

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

FILED
DATE: February 15, 2022
5:00 O'Clock P.M.
DONNA MCQUALITY, CLERK
BY: R.Burns
Deputy

DIVISION: PTA
HON. DEBRA R. PHELAN
CASE NO. P1300CR201600476

DONNA MCQUALITY, CLERK
By: R.Burns, Deputy Clerk
DATE: February 15, 2022

TITLE:

COUNSEL:

STATE OF ARIZONA,

(Plaintiff)

Ethan Wolfinger / Casi Harris
Yavapai County Attorney's Office (e)
(For Plaintiff)

vs.

ANTHONY JAMES RICHARDS,

(Defendant)

Tyrone Mitchell
Tyrone Mitchell, PC (e)
(For Defendant)

TIME SET FOR:
PRETRIAL CONFERENCE/
JURY TRIAL DAY 1

NATURE OF PROCEEDINGS

COURT REPORTER
LAURA ASHBROOK - AM
LISA CHANEY - PM

START TIME: 10:05 a.m.

APPEARANCES: Ethan Wolfinger, Counsel for State
Casi Harris, Counsel for State
Det. John McDormett, Case Agent
Anthony Richards, Defendant
Tyrone Mitchell, Counsel for Defendant

Laura Ashbrook is the Court Reporter.

This is the time and date set for a Final Pretrial Conference and Jury Trial.

Discussion ensues regarding the Exhibits submitted by Counsel for Defendant. Counsel for Defendant is prepared to proceed to Trial.

Discussion ensues regarding the Preliminary Jury Instructions.

With regard to the Motion filed by the Defense regarding the State's Intent to Use Statements of Unavailable Witness Glen Crowshaw, the Court ruled on the Motion in 2020 and Counsel for Defendant filed a Motion to Reconsider which was not ruled on by Judge Ainley back in 2020.

With regard to the Motion to Reconsider, the parties will meet and discuss the issue. This matter remains unresolved.

Counsel for Defendant filed a Motion in Limine on February 9, 2022, regarding what the State has marked as Exhibits 110 through 114. The State filed a Response on February 14, 2022. Counsel present argument.

The Court believes Exhibit 110 can be admitted if the State has a custodian of record who will lay the foundation for the admission of the bank records. For Exhibits 111, 113 and 114, the Court *finds* compelling the State's response to the hearsay objection that the information contained in Exhibits 111, 113 and 114 is not being offered to prove the truth of the matter asserted, outlined the investigation conducted, identifies the Defendant, and/or the victim. The most compelling is the Defendant acknowledged the contents of Exhibits 111, 113 and 114 and is, therefore, an adoptive admission. Defendant may still object at Trial based on foundation.

Discussion ensues regarding the violation of the rule of exclusion.

The Court informs the parties that a potential juror has been excused.

Discussion ensues regarding the trial schedule.

At 10:47 a.m., the Court stands at recess.

~*~*~* **RECESS** *~*~*~

At 1:15 p.m., the Court reconvenes with Counsel and Defendant present, outside the presence of the group of prospective jurors.

Lisa Chaney is the Court Reporter.

Discussion ensues regarding the Case Information Surveys.

At 1:25 p.m., the Court stands at recess to retrieve the first group of prospective jurors.

~*~*~* **RECESS** *~*~*~

At 1:47 p.m., the Court reconvenes with Counsel, Defendant and first group of prospective jurors present.

At 1:48 p.m., the Trial *Voir Dire* Oath is administered to the first group of prospective jurors present.

The Court conducts *voir dire*.

Counsel for State conducts *voir dire*.

Counsel for Defendant conducts *voir dire*.

The Court conducts *voir dire*.

The Court and Counsel conduct a sidebar on the record.

The first group of prospective jurors are directed to return to the Jury Assembly Room at 4:45 p.m. The first group of prospective jurors exits the Courtroom.

The State passes the panel for cause.

The Defense passes the panel for cause.

At 3:02 p.m., the Court stands at recess to retrieve the second group of prospective jurors.

~*~*~* **RECESS** *~*~*~

At 3:11 p.m., the Court reconvenes with Counsel present, outside the presence of the group of prospective jurors.

Discussion ensues regarding the Case Information Surveys.

At 3:14 p.m., the Court stands at recess.

~*~*~* **RECESS** *~*~*~

At 3:14 p.m., the Court reconvenes with Counsel present, outside the presence of the group of prospective jurors.

The Court informs the parties that Count 7 was amended on the Indictment to read the date as 2007 per the Order Amending the Indictment.

At 3:16 p.m., the Court stands at recess.

~*~*~* **RECESS** *~*~*~

At 3:19 p.m., the Court reconvenes with Counsel, Defendant and second group of prospective jurors present.

At 3:20 p.m., the Trial *Voir Dire* Oath is administered to the second group of prospective jurors present.

The Court conducts *voir dire*.

Counsel for State conducts *voir dire*.

Counsel for Defendant conducts *voir dire*.

The Court conducts *voir dire*.

The second group of prospective jurors are directed to return to the Jury Assembly Room until called upon by the Bailiff. The second group of prospective jurors exits the Courtroom.

The Court conducts *voir dire* on a prospective juror in private.

Discussion ensues regarding the prospective jurors.

The State passes the panel for cause.

The Defense passes the panel for cause.

At 4:22 p.m., the Court stands at recess.

~*~*~* **RECESS** *~*~*~

At 4:43 p.m., the Court reconvenes with Counsel, Defendant and group of prospective jurors present.

The Clerk calls the fourteen selected jury members to the jury box.

Those jurors not selected are excused and exit.

At 4:52 p.m., the Jury Panel is administered the oath and impaneled to try the case.

The Court admonishes the Jury Panel and they are instructed to return to the Jury Assembly Room at 8:55 a.m., on February 16, 2022. The Jury Panel is excused and exits the Courtroom.

The Court directs Counsel and Defendant to be present in the Courtroom on February 16, 2022 at 8:55 a.m.

END TIME: 4:59 p.m.

c: Honorable Debra R. Phelan, Division PTA (e)
PVS (e)
SOD (e)