w/o

FILED
DATE: 4-13-11
10:08 O'Clock A.M.
JEANNE HICKS, CLERK
BY: Rhondi Hagen
Deputy

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

DIVISION PRO TEM B

HON. WARREN R. DARROW

CASE NO. V1300CR201080049

JEANNE HICKS, CLERK

BY: R. Hagen, Deputy Clerk

DATE: April 13, 2011

TITLE:	**COUNSEL:**
STATE OF ARIZONA, (Plaintiff)	Yavapai County Attorney By Sheila Polk Bill Hughes (Via OnBase) (Counsel For Plaintiff)
v.	
JAMES ARTHUR RAY, (Defendant)	Thomas K. Kelly (Via Electronic Mail) (Counsel for Defendant) and Luis Li/Brad Brian/Truc Do/Miriam Seifter MUNGER TOLLES & OLSON LLP (Via Electronic Mail) (For Defendant *Pro Hac Vice*)

HEARING ON:	**NATURE OF PROCEEDINGS**	**COURT REPORTER**
ORAL ARGUMENT RE DEFENDANT'S MOTION FOR MISTRIAL		**Mina Hunt**

START TIME: 8:34 a.m.

APPEARANCES:
Sheila Polk, Counsel for State
Bill Hughes, Co-Counsel for State
Detective Ross Diskin, Case Agent
James Arthur Ray, Defendant
Tom Kelly, Counsel for Defendant
Luis Li, For Defendant
Truc Do, For Defendant
Miriam Seifter, For Defendant
Victim Services Representative

This is the time set for oral argument on the Motion for Mistrial. Counsel are advised that the Court anticipates rendering a ruling on the Motion this afternoon.

Both Counsel present oral argument. Counsel for Defendant provides the Court with Mr. Haddow's curriculum vitae.

Counsel for State verbally corrects an error in the State's Response on Page 2.

~~~Recess~~~

At 9:56 a.m. the hearing reconvenes with all previously appearing parties present.

Both Counsel present further argument.
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The Court **finds** there was a *Brady* violation and there is now a question regarding an appropriate remedy.

IT IS ORDERED taking this issue under advisement.

END TIME: 10:08 a.m.

cc: Gallagher & Kennedy, P.C., Counsel for Shore Family (e)
Murphy, Schmitt, Hathaway & Wilson, PLLC, Co-Counsel for Brown Family (e)
Stone & Magnanini, Co-Counsel Brown Family (e)
Aspey, Watkins & Diesel, PLLC, Counsel for Neuman Family (e)
Steptoe & Johnson, Counsel for KPNX Broadcasting Company, TruTV and In Session (e)
Perkins, Coie, Brown & Bain, Counsel KTVK-TV (e)
Division PTB (e) (Under Advisement)
Victim Services (e)
Court Administration
Customer Service Supervisor, Verde