FILED
DATE: April 23, 2012
5 o'clock P .M.
Sandra K Markham, Clerk
BY: Kathy Glenn
Deputy

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

DIVISION: VISITNG
HON. GARY E. DONAHOE
CASE NO. P1300CR201001325

SANDRA K MARKHAM, CLERK
By: Kathy Glenn, Deputy Clerk
Date: April 23, 2012

TITLE:	COUNSEL:
STATE OF ARIZONA,	Yavapai County Attorney (e)
(Plaintiff)	(For Plaintiff)
vs	
STEVEN CARROLL DEMOCKER	Craig Williams (e) Greg Parzych (e)
(Defendant)	(For Defendant)

HEARING ON	NATURE OF PROCEEDINGS	COURT REPORTER
Oral Argument		Lisa Chaney

START TIME: 1:30 p.m.

APPEARANCES: Georgia Staton, Counsel for the Yavapai County Attorney's Office
Craig Williams, Counsel for the Defendant
Greg Parzych, Counsel for the Defendant
Sandra K Markham, Yavapai County Clerk of Superior Court

This is the time set for an Oral Argument on the Motion to Compel Production of *Ex Parte* and Sealed Documents and Motion for Order Allowing Management Information Systems to Provide Information Regarding Document in Onbase System, filed by Counsel for the Yavapai County Attorney's Office.

Counsel for the Yavapai County Attorney's Office, Ms. Staton, presents oral argument as to the Motion to Compel.

Counsel for the Defendant, Williams, presents oral argument.

IT IS ORDERED granting the Motion to Compel Production of *Ex Parte* and Sealed Documents.

IT IS FURTHE ORDERED staying the above order through and including April 30, 2012 to allow Defendant to file a special action and request a stay of the above order. If the Court of Appeals grants a stay, the documents shall not be produced.

IT IS FURTHER ORDERED that no *ex parte* documents, related orders and related transcripts, not previously viewed by the person, shall not be shown to any current employee of the Yavapai County Attorney's Office.

Clerk of the Court states her position that the documents should be obtained from the Clerk of the Court's Office, not Management Information Systems.

The Court requests that counsel for the Defendant, Mr. Parzych, copy and produce to Ms. Staton the same three volumes of sealed and *ex parte* documents that were provided to the Court. Mr. Parzych agrees to

have the documents delivered to Ms. Staton's office on May 1, 2012 if no stay is entered by the Court of Appeals.

Counsel for the Yavapai County Attorney's Office, Ms. Staton, presents oral argument as to the Motion for Order Allowing Management Information Systems to Provide Information Regarding Document in Onbase System.

Counsel for the Defendant, Williams, presents oral argument.

Clerk of the Court states her position that the Court file resides on the County server but is the property of the Clerk of the Court. The Clerk's office can print the same history that MIS can print.

IT IS FURTHER ORDERED granting, in part, the Motion for Order Allowing Management Information Systems to Provide Information Regarding Document in Onbase System.

IT IS FURTHER ORDERED the Yavapai County Clerk of the Superior Court shall provide the history report of the documents, no later than April 27, 2012, to Ms. Staton and Mr. Williams so they both receive the same report.

The Court adopts the following deadlines as modifications to the prior disclosure and discovery schedule:

- May 7, 2012-Yavapai County Attorney's Office initial disclosure.
- May 18, 2012-Defense shall complete witness interviews, identify additional witnesses and disclose how Defendant has been prejudiced by the viewing of the documents in question.
- May 23, 2012-State shall complete witness interviews.
- May 28, 2012-Proposed Findings of Fact and Conclusion of Law shall be submitted to the Court, electronically, in Word format.

Counsel for the Defendant, Mr. Parzych, addresses the Court.

Mr. Williams requests that the Court Reporter prepare an expedited transcript from today's proceedings for the Special Action.

END TIME: 2:30 p.m.

Cc: Hon. Gary E. Donahoe (e)
YCSO – Detention Records (e)
Victim Services (e)
Steptoe & Johnson (e)
Melody Harmon (e)
De La Torre Law Office (e)
James J. Belanger, 2800 N. Central Avenue, Ste. 1200, Phoenix, AZ 85004
Georgia Staton and Russell Yurk - Jones, Skelton & Hochuli (e)
Division 1 (e)
Lisa Chaney, Court Reporter
Sandra K Markham, Yavapai County Clerk of the Superior Court