  
15 him out of the residence.

16 Q. And did they, after -- did he tell you  
17 whether, after the body was put in the hole, if they  
18 in fact did burn Mr. Achten's body?

19 A. Yes, sir. They said that -- Joseph Roberts  
20 told me that they started a fire and attempted to  
21 burn the body. I don't know to what degree it was  
22 burned.

23 Q. Did you discuss with Joseph Roberts  
24 anything further concerning the Corvette?

25 A. I don't recall specifically asking him

1 that. I wasn't too familiar with a lot of the  
2 details of that case.

3 Q. Now, the first time when you initially  
4 spoke to Mr. Roberts, did he just immediately tell  
5 you that information, or did he tell you something  
6 else first?

7 A. No, it took a while before he admitted to  
8 his involvement in the crimes.

9 Q. When you discussed the McCarraghe murder  
10 with him, what did he tell you was his involvement  
11 in that homicide?

12 A. He said that he had been at his residence  
13 in St. Johns, Arizona, with William Inmon, and  
14 William Inmon had wanted to seek revenge on William  
15 McCarraghe, and that he agreed to go with William  
16 Inmon to the McCarraghe residence and provide backup  
17 cover fire for him.

18 Q. And did he tell you how he and Inmon  
19 arrived at McCarraghe's residence?

20 A. Yes, sir.

21 Q. What did he tell you?

22 A. He said that William Inmon had telephoned  
23 an acquaintance of both of theirs, a man named James  
24 Dandridge, who later arrived in a blue Chevrolet  
25 van, and they drove out to William Inmon's residence

1 and obtained three firearms to be used in the crime.  
2 and then they drove to McCarraghe's residence.

3 Q. Okay.

4 I have no further questions at this time.

5 THE COURT: Thank you.

6 Mr. Martin.

7

8 CROSS-EXAMINATION

9 BY MR. MARTIN:

10 Q. "They" used a Corvette was your testimony.  
11 Have I stated it correctly?

12 A. Yes, sir.

13 Q. Are you meaning to imply to this Court that  
14 they both drove that vehicle?

15 A. No, sir. If I did, I misspoke. It was my  
16 understanding from what Mr. Roberts told me was that  
17 William Inmon had operated the Corvette at the time  
18 they drug the body out of the house.

19 Q. Nonetheless, you said "they" used the  
20 Corvette. Tell us which part of "they" using a  
21 Corvette Mr. Roberts said he did. He didn't drive  
22 it. What did he do to use a Corvette?

23 A. I don't understand what you're asking.

24 Q. Let's go back to your testimony.

25 Did you say "they" used the Corvette to

1 drag the body out of the residence?

2 A. I can't recall exactly how I worded it, but  
3 probably, yes.

4 Q. Would you like to have the court reporter  
5 read it back?

6 A. I'll take your word for it.

7 Q. Tell the Court, please, what Mr. Roberts  
8 said that he did to use the Corvette, if he told you  
9 anything specific?

10 A. Like I stated earlier, what Mr. Roberts  
11 told me was that he went to -- he went to the  
12 residence of Mr. Achten and William Inmon and he  
13 helped him get the body out, and they utilized the  
14 Corvette to pull the body out of the residence.  
15 That's what I meant by my statement.

16 Q. Mr. Roberts said "they" used the Corvette.  
17 Are you repeating the words --

18 A. No, sir. No, that was my words.

19 Q. What did Mr. Roberts tell you?

20 A. He told me that he helped William Inmon  
21 attach a tow strap to Mr. Achten's body, and then  
22 William Inmon got it in the Corvette and they drug  
23 the body out of the house.

24 Q. Did he tell you what he did to attach -- to  
25 help attach the tow strap to Achten's body?

1 A. I'm not sure he did.

2 Q. Your testimony, thus far, has been  
3 truthful; is that correct?

4 A. Yes, sir.

5 Q. Mr. Roberts never -- or, strike that. Let  
6 me start over.

7 You never asked Mr. Roberts what his intent  
8 was at the Achten residence, did you?

9 A. I'm not sure I understand what you mean.

10 Q. What part of that question didn't you  
11 understand?

12 A. The whole thing. I don't know what you  
13 mean by what his intent was at the residence.

14 Q. Did you ask Joseph Roberts these words, or  
15 words to this effect, "What were you intending to do  
16 at the Achten residence, Mr. Roberts"?

17 A. I don't know if I asked that specific  
18 question or not.

19 Q. I wasn't trying to limit you to those  
20 words. That's why I said "or words to this effect."

21 Did you use those words, or something like  
22 that, to convey the same meaning?

23 A. I don't know that I would have asked that,  
24 because he -- he told me why they had gone to the  
25 residence.

1 Q. What did he tell you as to why he went to  
2 the residence?

3 A. As I recall, he said that William Inmon had  
4 showed up at his house in Eagar and had asked him to  
5 come help assist him with Mr. Achten.

6 Q. Is that all he told you about why he went  
7 there?

8 A. I don't recall specifically. I haven't  
9 reviewed the videotape of the interview.

10 Q. Did Mr. Inmon tell you whether or not he  
11 was in possession of a rifle at the McCarraghe  
12 residence?

13 A. Mr. Inmon?

14 Q. Strike that. I'm sorry. I apologize.

15 Did Mr. Roberts tell you whether or not he  
16 was in possession of a rifle at the McCarraghe  
17 residence?

18 A. Yes, sir, he did.

19 Q. Did he say what he did with that rifle?

20 A. His statement to me was that at one time he  
21 was in possession of two rifles at the residence.

22 Q. Did he ever say that he fired either of  
23 those rifles?

24 A. No, sir, he told me he did not fire them.

25 Q. He told you that on the 25th; is that

1 correct?

2 A. Yes, sir.

3 Q. Is it your testimony that he told you that  
4 he and Mr. Inmon went somewhere and obtained three  
5 rifles?

6 A. Yes, sir. Mr. Roberts told me that three  
7 individuals loaded into the van and they went to  
8 William Inmon's father's residence, out east of  
9 St. Johns. I think it's the Elk Valley Ranch. It's  
10 a subdivision.

11 Q. Did he say who the three individuals in the  
12 van were?

13 A. Joseph Roberts, William Inmon, and James  
14 Dandridge.

15 Q. Did he say that he was with those other two  
16 individuals on the same day that he went to the  
17 McCarraghe residence, or a different day?

18 A. He told me that he had been at his house  
19 with William Inmon on one evening in April of 2007  
20 and they had called James Dandridge to the house and  
21 then the three of them got in the van and drove out  
22 there.

23 Q. "Out there"?

24 A. They first drove to Charles Inmon's  
25 residence, who is William Inmon's father. They

1 retrieved -- or William Inmon went into the  
2 residence, came out with three firearms and then  
3 they went to McCarraghe's residence, according to  
4 what Mr. Roberts told me.

5 Q. Specifically, Mr. Roberts told you that  
6 three firearms were taken from Charles Inmon's  
7 residence; is that your testimony?

8 A. He said that when they got to Charles  
9 Inmon's residence, William Inmon went inside the  
10 house and returned with three firearms, yes, sir.

11 Q. And you said that Mr. Roberts said he was  
12 in possession of two firearms?

13 A. Yes, sir.

14 Q. At the McCarraghe residence?

15 A. Yes, sir.

16 Q. Did he say where in the McCarraghe  
17 residence he was when he was in possession of the  
18 two firearms?

19 A. Can you say it again, please?

20 Q. Did he say where in the McCarraghe  
21 residence he was when he said he was in possession  
22 of the two firearms?

23 A. After -- Mr. Roberts said that after  
24 William Inmon had shot William McCarraghe, they went  
25 inside the bedroom and ransacked it and they stole

1 two rifles from inside there. That's where  
2 Mr. Roberts got the second rifle.

3 MR. MARTIN: That's all the questions  
4 I have.

5 THE COURT: Thank you.  
6 Mr. Brannan.

7

8 REDIRECT EXAMINATION

9 BY MR. BRANNAN:

10 Q. You said they went inside the McCarraghe  
11 residence to ransack it?

12 A. After -- according to what Joseph Roberts  
13 told me, after William McCarraghe had been shot by  
14 William Inmon, Inmon crawled through the window and  
15 then let Joseph Roberts in through the front door  
16 and then they ransacked or looked around the  
17 belongings in the room for property and they stole  
18 some items from inside there.

19 MR. BRANNAN: No further questions,  
20 Judge.

21 THE COURT: Thank you. You may step  
22 down. You may remain in the courtroom.

23 (Whereupon, Witness Scruggs was  
24 excused and left the stand.)

25 MR. BRANNAN: That's it. State rests.

1 THE COURT: Would you like to make any  
2 closing?

3 MR. BRANNAN: There is no provision in  
4 Rule 5.3 for any argument, Judge. It's just a  
5 presentation of fact and determination by the Court.

6 THE COURT: Okay.

7 MR. MARTIN: I would, if that question  
8 was directed to me. I wasn't sure.

9 MR. BRANNAN: There's just no  
10 provision for argument in Rule 5.3. Presentation of  
11 evidence and determination by the Court.

12 THE COURT: Okay. 5.3(a). All right.

13 With the evidence that's been presented to  
14 this Court in this preliminary hearing, I'm going to  
15 find that probable cause does exist to believe the  
16 crimes charged were committed, and also find that  
17 probable cause exists to believe that the defendant  
18 committed them.

19 This matter will be bound over to the  
20 Apache County Superior Court.

21 Mr. Martin, would you wish to make an offer  
22 of proof?

23 MR. MARTIN: Your Honor, I would. I  
24 would intend to call William Inmon to the stand to  
25 establish that he will, in all likelihood, not be

1 available for trial; and to the extent that there  
2 have been words attributed to him that have  
3 implicated my client here in this proceeding, it's  
4 unlikely those words will ever be demonstrated at a  
5 trial. That's my offer of proof.

6 And as I recall, to add to that, the last  
7 time we were here, the State said, "Oh, we'll  
8 provide some proof about his future availability."  
9 I've yet to hear any.

10 MR. BRANNAN: Judge, that was based on  
11 a lie that Mr. Martin told, saying that Mr. Inmon  
12 was taken out of the court on January 26th this  
13 year, or taken out of jail on a stretcher, a fact  
14 that's just patently false, ridiculously untrue,  
15 completely lacking in candor.

16 THE COURT: I know that there was a  
17 subpoena that had been issued, Apache 60, deputy  
18 sheriff had served to Mr. Inmon in the confines of  
19 the Apache County Sheriff's Department on March 1st,  
20 2010. So he was present there.

21 So the offer of proof that you -- I  
22 understand the witness. And so the evidence that  
23 you wish to present to this Court to establish as  
24 proof is to -- can you address, state that again for  
25 me, please?

1 MR. MARTIN: Yes, one more time,  
2 Judge.

3 THE COURT: Yes, please.

4 MR. MARTIN: What I would intend to  
5 present is that he, in all likelihood, is not going  
6 to be available at trial to articulate the words  
7 that have been attributed to him in this proceeding.

8 THE COURT: Well, I don't -- I just  
9 don't find that that evidence would be -- it would  
10 be insufficient to rebut the finding of probable  
11 cause at this time, and I'm going to bind it over.  
12 Because, as far as I know, he is currently in  
13 custody of the Apache County Sheriff's Department  
14 and he is going to be available to testify at trial.

15 So I'm going to bind this matter up to  
16 Apache County Superior Court, at which time an  
17 arraignment will be scheduled.

18 I don't have a calendar of the Apache  
19 County Superior Court settings, but they're usually  
20 on a Monday. I don't know if the -- let me see.

21 MR. BRANNAN: I think the soonest we  
22 could realistically schedule it would be March 29th.  
23 And non-contracted attorneys are ordinarily seen at  
24 1:00 p.m.

25 THE COURT: All right. So I'm going

1 to schedule an arraignment in the Apache County  
2 Superior Court on 29th of March, which is a Monday,  
3 at 1:00 o'clock in the afternoon.

4 And I would certainly think that if that  
5 was a problem with the Apache County Superior Court,  
6 that they would notify all parties involved prior to  
7 that, so there will not be any notices sent out.

8 And the arraignment, again, is scheduled  
9 for 29th, at 1:00 p.m., right here in the Apache  
10 County Superior Court.

11 This matter is concluded.

12 (The proceedings concluded at 2:26  
13 p.m.)

14

15

16

17

18

19

20

21

22

23

24

25

1 Certificate of Reporter  
2

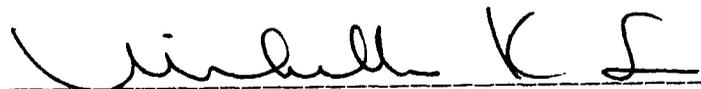
3 I, Michelle K. Seymour, Reporter in the  
4 Superior Court of the State of Arizona, in and for  
5 the County of Coconino, do hereby certify that I  
6 made a shorthand record of the proceedings had at  
7 the foregoing entitled cause at the time and place  
8 hereinbefore stated;

9 That said record is full, true, and  
10 accurate;

11 That the same was thereafter transcribed  
12 under my direction; and

13 That the foregoing forty-four (44)  
14 typewritten pages constitute a full, true, and  
15 accurate transcript of said record, all to the best  
16 of my knowledge and ability.

17 Dated at Flagstaff, Arizona, this 23rd day  
18 of March, 2010.

19  
20  
21 

22 Michelle K. Seymour, CCR, RPR, CSR  
23 AZ CCR #50710 / CA CSR #5643  
24  
25

<p style="text-align: center;"><b>A</b></p> <p><b>ability</b> 45:16  <b>able</b> 13:2  <b>about</b> 6:8 11:22  13:1,5 14:11 15:6  15:19 16:17 17:13  17:15,16,20,21,22  17:24 24:8 26:3  31:5,7 37:6 42:8  <b>according</b> 39:3  40:12  <b>accurate</b> 45:10,15  <b>Achten</b> 10:9,17  13:25 14:2,5,11  31:11,12,14 32:5  32:13 35:12 36:8  36:16 37:5  <b>Achten's</b> 11:8 18:1  27:4 31:19 32:18  35:21,25  <b>acquaintance</b> 33:23  <b>activities</b> 16:18,18  <b>actually</b> 13:25  <b>add</b> 42:6  <b>address</b> 6:15 12:12  42:24  <b>addressed</b> 6:10,19  7:11  <b>adjacent</b> 24:2  <b>admit</b> 18:6 24:16  <b>admitted</b> 15:14,15  15:16 17:4 20:11  20:13,24 24:6  33:7  <b>admitting</b> 24:9  <b>after</b> 5:13 15:3 18:1  19:4,5 22:21 24:5  31:16 32:16,17  39:23,23 40:12,13  <b>aftermath</b> 14:5  <b>afternoon</b> 44:3  <b>again</b> 4:20 17:3  39:19 42:24 44:8  <b>against</b> 5:20  <b>agreed</b> 33:15  <b>agrees</b> 18:23  <b>ahead</b> 21:1  <b>allegedly</b> 20:24  24:11  <b>allow</b> 6:16  <b>another</b> 4:25 5:3  <b>answer</b> 12:8 19:25  28:22,24,25  <b>anybody</b> 31:8  <b>anything</b> 6:8 7:22  14:8 16:17 21:24  27:1 32:24 35:9  <b>Apache</b> 1:2 2:4 5:20  7:15 9:17,22</p>	<p>15:11 22:9 30:2,6  41:20 42:17,19  43:13,16,18 44:1  44:5,9  <b>apologize</b> 37:14  <b>apparently</b> 13:1  14:22  <b>appear</b> 6:17  <b>APPEARANCES</b>  2:1  <b>apply</b> 8:10  <b>apprised</b> 7:7  <b>April</b> 38:19  <b>argument</b> 41:4,10  <b>Arizona</b> 1:2,5,13,23  1:24 2:2,5,8 5:22  33:13 45:4,17  <b>around</b> 10:25 40:16  <b>arraignment</b> 43:17  44:1,8  <b>arrived</b> 33:19,24  <b>articulate</b> 43:6  <b>asked</b> 17:22 26:3  36:7,17,23 37:4  <b>asking</b> 32:25 34:23  <b>asserted</b> 13:14  <b>assertion</b> 13:15  <b>assigned</b> 10:5  <b>assist</b> 37:5  <b>assisted</b> 31:18 32:6  <b>attach</b> 35:21,24,25  <b>attached</b> 32:12,13  <b>attempted</b> 32:20  <b>Attorney</b> 5:20  <b>attorneys</b> 43:23  <b>Attorney's</b> 2:4 7:16  <b>attribute</b> 23:13  <b>attributed</b> 23:18  25:25 42:2 43:7  <b>August</b> 10:24 13:20  14:14,16,17,22  19:18,21,25  <b>availability</b> 12:17  42:8  <b>available</b> 13:10  42:1 43:6,14  <b>Avenue</b> 1:22  <b>AZ</b> 45:22</p> <p style="text-align: center;"><b>B</b></p> <p><b>back</b> 23:7 34:24  35:5  <b>backup</b> 33:16  <b>bad</b> 15:23 16:2,4,11  16:13,15 25:23  <b>bar</b> 5:21,22 6:7 7:6  <b>based</b> 42:10  <b>basically</b> 18:21,22  24:3</p>	<p><b>become</b> 10:2  <b>bed</b> 15:18  <b>bedroom</b> 25:4  39:25  <b>before</b> 1:18 7:10  33:7  <b>began</b> 4:17  <b>beginning</b> 14:23  <b>being</b> 12:23 13:2  15:14,23 16:2,15  18:20 20:11,13,24  24:6,9,16 25:23  27:10,10  <b>believe</b> 5:14 6:1,5  7:9,14 8:9 10:24  13:7,23 31:11  32:11 41:15,17  <b>believed</b> 18:3  <b>belongings</b> 40:17  <b>best</b> 45:15  <b>bind</b> 43:11,15  <b>Birch</b> 1:22  <b>bit</b> 4:13 23:20  <b>blue</b> 33:24  <b>body</b> 31:18,19,20  32:4,7,8,10,13,17  32:18,21 34:18  35:1,13,14,21,23  35:25  <b>both</b> 23:20 33:23  34:14  <b>bound</b> 41:19  <b>Box</b> 2:4,8  <b>Brannan</b> 2:3 4:25  5:3,6,25 6:1 7:18  8:2,9,19 9:4,13  12:20,25 13:12,19  16:7,11 18:9 29:4  29:5,10,23 32:1,3  40:6,9,19,25 41:3  41:9 42:10 43:21  <b>bring</b> 27:5  <b>burn</b> 32:18,21  <b>burned</b> 32:22  <b>burning</b> 32:8</p> <p style="text-align: center;"><b>C</b></p> <p><b>C</b> 4:1  <b>CA</b> 45:22  <b>calendar</b> 43:18  <b>caliber</b> 25:6  <b>call</b> 8:11 41:24  <b>called</b> 4:15 8:2,4,21  9:8 29:18 38:20  <b>came</b> 21:19 24:1,5  39:2  <b>candor</b> 42:15  <b>car</b> 17:14,22,23,24  18:4,7 26:3,13,16</p>	<p>26:18  <b>carry</b> 7:25 13:18  <b>case</b> 1:6 4:5 5:12,21  7:16,20 10:6,17  10:18 11:2,4,7,14  15:6,13 21:10  33:2  <b>casings</b> 25:4  <b>cause</b> 4:23 25:14  41:15,17 43:11  45:7  <b>CCR</b> 1:23 45:22,22  <b>certain</b> 27:8,9  <b>certainly</b> 44:4  <b>certainty</b> 27:10  <b>Certificate</b> 45:1  <b>Certified</b> 1:24  <b>certify</b> 45:5  <b>charged</b> 41:16  <b>charges</b> 4:22  <b>Charles</b> 38:24 39:6  39:8  <b>Chevrolet</b> 33:24  <b>Chief</b> 2:3 5:21  <b>Circle</b> 28:15  <b>circumstances</b>  26:12  <b>clarify</b> 16:7  <b>clean</b> 13:5  <b>client</b> 19:2,5,12,25  20:4,6,11,23  21:21 22:2,3,24  23:13,18 26:1,21  27:9 42:3  <b>closed</b> 17:11 23:9  24:15,22  <b>closing</b> 41:2  <b>Coconino</b> 45:5  <b>come</b> 11:15 19:4  37:5  <b>Commander</b> 21:7  21:13  <b>committed</b> 31:17  41:16,18  <b>complaint</b> 5:22 6:7  7:7  <b>completed</b> 4:16  7:13  <b>completely</b> 42:15  <b>concerned</b> 13:4  <b>concerning</b> 14:4  31:13 32:24  <b>concerns</b> 13:1  <b>concluded</b> 44:11,12  <b>conduct</b> 5:23 25:14  <b>conducted</b> 10:16  23:22 24:5 30:24  <b>conducting</b> 11:17  31:2</p>	<p><b>confession</b> 18:25  <b>confines</b> 42:18  <b>conflict</b> 7:15  <b>confused</b> 12:25  <b>confusing</b> 12:11  <b>confusion</b> 12:24  <b>connection</b> 10:17  <b>consider</b> 6:6  <b>constitute</b> 45:14  <b>contemporaneous</b>  20:18 21:17  <b>contention</b> 7:3  <b>CONTINUATION</b>  1:15  <b>continue</b> 4:18 5:16  <b>continued</b> 24:1  <b>contract</b> 18:22  <b>convened</b> 4:13  <b>conversation</b> 15:10  <b>converted</b> 12:10  <b>convey</b> 36:22  <b>correct</b> 22:6 23:10  26:2,22 28:8 36:3  38:1  <b>correctly</b> 26:1,5  34:11  <b>Corvette</b> 13:23,24  32:12,14,24 34:10  34:17,20,21,22,25  35:8,14,16,22  <b>counsel</b> 4:10  <b>County</b> 1:2 2:4 5:20  7:15 9:17,22  15:11 22:9 30:2,7  41:20 42:19 43:13  43:16,19 44:1,5  44:10 45:5  <b>couple</b> 15:9  <b>court</b> 1:1 4:3,4,5,8  5:2,5,8,10,12,25  6:1,5,9,15,21 7:2  7:3,7,10,11,12,21  7:25 8:6,14,17,23  8:24 9:4,9 12:12  13:2,17 18:11  19:1,8 20:20  21:18 29:3,7,13  29:19 32:1 34:5  34:13 35:4,7 40:5  40:21 41:1,5,6,11  41:12,14,20 42:12  42:16,23 43:3,8  43:16,19,25 44:2  44:5,10 45:4  <b>courthouse</b> 27:22  <b>courtroom</b> 8:16 9:1  9:3 29:11 40:22  <b>cover</b> 33:17  <b>CR</b> 4:6</p>
---	--	--	---	--

<p>crawled 40:14  crime 31:16 34:1  crimes 33:8 41:16  <b>Cross-Examination</b>  3:6,10 18:14 34:8  <b>CR2009-259</b> 1:6  <b>CSR</b> 1:23 45:22,22  currently 43:12  custody 43:13</p> <hr/> <p style="text-align: center;"><b>D</b></p> <p><b>D</b> 3:1 4:1  <b>Dandridge</b> 11:18  11:19 12:4,17  13:8 28:8,12,19  33:24 38:14,20  <b>Dandridge's</b> 16:24  <b>Daniel</b> 10:8,17  13:25 32:5  <b>date</b> 20:15 21:19  22:20 23:23 30:22  <b>Dated</b> 45:17  <b>dates</b> 10:22 20:7  <b>David</b> 2:7  <b>day</b> 14:20 38:16,17  45:17  <b>days</b> 15:8 22:21  <b>dealt</b> 6:2  <b>death</b> 9:25 10:8  14:4,5 15:15 18:1  25:14  <b>December</b> 9:20  <b>declarants</b> 13:8  <b>defendant</b> 1:9 2:6  4:11 31:24 41:17  <b>defense</b> 4:10 8:12  <b>defines</b> 13:13  <b>degree</b> 27:9 32:21  <b>demonstrated</b> 42:4  <b>denied</b> 5:15 12:6,8  12:15,21 13:9  14:14,25 15:1  23:25 24:4  <b>department</b> 14:10  21:3 22:6 23:24  30:25 42:19 43:13  <b>deputy</b> 2:3 4:10  5:21 30:1 42:17  <b>detail</b> 14:11  <b>details</b> 33:2  <b>determination</b> 6:10  41:5,11  <b>determined</b> 6:6  <b>different</b> 25:5 38:17  <b>difficult</b> 28:21  <b>direct</b> 3:5,9 4:15  9:12 29:22  <b>directed</b> 41:8  <b>direction</b> 15:17</p>	<p>45:12  <b>disappearance</b> 14:1  <b>discharged</b> 25:2  <b>discuss</b> 11:13 16:25  32:23  <b>discussed</b> 33:9  <b>dismiss</b> 5:10,15,17  6:2,12  <b>disposal</b> 32:4  <b>dispose</b> 31:20  <b>disposing</b> 31:19  <b>distance</b> 22:2,2  <b>doing</b> 30:17  <b>done</b> 27:23  <b>door</b> 27:21 40:15  <b>Douglas</b> 1:8 4:7  <b>down</b> 29:7 40:22  <b>drag</b> 35:1  <b>drawn</b> 14:17  <b>drive</b> 34:21  <b>driving</b> 17:14 18:6  <b>drove</b> 33:25 34:2,14  38:21,24  <b>drug</b> 32:14 34:18  35:22  <b>dug</b> 31:21 32:8  <b>duly</b> 8:6,23 9:9  29:19  <b>during</b> 31:8</p> <hr/> <p style="text-align: center;"><b>E</b></p> <p><b>E</b> 3:1 4:1,1  <b>Eagar</b> 14:9 21:3  22:5 30:25 37:4  <b>earlier</b> 17:21 22:8  28:6 35:10  <b>east</b> 1:22 38:8  <b>effect</b> 36:15,20  <b>either</b> 31:24 37:22  <b>Elk</b> 38:9  <b>elsewhere</b> 31:25  <b>else's</b> 23:14,20  <b>employed</b> 9:21  <b>encounter</b> 28:12  <b>encountered</b> 28:9  <b>end</b> 19:22 32:14  <b>engage</b> 19:24 20:3,6  <b>engaged</b> 19:2,11  <b>English</b> 18:16  <b>entire</b> 21:10 30:10  <b>entitled</b> 45:7  <b>entry</b> 6:24  <b>Esq</b> 2:7  <b>establish</b> 41:25  42:23  <b>established</b> 12:18  <b>even</b> 6:19 15:21  16:2,14  <b>evening</b> 38:19</p>	<p><b>events</b> 20:19 21:17  <b>ever</b> 18:20 25:1,7  25:10,13,16 37:22  42:4  <b>every</b> 27:16  <b>everything</b> 14:19  <b>evidence</b> 41:11,13  42:22 43:9  <b>exact</b> 20:15 30:22  <b>exactly</b> 35:2  <b>examination</b> 3:5,9  3:11 4:15 9:12  29:22 40:8  <b>examined</b> 9:9 29:19  <b>excused</b> 29:8 40:24  <b>exist</b> 41:15  <b>exists</b> 41:17  <b>explain</b> 23:21  <b>explore</b> 26:25  <b>extent</b> 42:1  <b>eye</b> 24:15,22  <b>eyes</b> 17:11 23:8</p> <hr/> <p style="text-align: center;"><b>F</b></p> <p><b>F</b> 9:25  <b>fact</b> 6:20 32:18 41:5  42:13  <b>false</b> 42:14  <b>familiar</b> 33:1  <b>far</b> 5:12 7:6,19 19:8  36:2 43:12  <b>father</b> 38:25  <b>father's</b> 38:8  <b>February</b> 1:15 4:14  <b>feel</b> 6:21  <b>few</b> 22:21  <b>filed</b> 6:11,14 7:3  <b>finally</b> 5:19 24:14  <b>find</b> 41:15,16 43:9  <b>finding</b> 43:10  <b>fine</b> 28:22  <b>fire</b> 32:20 33:17  37:24  <b>firearms</b> 34:1 39:2  39:6,10,12,18,22  <b>fired</b> 17:4,9 37:22  <b>first</b> 4:15,21 5:13  9:9,25 10:4 11:14  17:15 18:20 21:19  26:8 28:9 29:19  33:3,6 38:24  <b>Flagstaff</b> 1:23  45:17  <b>follows</b> 9:10 29:20  <b>foregoing</b> 45:7,13  <b>forth</b> 23:18  <b>forty-four</b> 45:13  <b>forward</b> 7:4 13:19  <b>found</b> 25:4</p>	<p><b>foundation</b> 13:7,11  31:23 32:2  <b>FRIDAY</b> 1:13  <b>from</b> 1:15 17:23  25:5 26:4,13,23  26:24 27:12,12  28:3,14 32:10  34:16 39:6 40:1  40:18  <b>front</b> 20:16 27:2  40:15  <b>full</b> 45:9,14  <b>further</b> 18:9 29:1,5  32:24 34:4 40:19  <b>future</b> 12:18 42:8</p> <hr/> <p style="text-align: center;"><b>G</b></p> <p><b>G</b> 4:1  <b>gathered</b> 31:25  <b>GEISLER</b> 1:18  <b>gets</b> 12:10  <b>getting</b> 31:18 32:7  <b>given</b> 20:7  <b>go</b> 4:12 11:13 21:1  33:15 34:24  <b>going</b> 8:12 12:7,16  13:17 41:14 43:5  43:11,14,15,25  <b>gone</b> 36:24  <b>granted</b> 5:16  <b>green</b> 28:15  <b>Griffin</b> 6:16  <b>ground</b> 13:7  <b>gun</b> 15:16 24:22  25:2</p> <hr/> <p style="text-align: center;"><b>H</b></p> <p><b>happened</b> 14:20  <b>having</b> 4:4 9:8  29:18  <b>hear</b> 42:9  <b>heard</b> 5:7  <b>hearing</b> 1:15 4:4,13  4:19,21 5:24 7:5  7:13 8:1 22:2  41:14  <b>hearsay</b> 13:13  <b>help</b> 11:6 35:25  37:5  <b>helped</b> 35:13,20  <b>hereinbefore</b> 45:8  <b>him</b> 11:25 14:7,9,16  15:3,6 16:2 17:15  17:16,19,22 24:9  24:23 25:1,7,10  25:13,16,19,22  26:12,15,18,22  27:13,14 28:1,9  28:12,15 32:15,25</p>	<p>33:10,17 35:13  37:4,5 42:2 43:7  <b>Hold</b> 21:8  <b>hole</b> 31:21 32:8,10  32:17  <b>homicide</b> 11:22  12:5 33:11  <b>Honor</b> 6:24 41:23  <b>HONORABLE</b>  1:18  <b>Hounshell</b> 5:24  <b>house</b> 15:20 16:19  16:22 17:1 27:22  34:18 35:23 37:4  38:18,20 39:10</p> <hr/> <p style="text-align: center;"><b>I</b></p> <p><b>immediately</b> 33:4  <b>implicated</b> 42:3  <b>imply</b> 34:13  <b>INC</b> 1:22  <b>incorrect</b> 5:14  <b>indicate</b> 16:21  <b>indicated</b> 5:12 7:8  <b>individuals</b> 38:7,11  38:16  <b>information</b> 7:8  13:22 31:25 33:5  <b>initially</b> 14:7 24:4  33:3  <b>Inmon</b> 6:17 12:4,15  15:24,25 16:21,23  16:23 17:23,25  18:3 19:3,5,5,9  25:17 26:4,13  28:16,16,17,18  31:17,18 32:10  33:13,14,16,18,22  34:17 35:12,20,22  37:3,10,13 38:4  38:13,19 39:1,9  39:24 40:14,14  41:24 42:11,18  <b>Inmon's</b> 33:25 38:8  38:24,25 39:6,9  <b>inside</b> 39:9,25 40:1  40:10,18  <b>insufficient</b> 43:10  <b>intend</b> 41:24 43:4  <b>intended</b> 25:10  <b>intending</b> 36:15  <b>intent</b> 36:7,13  <b>interest</b> 7:15  <b>interjected</b> 5:14  <b>interview</b> 11:3,15  14:18,21,24 17:2  17:3 18:2,24 19:3  19:6,24 20:3,6,14  21:2,23 22:10,12</p>
--	---	---	---	--

22:17 23:7,23 24:1,3,6,14,19 26:9,10 27:6,16 28:10 30:17,24 31:1,8 37:9 <b>interviewed</b> 10:20 17:15 26:22 27:8 27:13,14,18 28:16 28:17 31:5 <b>interviewing</b> 11:25 13:21 31:4 <b>interviews</b> 10:16,23 11:18 19:12 22:15 27:15,20 <b>investigating</b> 4:9 14:1 <b>investigation</b> 10:3,8 <b>investigations</b> 9:24 31:3 <b>Investigator</b> 5:23 <b>invoked</b> 8:24 <b>involved</b> 9:24 10:2 10:7 12:4 18:20 24:7 31:16 44:6 <b>involvement</b> 12:6 12:15 13:9 15:1 15:13 23:25 31:13 32:4 33:8,10 <b>involving</b> 14:11 <b>in-unison</b> 13:9 <b>issue</b> 6:23 <b>issued</b> 42:17 <b>issues</b> 6:5,16 7:9 <b>items</b> 40:18 <b>l.e</b> 13:8	17:19 21:5,15,24 24:16 25:3 28:21 31:24 33:4 41:4,9 42:14 43:8 <b>Justice</b> 1:1,19 4:4	<b>look</b> 11:5 20:14 21:1,9,20 23:7 27:16 28:4,20 <b>looked</b> 40:16 <b>looking</b> 20:22 21:6 21:15 28:23 <b>lot</b> 27:20,23 33:1 <b>lying</b> 15:17	<b>Michelle</b> 1:23 45:3 45:22 <b>might</b> 27:1 <b>mine</b> 23:22 <b>minute</b> 6:24 <b>misspoke</b> 34:15 <b>misstated</b> 26:2 <b>model</b> 13:24 <b>Monday</b> 43:20 44:2 <b>month</b> 20:10,23 22:11 <b>moot</b> 6:5 <b>moral</b> 27:9 <b>more</b> 13:4 19:23 43:1 <b>motion</b> 4:18 5:9,14 5:16,17 6:2,2,3,12 6:12,13,16 7:18 <b>motions</b> 6:11,19,25 <b>move</b> 7:4 8:7 13:19 <b>much</b> 26:25 <b>murder</b> 12:1,2 31:2 31:6,7,16 33:9 <b>myself</b> 6:11	<b>offer</b> 41:21 42:5,21 <b>offered</b> 12:23 <b>office</b> 2:4 7:16 9:17 9:22 15:11 22:9 30:2,7,9 <b>officer</b> 9:19 10:6 30:4,10 <b>officers</b> 10:4 <b>Oh</b> 42:7 <b>okay</b> 5:5 6:9 14:23 18:6 20:1 34:3 41:6,12 <b>one</b> 10:4,24,25 11:1 19:16,18,20,23 37:20 38:19 43:1 <b>only</b> 6:23 8:10,10 8:18,19 12:20 19:8 <b>operated</b> 34:17 <b>order</b> 6:4 7:19 <b>ordinarily</b> 43:23 <b>other</b> 6:19 7:8 8:11 8:19 12:23 16:12 20:7,7 28:7 31:10 32:14 38:15 <b>out</b> 14:17 31:18,22 32:7,15 33:25 34:18 35:1,13,14 35:23 38:8,21,23 39:2 42:12,13 44:7 <b>outside</b> 8:25 25:4 <b>over</b> 4:12 6:18,22 27:7 30:5,8 36:6 41:19 43:11 <b>overrule</b> 13:17 <b>owner</b> 26:15 <b>o'clock</b> 44:3	
<b>J</b>	<b>K</b>	<b>M</b>	<b>N</b>	<b>P</b>	
<b>J</b> 2:7 <b>jail</b> 27:22 42:13 <b>James</b> 13:25 33:23 38:13,20 <b>January</b> 42:12 <b>John</b> 3:8 8:21 29:17 30:1 <b>Johns</b> 1:13 2:5 4:5 33:13 38:9 <b>Joseph</b> 1:8 4:7 10:13,14 27:18 30:18 31:15 32:19 32:23 36:14 38:13 40:12,15 <b>Judge</b> 5:1 12:21,25 13:12 16:8,10 18:10 40:20 41:4 42:10 43:2 <b>June</b> 9:23 <b>jurisdiction</b> 6:6,15 6:22 <b>just</b> 4:21 16:7,9	<b>L</b> <b>L</b> 1:18 <b>lacking</b> 42:15 <b>Lakeside</b> 2:8 <b>Lance</b> 3:4 8:4 9:7 9:16 21:11 <b>last</b> 5:24 20:8 30:13 30:14,18 42:6 <b>late</b> 11:12,16 19:16 26:22 27:9,19,25 <b>later</b> 10:5 15:5 22:21 26:7 33:24 <b>lay</b> 32:1 <b>lead</b> 16:9 <b>leading</b> 16:6 28:9 <b>leave</b> 8:12 <b>left</b> 9:2 29:9,10 40:24 <b>let</b> 36:5 40:15 43:20 <b>let's</b> 11:13 27:6 31:12 34:24 <b>lie</b> 42:11 <b>lied</b> 13:15 <b>like</b> 4:12,20 20:14 35:4,10 36:21 41:1 <b>likelihood</b> 41:25 43:5 <b>limit</b> 36:19 <b>limited</b> 18:19,25 <b>little</b> 4:13 23:20 30:8 <b>live</b> 28:23 <b>loaded</b> 38:7 <b>long</b> 9:18,21 14:21 30:3,6	<b>made</b> 5:15 21:17 45:6 <b>make</b> 7:23 14:3 15:19 17:13 20:18 41:1,21 <b>man</b> 10:8 33:23 <b>many</b> 10:19 <b>March</b> 1:13 6:4,24 7:1 42:19 43:22 44:2 45:18 <b>Martin</b> 2:3,7 4:10 4:17,24 5:7,8,9,25 6:23 7:14,22,23 8:7,15 10:12 12:7 12:16,22 13:1,4 16:6,9 18:12,15 29:1,3 31:23 34:6 34:9 40:3 41:7,21 41:23 42:11 43:1 43:4 <b>matter</b> 4:6,14 7:12 13:14 41:19 43:15 44:11 <b>may</b> 5:7 27:23,24 29:7 40:21,22 <b>McCarraghe</b> 9:25 10:18 11:2,2,14 12:2 15:6,13,16 15:17 16:4,16 17:10,12,20 24:7 24:10,15,21,24 25:8,11,14 31:6 33:9,15,16 37:11 37:16 38:17 39:14 39:16,20,24 40:10 40:13 <b>McCarraghe's</b> 11:4 11:7 15:20 16:19 16:22,25 27:4 33:19 34:2 39:3 <b>mean</b> 27:15,16 28:19 36:9,13 <b>meaning</b> 34:13 36:22 <b>meant</b> 35:15 <b>memory</b> 20:23 21:16 27:2,25 28:1 <b>mention</b> 5:11	<b>name</b> 9:14 29:24 <b>named</b> 10:8 33:23 <b>need</b> 7:10 30:21 <b>needed</b> 9:1 <b>never</b> 36:5,7 <b>next</b> 10:11,25 27:21 <b>none</b> 8:15 <b>Nonetheless</b> 34:19 <b>nonresponsive</b> 12:8 <b>non-contracted</b> 43:23 <b>note</b> 4:8 <b>notices</b> 44:7 <b>notify</b> 44:6 <b>number</b> 4:5	<b>O</b> <b>O</b> 4:1 <b>oath</b> 19:1 27:10 <b>object</b> 12:7,16 <b>objection</b> 7:24 13:18 16:6 31:23 <b>observation</b> 24:2 <b>obtained</b> 34:1 38:4 <b>occasion</b> 17:18,19 17:21 <b>occasions</b> 19:14 <b>occupation</b> 9:15 29:25 <b>occurred</b> 5:12 21:3 30:20 <b>occurring</b> 21:18	<b>page</b> 3:3 21:5,7 <b>pages</b> 45:14 <b>Pardon</b> 5:2 <b>part</b> 34:20 36:10 <b>partaking</b> 24:16 <b>participating</b> 15:15 <b>parties</b> 44:6 <b>patently</b> 42:14 <b>PEACE</b> 1:19 <b>pending</b> 5:9,17,20 <b>people</b> 13:15 28:7 <b>PERFORMANCE</b> 1:22 <b>Perhaps</b> 26:25 <b>permit</b> 6:3,12 <b>person</b> 10:11 15:23 16:3,4,11,13,15 25:23 31:10

<p>personally 13:10 place 15:10 45:7 <b>Plaintiff</b> 1:6 please 9:14 12:13 21:1 23:20 26:2 29:14,24 32:2 35:7 39:19 42:25 43:3 plural 12:10 point 12:23 pointed 24:23 police 9:18 14:10 21:3 22:6 23:24 30:3,10,25 possession 37:11,16 37:21 39:12,17,21 possible 30:16 potential 8:20 12:24 <b>PRECINCT</b> 1:3 preliminary 1:15 4:13,19,21 7:4,13 8:1 41:14 premature 6:18,20 prematurely 6:14 7:3 presence 4:9 present 21:21,25 24:12 42:20,23 43:5 presentation 41:5 41:10 presented 41:13 previously 29:14 primarily 31:5,17 prior 44:6 prisoner 6:4,14 probable 4:23 41:15,17 43:10 probably 15:9 35:3 problem 44:5 proceeding 42:3 43:7 proceedings 1:12 44:12 45:6 proffer 14:18 15:8 18:18,19,21 19:2 19:4,6,7 proof 41:22 42:5,8 42:21,24 property 40:17 prosecuting 5:21 7:16 prosecutor 4:9 prove 4:22 13:14 provide 33:16 42:8 provision 41:3,10 proximity 22:1 pull 17:11 35:14</p>	<p>pulled 23:9 24:23 24:24 25:3 pulling 25:1 purpose 31:1 pursuant 12:18 put 32:17 p.m 1:14 30:23 43:24 44:9,13 <b>P.O</b> 2:8</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <p>question 12:9 21:25 36:10,18 41:7 questions 4:17 18:10 20:8 23:14 23:15,19 29:1,5 34:4 40:3,19 quote 6:25</p> <hr/> <p style="text-align: center;"><b>R</b></p> <p>R 4:1 raise 6:23 raising 7:10 Ranch 38:9 ransack 40:11 ransacked 39:25 40:16 read 18:16 35:5 ready 4:24 realistically 43:22 really 11:23 reason 11:24 17:11 reasonable 13:7 reasons 15:24 rebut 43:10 recall 10:19,21,22 11:16 16:20 17:2 26:14 27:18 30:12 30:17,20 31:15 32:25 35:2 37:3,8 42:6 received 7:21 13:22 26:13 recitation 5:11 reconvening 4:19 record 4:8,12 9:15 13:5 29:25 45:6,9 45:15 recorded 14:18 Redirect 3:11 40:8 refer 30:21 reference 7:22 12:1 19:7 referring 25:22 refresh 20:22 21:16 27:1 regard 15:25 regards 21:23,24 registered 13:25</p>	<p>relating 19:8 24:8 relationship 25:16 relevant 12:21,22 remain 40:22 remember 18:5 26:23,24,25 27:12 28:3,3,14,21 removal 6:13 remove 6:3 repeating 35:17 report 11:23 20:15 20:16,18,22 21:1 21:5,9,10,16,20 27:2,4 28:4,20,23 30:21 reporter 1:24 35:4 45:1,3 <b>REPORTERS</b> 1:22 <b>REPORTER'S</b> 1:12 reports 11:5 requested 4:18 requires 13:5,6 residence 31:19 32:7,15 33:12,16 33:19,25 34:2 35:1,12,14 36:8 36:13,16,25 37:2 37:12,17,21 38:8 38:17,25 39:2,3,7 39:9,14,17,21 40:11 respect 25:25 responded 10:5 response 13:9 23:14 23:19 24:11 restated 26:4 rested 4:16 5:13 rests 40:25 retrieved 39:1 return 18:24 returned 29:11 39:10 revenge 33:14 reviewed 37:9 ridiculously 42:14 rifle 17:8,8 22:25 23:2,3,4,6,10 24:15 37:11,16,19 40:2 rifles 37:21,23 38:5 40:1 right 7:2 19:12 21:10 27:21,22 41:12 43:25 44:9 Roberts 1:8 4:7 10:13,15,20 11:15 11:19,21 12:14,21 13:21 14:21,24</p>	<p>16:1,12,18 19:4,6 21:4 23:25,25 27:19,25 28:7,16 30:18 31:4,5,13 31:15 32:3,6,9,19 32:23 33:4 34:16 34:21 35:7,10,16 35:19 36:5,7,14 36:16 37:15 38:6 38:13 39:4,5,11 39:23 40:2,12,15 room 17:12 24:2,9 24:12,19,24 25:20 40:17 Round 1:3 4:3 17:14 RPR 1:23 45:22 rule 8:24 12:19 13:12 41:4,10 ruled 6:25</p> <hr/> <p style="text-align: center;"><b>S</b></p> <p>S 4:1 same 11:20 14:20 22:1 36:22 38:16 45:11 saying 42:11 says 6:25 scene 10:5 15:14 schedule 43:22 44:1 scheduled 43:17 44:8 screening 4:21 Scruggs 3:8 8:10,18 8:21 9:2 11:17 14:6,7,9,11 15:4 24:1,4,11,17 29:12,13,17 30:1 40:23 seat 29:14 seated 10:11 second 19:18 20:14 21:8 22:17 26:8 26:10 40:2 see 43:20 seek 33:14 seen 43:23 sent 44:7 separate 19:14 24:13 September 11:1,1 14:12,22 15:5 19:21 20:4 21:2 21:22 22:3,4,13 22:15,17,23 23:23 24:3 26:7 30:12 30:23 sequestration 8:7 sergeant 5:6 8:2,10</p>	<p>8:18 9:16 11:17 14:6,6,9,10 15:4 24:1,4 29:13 series 31:2 served 42:18 settings 43:19 several 15:23 25:5 Seymour 1:23 45:3 45:22 sheriff 30:1 42:18 Sheriff's 9:17,22 15:11 22:9 30:2,7 30:9 42:19 43:13 SHERRY 1:18 shooting 15:16 24:9 shorthand 45:6 shot 22:25 24:14,15 24:19,21 25:19 39:24 40:13 showed 37:4 simple 13:2 Since 9:20,23 singular 12:10 sir 29:2 30:11,19 31:9 32:19 33:20 34:12,15 35:18 36:4 37:18,24 38:2,6 39:10,13 39:15 some 13:1 31:24 32:2 40:18 42:8 someone 23:14,19 something 6:21 7:10 18:21,24 33:5 36:21 somewhere 38:4 sooner 7:19 soonest 43:21 sorry 11:1 37:14 speak 15:3 speaking 27:25 28:1 specific 35:9 36:17 specifically 11:22 32:25 37:8 39:5 Spivey 3:4 5:6 8:3,4 9:7,16 21:11 29:8 spoke 14:24 15:3 26:21 33:4 spoken 23:13 24:11 Springerville 13:24 St 1:13 2:5 4:5 33:13 38:9 stand 29:9 40:24 41:24 start 27:7 31:12 36:6 started 23:24 32:20 state 1:5 2:2 4:6,14</p>
--	---	---	--	--

4:16,20,22 5:13 5:22 8:5,22 9:8,14 18:23 29:18,24 40:25 42:7,24 45:4 <b>stated</b> 23:17,18 34:11 35:10 45:8 <b>statement</b> 7:6 13:13 35:15 37:20 <b>statements</b> 13:3,11 14:3 15:19 17:13 23:12 <b>STATE'S</b> 3:3 <b>stating</b> 8:17 <b>step</b> 8:25 29:7 40:21 <b>stole</b> 39:25 40:17 <b>stolen</b> 26:19 <b>Stoney</b> 15:6 <b>stopped</b> 11:18 13:23 17:14 28:14 <b>straightforward</b> 21:25 <b>strap</b> 32:12,14 35:21,25 <b>stretcher</b> 42:13 <b>strike</b> 36:5 37:14 <b>subdivision</b> 38:10 <b>submitted</b> 13:13 <b>submitting</b> 13:16 <b>subpoena</b> 42:17 <b>substation</b> 27:21 28:2 <b>Suite</b> 1:22 <b>Superior</b> 4:5 7:11 7:12 41:20 43:16 43:19 44:2,5,10 45:4 <b>supplement</b> 21:7 <b>sure</b> 12:23 26:24 36:1,9 41:8 <b>sweeping</b> 27:24 <b>sworn</b> 8:6,23 9:9 27:10 29:14,19 <b>S-p-i-v-e-y</b> 9:16	<b>telephoned</b> 33:22 <b>telephonic</b> 6:3,13 <b>telephonically</b> 6:17 <b>tell</b> 12:3 15:12 18:21 19:1 24:18 24:21 27:10 31:13 32:3,9,16 33:4,5 33:10,18,21 34:20 35:7,19,24 37:1 37:10,15 <b>ten</b> 30:5,8 <b>testified</b> 5:23 9:10 19:11 20:11,19 21:18 22:5 23:8 23:12 29:20 <b>testify</b> 22:8 43:14 <b>testimony</b> 6:3,13 12:18 19:8,9 22:14,24 26:3,4 28:6 34:10,24 36:2 38:3 39:7 <b>testimony's</b> 9:1 <b>Thank</b> 9:1 18:11 29:2,3 34:5 40:5 40:21 <b>theft</b> 16:25 <b>their</b> 4:15 <b>theirs</b> 33:23 <b>thing</b> 12:20 36:12 <b>think</b> 7:18 15:7 27:14 38:9 43:21 44:4 <b>third</b> 21:23 22:10 22:11,20 24:18 <b>though</b> 18:7 <b>thought</b> 14:16,17 14:22 19:21 27:12 28:4 <b>three</b> 11:2 13:15 19:11,14 20:8 34:1 38:4,6,11,21 39:2,6,10 <b>through</b> 10:16 11:5 11:13 21:8,20 40:14,15 <b>time</b> 4:16,17 6:19 7:1,17 11:20 12:3 13:21 14:2 15:13 17:18 18:10,20 19:23 20:7 23:9 23:16 24:6 30:10 33:3 34:4,17 37:20 42:7 43:1 43:11,16 45:7 <b>times</b> 10:19 <b>today</b> 7:19 8:11 19:1 <b>told</b> 14:10 17:10 31:15 32:6,20	34:16 35:8,11,20 36:24 37:6,24,25 38:3,6,18 39:4,5 40:13 42:11 <b>tow</b> 32:12,14 35:21 35:25 <b>towards</b> 17:10 19:21 <b>trailer</b> 32:10 <b>transcribed</b> 45:11 <b>transcript</b> 1:12 45:15 <b>transported</b> 6:18 <b>trial</b> 13:10 42:1,5 43:6,14 <b>tried</b> 17:10 <b>trigger</b> 17:12 23:9 24:23,25 25:2,3 <b>true</b> 19:16,19 45:9 45:14 <b>truth</b> 13:14,16 27:11 <b>truthful</b> 36:3 <b>trying</b> 16:7,9,14 28:20 36:19 <b>two</b> 10:21 11:2 22:14 28:7 37:21 38:15 39:12,18,22 40:1 <b>type</b> 17:7 <b>typewritten</b> 45:14	<b>Valley</b> 1:3 4:3 17:14 38:9 <b>van</b> 11:19 16:23,24 28:15,18 33:25 38:7,12,21 <b>vehicle</b> 34:14 <b>verbal</b> 5:15 <b>versus</b> 4:6 <b>very</b> 12:10 13:2 <b>videotape</b> 37:9 <b>viewing</b> 22:1 <b>virtue</b> 5:22 <b>vs</b> 1:7	38:8,13,19,25 39:1,9,24,24 40:13,14 41:24 <b>window</b> 25:5 40:14 <b>wish</b> 41:21 42:23 <b>witness</b> 4:15,25 5:4 5:13 8:5,11,18,20 8:22 9:2,8 12:14 18:10 29:6,8,11 29:18 40:23 42:22 <b>witnesses</b> 3:3 8:8,12 8:14 <b>Womack</b> 21:13 <b>Womack's</b> 21:7 <b>word</b> 35:6 <b>worded</b> 35:2 <b>words</b> 23:2,17 24:8 24:10 25:25 31:24 35:17,18 36:14,15 36:20,20,21 42:2 42:4 43:6 <b>working</b> 30:12 <b>wouldn't</b> 24:16 <b>written</b> 7:18		
			<b>W</b>	<b>X</b>		
			<b>waiver</b> 7:23 <b>want</b> 13:19 <b>wanted</b> 21:9 33:14 <b>wasn't</b> 33:1 36:19 41:8 <b>watch</b> 17:3 <b>watched</b> 24:2,3 <b>watching</b> 18:2 <b>weapon</b> 17:5,7 <b>weapons</b> 25:5 <b>week</b> 15:9 <b>weeks</b> 15:8,9 <b>Weese</b> 11:20 12:14 12:17 13:8 28:8 28:13,17 <b>well</b> 4:9 8:13 27:6 43:8 <b>went</b> 14:9 21:8 35:11,11 37:1,6 38:4,7,16 39:1,3,9 39:24 40:10 <b>were</b> 6:18,19,20 7:2 7:20 9:24 10:7,16 11:17,24 12:4 13:20 15:20 16:14 16:18 17:11 21:5 21:15,21,25 22:14 23:8,13,18 24:10 24:12,15,22 29:13 31:2,4 36:15 38:12 39:6 41:16 42:7 <b>we'll</b> 7:25 42:7 <b>We're</b> 4:4 <b>we've</b> 7:12 <b>while</b> 16:18 33:7 <b>white</b> 13:23 27:22 <b>whole</b> 36:12 <b>William</b> 9:25 10:17 15:15,17 17:23 25:17 31:6,17 33:13,14,14,15,22 33:25 34:17 35:12 35:20,22 37:3	<b>X</b> 3:1		
				<b>Y</b>		
				<b>yeah</b> 7:21 12:1 19:20 26:11 30:14 <b>year</b> 11:9 20:10 22:11 30:13,14,18 42:13 <b>years</b> 30:5,8 <b>yes-or-no</b> 19:25		
				<b>#</b>		
				<b>#50710</b> 1:24 45:22 <b>#5643</b> 45:22		
				<b>1</b>		
				<b>1st</b> 42:19 <b>1:00</b> 43:24 44:3,9 <b>1:33</b> 1:14 <b>121</b> 1:22 <b>18</b> 3:6 <b>19</b> 1:13 <b>1960</b> 13:24		
				<b>2</b>		
				<b>2:26</b> 44:12 <b>2000</b> 9:20 <b>2006</b> 9:23 <b>2007</b> 11:10,11,12 11:16 19:16 26:22 27:9,12,19,25 28:21 38:19 <b>2009</b> 10:24 13:20		
			<b>V</b>			
		<b>take</b> 15:10 29:14 35:6 <b>taken</b> 18:1 39:6 42:12,13 <b>talk</b> 11:21 15:8 17:16 18:18,19,21 19:2,4,6,7 31:7 <b>talked</b> 11:19 14:7,9 14:16 15:5 17:19 19:5 31:10 <b>talking</b> 23:24 <b>talks</b> 14:18	<b>under</b> 19:1 26:12 27:10 45:12 <b>understand</b> 13:2 18:16,23 21:11 26:1 27:23 34:23 36:9,11 42:22 <b>understanding</b> 5:19 18:19,25 31:21 34:16 <b>understood</b> 28:6 <b>unlikely</b> 42:4 <b>unresponded</b> 5:10 5:18 <b>until</b> 7:12 9:1 <b>untrue</b> 42:14 <b>use</b> 34:22 35:8 36:21 <b>used</b> 23:2 32:11 34:1,10,19,25 35:16 <b>using</b> 34:20 <b>usually</b> 43:19 <b>utilized</b> 35:13	<b>under</b> 19:1 26:12 27:10 45:12 <b>understand</b> 13:2 18:16,23 21:11 26:1 27:23 34:23 36:9,11 42:22 <b>understanding</b> 5:19 18:19,25 31:21 34:16 <b>understood</b> 28:6 <b>unlikely</b> 42:4 <b>unresponded</b> 5:10 5:18 <b>until</b> 7:12 9:1 <b>untrue</b> 42:14 <b>use</b> 34:22 35:8 36:21 <b>used</b> 23:2 32:11 34:1,10,19,25 35:16 <b>using</b> 34:20 <b>usually</b> 43:19 <b>utilized</b> 35:13	<b>vague</b> 27:24	

<p>14:12,14 19:18,25                  20:4 21:2,22 22:3                  22:18 30:15,23  <b>2009-0259</b> 4:6  <b>2010</b> 1:13,15 4:14                  6:4 7:1 42:20                  45:18  <b>22</b> 17:8 22:25 23:2                  23:6,10 25:5  <b>23rd</b> 45:17  <b>25</b> 21:2  <b>25th</b> 21:22 22:3,4                  22:17,23 23:23                  24:4,5,13,17 26:7                  26:8 30:12,23                  37:25  <b>26th</b> 42:12  <b>29</b> 3:9 21:7  <b>29th</b> 10:25 22:21                  23:16,22,23 24:13                  24:14,18 43:22                  44:2,9</p> <hr/> <p style="text-align: center;"><b>3</b></p> <p><b>3rd</b> 6:4,24 7:1  <b>34</b> 3:10</p> <hr/> <p style="text-align: center;"><b>4</b></p> <p><b>40</b> 3:11  <b>44</b> 45:13</p> <hr/> <p style="text-align: center;"><b>5</b></p> <p><b>5</b> 1:15  <b>5th</b> 4:14  <b>5.3</b> 41:4,10  <b>5.3(a)</b> 41:12  <b>5.4(c)</b> 13:5  <b>5.4(c)(3)</b> 13:6  <b>50</b> 27:15  <b>501</b> 1:22</p> <hr/> <p style="text-align: center;"><b>6</b></p> <p><b>6</b> 12:19  <b>60</b> 42:17  <b>637</b> 2:4</p> <hr/> <p style="text-align: center;"><b>8</b></p> <p><b>8:00</b> 30:23  <b>801</b> 13:12  <b>808</b> 2:8  <b>85929-0808</b> 2:8  <b>85936</b> 2:5  <b>86001</b> 1:23</p> <hr/> <p style="text-align: center;"><b>9</b></p> <p><b>9</b> 3:5</p>				
---	--	--	--	--