

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

FILED ✓
DATE: December 21, 2020
5:00 O'Clock P. M.
Donna McQuality, CLERK
BY: C. Barton
Deputy

DIVISION: 3

DONNA McQUALITY, CLERK

HON. TINA R. AINLEY

BY: C. BARTON, Deputy Clerk

CASE NO. P1300CR201600476

DATE: DECEMBER 21, 2020

TITLE:

COUNSEL:

STATE OF ARIZONA,

Josh Fisher

(Plaintiff)

Yavapai County Attorney (e)

(For Plaintiff)

vs.

ANTHONY JAMES RICHARDS,

Craig Williams

(Defendant)

Craig Williams (e)

(For Defendant)

TIME SET FOR:

NATURE OF PROCEEDINGS

COURT REPORTER

ORAL ARGUMENT

FTR GOLD

START TIME: 4:03 p.m.

APPEARANCES: Josh Fisher, Counsel for State (*by T.E.A.M.S. video*)
Anthony James Richards, Defendant *in custody* (*by T.E.A.M.S. video*)
Craig Williams, Counsel for Defendant (*by T.E.A.M.S. video*)

This is the time set for an Oral Argument on two Motions to Dismiss and the Motion to Modify Release Conditions.

Defense Counsel presents argument.

Counsel for the State presents argument.

The Court agrees the witnesses engaged in behavior that was not appropriate during trial. The Court declared a mistrial based on that behavior. Since then, more conversations have been discovered. These are issues and areas that need to be addressed during trial.

The Court does feel that several things are appropriate. The only reason Ms. Shattuck was allowed to appear by video testimony or her deposition being played is that counsel agreed to that. Counsel does not have to agree to that. During trial, witnesses need to be present and the Defendant has a right to confront his witnesses.

The Court agrees that, should trial proceed from here, counsel has no obligation to agree that Ms. Shattuck's deposition be played. Counsel has the right to insist that every witness come in and provide live testimony in front of the Defendant.

The Court **ORDERS** there shall be no further conversations between any of the witnesses in this case. If there is, it can be sanctionable, including preclusion and/or dismissal of the case. But because that was not asked for previously and they are not under any obligation once the trial has ended, the Court does not believe that there is a basis for absolute dismissal at this point.

Defendant filed a Motion to Reconsider Release Conditions. Based on Defendant's medical circumstances **IT IS ORDERED** reducing the bond to \$20,000 cash or security.

IT IS FURTHER ORDERED:

- Setting a Pretrial Conference on **February 22, 2021 at 3:00 p.m.**, in Division PTA. Should Defendant post bond in this matter, Defendant must appear at least by T.E.A.M.S. video in Division.
- Time is excluded.
- Release conditions are confirmed as modified.

Defense requests the Court make specific findings regarding preclusion of all four witnesses.

The Court does not believe that absolute preclusion is required at this time. The Court has issued an order, however, that there will be no conversations between witnesses moving forward. That order shall continue through the time of sentencing in this case. The witnesses should not be speaking to each other between now and any potential sentencing, or, and through any trial.

The Court believes it is premature to order preclusion, but that is not ruled out moving forward.

Defense Counsel notes that the Court may have entered a very similar order during the mistrial for the witnesses not to communicate at all. Counsel believes Mr. Comstock was there when that happened.

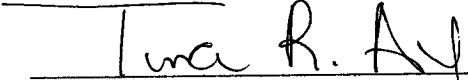
Defense Counsel may file an amended motion with this Court if there was previous order that ordered the witnesses to not communicate with each other.

The Court **does not find** that preclusion is the appropriate remedy at this time based on the fact that there has already been a mistrial, counsel was allowed to re-depose and interview the witnesses. The Court believes those sanctions were sufficient. Should Defense believe there was a previous order that was violated, Defense Counsel may send to the Court for consideration of another sanction.

Defense Counsel requests the Court enter specific findings regarding prosecutorial misconduct.

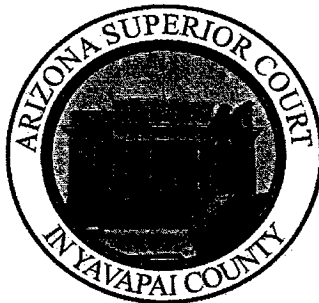
Based on the evidence Defense Counsel presented regarding prosecutorial misconduct, the Court disagrees. Had the Court thought that the leading was egregious, the Court would have sustained any objections and the Court did not. The issue was discussed and addressed by the mistrial and the Court stands by its ruling.

END TIME: 4:55 p.m.


The Honorable Tina R. Ainley
JUDGE OF THE SUPERIOR COURT

cc: Division 3 (e)
Division PTA (e)
YCSO (e)
PVS (e)
OBL (e)

YAVAPAI COUNTY
SUPERIOR COURT



HEALTH & SAFETY
SCREENING
GUIDELINES

Effective June 1, 2020 the Yavapai County Superior Court will be practicing health and safety measures for those persons coming into the courthouses. Please note the following procedures that court staff will be following until further notice.

- All persons coming into the Superior Court facilities will be required to wear a mask at all times unless directed otherwise.
 - ◊ **Please bring your own mask.** If you do not bring a mask, one will be provided for you.
 - ◊ If you refuse to wear a mask, you will be denied entry into the courthouse.
- You will be asked the following three questions prior to entering through the magnetometer:
 - ◊ *Have you tested positive for COVID-19 in the past 10 days or are you currently waiting for test results?*
 - ◊ *Have you had contact with someone who has tested positive for the COVID-19 virus in the last 14 days?*
 - ◊ *Have you experienced any symptoms of COVID-19 in the last 10 days?*

** If you answer "yes" to any of these questions, you may be denied entry into the courthouse until cessation of symptoms, diagnosis other than COVID-19 explains a symptom, or negative COVID-19 test results no longer indicate COVID-19 infection under the CDC guidelines. You may request an exception by completing a form and submitting it to Court Administration for consideration.*
- Court Security and/or other court staff will be checking your temperature upon entry.
 - ◊ Your temperature will be scanned by an infrared digital thermometer. It will be placed approximately two to five centimeters away from your forehead.
 - ◊ If your temperature reads 100.4° F or higher, you will be denied entry into the courthouse and directed to contact the Division or department in which you had business by telephone or alternate means. *Upon request, you may re-test once after 15 minutes.*
 - ◊ Court Security Officers will be equipped with masks and gloves while conducting temperature checks and screening equipment will be frequently sanitized for everyone's protection.

Some activities can raise your body temperature. Heavy exercise and/or caffeine intake can raise your body temperature. Ensure these activities are limited prior to coming to the courthouse.

SYMPTOMS OF COVID-19
Shortness of breath or difficulty breathing
Muscle pain
Body temperature over 100.4°F
Sore throat
Cough
New loss of taste or smell

Some medical conditions can affect temperatures. If you are willing, please discuss with us if you feel a separate condition exists that may cause an elevated reading.