

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

FILED
DATE: February 24, 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 24, 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:	NATURE OF PROCEEDINGS	COURT REPORTER
JURY TRIAL DAY 5		LISA CHANEY – AM / DEBRA UPHAM - PM

START TIME: 8:45 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

Lisa Chaney is the Court Reporter.

The Court reconvenes with Counsel, Defendant and Jury Panel present.

Dr. Mark Fischione is administered the oath and presents testimony.

Counsel for State publishes Exhibits 107, 272, 246, 247, 133 and 273 to the witness.

Counsel for State moves for the admission of Exhibits 246, 247 and 293. There being no objection, Exhibits 246, 247 and 293 are admitted.

Counsel for State publishes Exhibits 297, 298 and 299 to the witness and moves for the admission of Exhibits 297, 298 and 299. There being no objection, Exhibits 297, 298 and 299 are admitted.

Having been previously admitted, Counsel for State publishes Exhibits 293, 299 to the witness and Jury Panel.

The Court and Counsel conduct a sidebar on the record.

The Court admonishes the Jury Panel and they are instructed to return to the Jury Assembly Room in 10 minutes. The Jury Panel is excused and exits the Courtroom.

At 9:57a.m., the Court stands at recess.

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

At 10:07 a.m., the Court reconvenes with Counsel and Defendant present, outside the presence of the Jury Panel.

The Court and Counsel clarify a response provided by the witness, Dr. Mark Fischione.

At 10:09 p.m., the Jury Panel enters the Courtroom.

Dr. Mark Fischione resumes with testimony.

Having been previously admitted, Counsel for State publishes Exhibit 297 to the witness and Jury Panel.

Having been previously admitted, Counsel for Defendant publishes Exhibit 293 to the witness and Jury Panel.

The Jury Panel presents questions to the Court for the witness.

The Court and Counsel conduct a sidebar on the record.

The Court directs juror questions to the witness.

Counsel for State presents follow up to the Jury Panel questions.

Counsel for Defendant presents follow up to the Jury Panel questions.

The Jury Panel presents additional questions to the Court for the witness.

The Court and Counsel conduct a sidebar on the record.

The Court directs juror questions to the witness.

Counsel for State presents follow up to the Jury Panel questions.

The witness is excused, is subject to recall and steps down.

The Court and Counsel conduct a sidebar on the record.

Dr. Bruce Anderson is administered the oath and presents testimony.

Counsel for Defendant publishes Exhibits 272 and 294 to the witness and moves for the admission of Exhibits 272 and 294. There being no objection, Exhibits 272 and 294 are admitted and published to the witness and Jury Panel.

The Court admonishes the Jury Panel and they are instructed to return to the Jury Assembly Room at 1:00 p.m. The Jury Panel is excused and exits the Courtroom.

At 11:57 a.m., the Court stands at recess.

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

At 1:06 p.m., the Court reconvenes with Counsel, Defendant and Jury Panel present.

Debra Upham is the Court Reporter.

Dr. Bruce Anderson resumes with testimony.

Having been previously admitted, Counsel for Plaintiff publishes Exhibit 294 to the witness and Jury Panel.

Counsel for Defendant publishes Exhibits 306 and 307 to the witness.

The Jury Panel presents questions to the Court for the witness.

The Court and Counsel conduct a sidebar on the record.

The Court directs juror questions to the witness.

Counsel for State presents follow up to the Jury Panel questions.

Counsel for Defendant presents follow up to the Jury Panel questions.

The witness is excused, is subject to recall and steps down.

The Court admonishes the Jury Panel and they are instructed to return to the Jury Assembly Room in 10 minutes. The Jury Panel is excused and exits the Courtroom.

At 2:07 p.m., the Court stands at recess.

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

At 2:45 p.m., the Court reconvenes with Counsel, Defendant and Jury Panel present.

Robert Stephenson is administered the oath and presents testimony.

Having been previously admitted, Counsel for State publishes Exhibits 286, 285 and 114 to the witness and Jury Panel.

Counsel for State publishes Exhibit 288 to the witness and moves for the admission of Exhibit 288. There being no objection, Exhibit 288 is admitted and published to the witness and Jury Panel.

Having been previously admitted, Counsel for State publishes Exhibit 114 to the witness and Jury Panel.

The Jury Panel has no questions for the witness.

The witness is excused and steps down.

Paul Chastain is administered the oath and presents testimony.

Counsel for State publishes Exhibits 102 and 295 to the witness.

Counsel for State publishes excerpts of Exhibit 258 to the witness and Jury Panel. Exhibit 258 is not admitted.

Having been previously admitted, Counsel for State publishes Exhibit 209 to the witness and Jury Panel.

Having been previously admitted, Counsel for Defendant publishes Exhibit 209 to the witness and Jury Panel.

Counsel for Defendant publishes Exhibit 102 to the witness.

The Jury Panel has no questions for the witness.

The witness is excused and steps down.

The Court and Counsel conduct a sidebar on the record.

Having been previously admitted, Counsel for Plaintiff publishes Exhibit 289 to the Jury Panel.

The Court admonishes the Jury Panel and they are instructed to return to the Jury Assembly Room at 8:30 a.m., on February 25, 2022. The Jury Panel is excused and exits the Courtroom.

Discussion ensues regarding the schedule for tomorrow.

Counsel for State addresses the Court regarding Exhibit 258 and informs the Court the CD will be replaced with a corrected copy then the State will move for the admission.

The Court directs Counsel and Defendant to be present in the Courtroom on February 25, 2022 at 8:30 a.m.

END TIME: 4:49 p.m.

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