IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

FILED
DATE: June 3, 2010
5:18 O'Clock P.M.
JEANNE HICKS, CLERK
BY: Rachel Roehe
Deputy

DIVISION: 6
HON. THOMAS B. LINDBERG
CASE NO. P1300CR20081339

JEANNE HICKS, CLERK
By: Rachel Roehe, Deputy Clerk
DATE: June 3, 2010

TITLE:

STATE OF ARIZONA
(Plaintiff)

vs.

STEVEN CARROLL DEMOCKER
(D-1)

COUNSEL:

Yavapai County Attorney (e)
(For Plaintiff)

John Sears (e)

Larry Hammond & Anne Chapman (e)
OSBORN MALEDON, P.A.
(For Defendant)

HEARING ON:
Jury Trial / Jury Selection – Day 16
Pretrial Conference / Pending Motions

NATURE OF PROCEEDINGS

COURT REPORTER
Roxanne Tarn

START TIME: 8:12 a.m.

APPEARANCES: Joseph Butner, Deputy County Attorney
Jeff Paupore, Deputy County Attorney
Steven DeMocker, Defendant
John Sears, Counsel for Defendant
Larry Hammond, Counsel for Defendant
Anne Chapman, Counsel for Defendant
Christopher DuPont, Counsel for the Victims

Court convenes with the presence of the Defendant and Counsel. The jurors are not present.

Court and Counsel discuss Preliminary Jury Instructions.

Counsel argue the Motion Re: Anonymous Email.

The Motion *in Limine* Re: Anonymous Email is **DENIED**.

Counsel argue the 15.6 Motions Re: 67th and 68th Supplemental Disclosure by State.

The Court authorizes the use of this evidence in the State's rebuttal case.

Counsel present argument with regard to DPS corrective action information.

The Court states that if there is no intention to use that information, the Court believes that issue is moot.

Discussion takes place with regard to scheduling issues.

~*~*~*~*~*~ Recess – 8:54 a.m. ~*~*~*~*~*~

At 9:18 a.m., Court reconvenes with the presence of all parties previously present.

Discussion takes place with regard to demonstrative exhibits for opening statements.

The Court states that it does not believe that the unadmitted exhibits can be shown during opening statements. Upon agreement of Counsel, the State may use their maps during opening statements.

~*~*~*~*~*~ Recess – 9:27 a.m. ~*~*~*~*~*~

At 9:48 a.m., Court reconvenes with the presence of all parties previously present.

Defense Counsel informs the Court of their continuing objection to the lack of adequate peremptory strikes.

The Court notes the objection and states that each side received an additional 3 peremptory strikes to the 6 required by law.

Discussion takes place with regard to witness scheduling.

By tomorrow afternoon, the State shall provide Defense with next week's anticipated witnesses.

Discussion takes place with regard to the cameras in the courtroom.

Counsel briefly exit the courtroom to view the video monitor of the fixed camera in the courtroom.

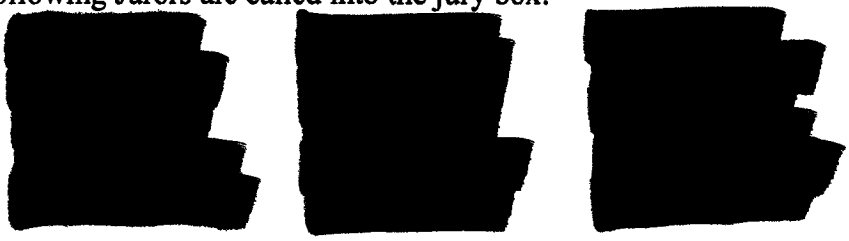
Defense Counsel states that he believes that the problem with regard to fixed camera in the courtroom has been resolved.

Counsel discuss issues with regard to the camera in the back of the courtroom.

~*~*~*~*~*~ Recess – 10:00 a.m. ~*~*~*~*~*~

At 10:06 a.m., Court reconvenes with the presence of all parties previously present. The potential jurors are also present.

The following Jurors are called into the jury box:



Those jurors not called to the jury box are excused.

At 10:10 a.m., the Jury is sworn and impaneled as Jurors in this case.

The Indictment is read.

The Court reads the Preliminary Jury Instructions.

The Jury is admonished by the Court.

Counsel for the State presents opening statements.

~*~*~*~*~*~ Recess – 11:33 a.m. ~*~*~*~*~*~

At 1:01 p.m., Court reconvenes with the presence of the Defendant, all Defense Counsel, both Deputy County Attorneys and Counsel for the victims. Deputy County Attorney, Jack Fields is also present. The jury is not present.

With regard to the Motion for sanctions against Christopher DuPont, the Court informs Mr. DuPont that the State has withdrawn its motion. Therefore, the Court deems that motion as moot.

Counsel argue the Motion Re: Visitation and an oral Motion to Modify Release Conditions.

Counsel present argument.

The Court takes the matter under advisement.

Defense Counsel requests that the Court reconsider its ruling on the Motion Re: Anonymous Email.

The Court precludes Counsel from discussing the anonymous email in the opening statements. The Court will consider the motion to reconsider its ruling, but the current ruling stands at this time.

At 1:23 p.m., the Jury enters the Courtroom.

Defense Counsel presents opening statements.

~*~*~*~*~*~ Recess – 2:56 p.m. ~*~*~*~*~*~

At 2:57 p.m., Court reconvenes with the presence of the Defendant, all Defense Counsel, both Deputy County Attorneys and Counsel for the victims. The jury is not present.

Counsel present argument with regard to opening statements and the reference to a person riding a bicycle.

The Court **DENIES** the request to find that the opening statements opens the door with regard to the Jana Johnson testimony.

~*~*~*~*~*~ Recess – 3:06 p.m. ~*~*~*~*~*~

At 3:33 p.m., Court reconvenes with the presence of the Defendant, all Defense Counsel, both Deputy County Attorneys and Counsel for the victims. The jury is not present.

Discussion takes place with regard to courtroom equipment.

The Court informs the parties that it will not reconsider its ruling regarding the Motion Re: Anonymous Email.

~*~*~*~*~*~ Recess – 3:39 p.m. ~*~*~*~*~*~

At 3:49 p.m., Court reconvenes with the presence of the Defendant, all Defense Counsel, both Deputy County Attorneys, Counsel for the victims, and the Jury.

Upon agreement of Counsel, Exhibits 2241-2275, 2277, 2278, 2280, 2282, 2283, and 2285-2291 are admitted into evidence.

Katherine Democker is sworn and testifies.

Court and Counsel hold a discussion at sidebar, off the record.

Exhibit 1507 is admitted into evidence without objection.

Exhibit 1506 is admitted into evidence without objection.

Court and Counsel hold a discussion at sidebar to discuss a question from the Jury.

The Court asks the witness the question.

Court and Counsel hold a discussion at sidebar to discuss questions from the Jury.

The Court asks the witness one of the questions.

The Jury is reminded of the admonition.

~*~*~*~*~*~ Recess – 5:04 p.m. ~*~*~*~*~*~

At 5:13 p.m., Court reconvenes with the presence of the Defendant, all Defense Counsel, both Deputy County Attorneys, and Counsel for the victims. The Jury is not present.

Discussion takes place with regard to Counsel for the victims.

The Court will authorize Christopher DuPont to be in front of the bar when one of his clients is testifying, but he is not to have contact with the Defendant.

Discussion takes place with regard to the transport officers.

The Court indicates that if there are issues that cause a mistrial, sanctions will be imposed.

END TIME: 5:18 p.m.

cc: VS (e)
Dean Trebesch (Contract Administrator) (PD) (e)
Division 6 (Under Advisement)
YCSO (e)
John Napper, Counsel for Renee Girard (e)
Christopher DuPont, Trautman DuPont PLC (e),
Counsel for Victims Charlotte and Katherine DeMocker