w/o

FILED
DATE: 12-13-2010
10:42 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. P1300CR20081339

P1300CR201001325 / V1300CR201080461

JEANNE HICKS, CLERK

BY: R. Hagen, Deputy Clerk

DATE: December 13, 2010

TITLE:	**COUNSEL:**
STATE OF ARIZONA,	Yavapai County Attorney By Joseph C. Butner III, Esq. Jeffrey Paupore, Esq. (Via OnBase),
(Plaintiff)	(Counsel For Plaintiff)
v	
STEVEN CARROLL DeMOCKER,	Craig Williams DeRienzo and Williams (Electronically Mailed) and Greg Parzych 222 North Central Avenue Ste 8100 Phoenix, Arizona 85004
(Defendant [D- 1])	(Counsel For Defendant)

HEARING ON:	**NATURE OF PROCEEDINGS**	**COURT REPORTER**
CASE MANAGEMENT CONFERENCE		Mina Hunt

START TIME: 9:16 a.m.

APPEARANCES: Joseph Butner, Counsel for State
Craig Williams, Co-Counsel for Defendant
Greg Parzych, Co-Counsel for Defendant
Steven DeMocker, Defendant (In Custody)
Chris Moeser, Counsel for Western News & Info
Bill Williams, Intervenor

Defense Counsel Williams requests another Case Management Conference be set to allow the Defendant time to determine a realistic trial date. Defense Counsel Parzych addresses the Court regarding sealed documents and requests an index or list of the sealed matters and to allow Defense Counsel to file, under seal, its position regarding the sealed matters The Court notes that previous Defense Counsel agreed to assist in the transition of new Defense Counsel and that previous Defense Counsel should have the information requested. Discussion ensues.

Defense Counsel Williams advises the Court that possibly not all Court Reporters have been notified to provide court transcripts. The Court **clarifies** its previous order that requests for transcripts pertains to all Court Reporters that have worked on this case

Defense Counsel Parzych advises that once the under seal list is received, it will take them 2 days to review it and file a motion to release sealed documents.

Counsel for State addresses the Court regarding Mr Sears' request for a date at the end of January for briefing which would further postpone these matters and states its objection thereto and requests that the briefing schedule be expeditious Counsel for State also requests that there be a waiver of Rule 8 time. Counsel for Defendant Williams moves the Court for a hearing date regarding the sealed issue for the first part of January. Defense Counsel Williams moves the Court to assign Defendant's other case to this Division

The Court expects the file will be put in order very soon and directs the Clerk to categorize the sealed documents in this matter.

Counsel Moeser addresses the Court regarding the issue of sealed documents.

The Court and Counsel conduct a sidebar discussion on the record

Upon motion of Counsel for Defendant and no objection by the State, **IT IS ORDERED** assigning Mr. DeMocker's latter matter to Division PT-B and vacating any hearings or deadlines set in that matter. **IT IS FURTHER ORDERED** assigning P1300CR20081339 to Division PT-B

IT IS ORDERED the Clerk shall compile an index of documents, what is under seal and what is *ex parte* under seal and have the index available as soon as possible. The labels actually in the file now shall be transferred onto the index.

The Court directs Defense Counsel to contact Ms. Gearhardt regarding a compilation of Court Reporters who have participated in this matter.

IT IS ORDERED setting Pretrial Conference in both cases (P1300CR20081339 / V1300CR201080461) on Monday, January 24, 2011 at 10:30 a.m. before this Division.

IT IS ORDERED time is excluded and waived and confirming the existing release conditions.

The Court will recall this matter for the 10:30 a m calendar.

~~~Recess~~~

At 10.35 a m these matters are recalled.

Defense counsel advises there is a new Indictment regarding this Defendant, Case Number P1300CR201001325. Defendant pleads not guilty and requests a bond hearing. Counsel for State confirms bond in the new matter is $2 million.

IT IS ORDERED setting Pretrial Conference in P1300CR201001325 on Monday, January 24, 2011 at 10:30 a.m. before this Division.

IT IS ORDERED time is waived and excluded and the existing release conditions are confirmed for all matters.
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Defense Counsel are directed to file any request for modification of release conditions and make a request for a hearing date

IT IS ORDERED that not guilty pleas are entered on behalf of Mr DeMocker.

Counsel for Defendant shall file a Rule 12.10 Notice

IT IS ORDERED appointing Craig Williams and Greg Parzych as Counsel for Defendant.

Defendant waives Rule 8 time.

Counsel for Defendant moves the State to dismiss the newer case and the older case since the new Indictment encompasses both. Counsel for State does not object. Discussion ensues regarding the pending motions in those cases and how to handle the dismissal of those cases Defense Counsel stipulates that the pre-existing motions still exist

The Court will check with the Clerk to ascertain the best administrative procedure for not adding any additional complication to filings.

The Court directs the State to file a Motion to Dismiss in writing within the next 10 days. The Court will address the issue when it knows the numbering system will not be disrupted any more.

END TIME: 10:42 a.m.

cc. Victim Services (e)
Division 6
Division PTB (e)
YCSO – Detention Records (e)
Customer Service Supervisors, Prescott and Verde
Court Administration

John Napper, Counsel for Renee Girard (Electronically Mailed)
Christopher DuPont, Trautman DuPont PLC, Counsel for Victims (Electronically Mailed)
Steptoe & Johnson, LLP, Counsel for Western News & Info (Electronically Mailed)
William E. Williams, 824 West Gurley Street, Suite 129, Prescott, Arizona 86305