

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

**FILED**  
**DATE: February 25, 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 25, 2022

**TITLE:**

STATE OF ARIZONA,  
  
(Plaintiff)

vs.

ANTHONY JAMES RICHARDS,  
  
(Defendant)

**COUNSEL:**

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

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

**TIME SET FOR:**  
JURY TRIAL DAY 6

**NATURE OF PROCEEDINGS**

**COURT REPORTER**  
MINA HUNT

**START TIME: 8:37 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

*Mina Hunt is the Court Reporter.*

The Court reconvenes with Counsel and Defendant present, outside the presence of the Jury Panel.

The Court addresses the Court regarding a conversation between Juror #1 and a witness.

Counsel for State moves for the admission of Exhibit 304 containing a corrected CD. There being no objection, Exhibit 304 is admitted.

The Court addresses Juror #1, outside the presence of other Jurors regarding a conversation between Juror #1 and a witness.

At 8:43 a.m., the Jury Panel enters the Courtroom.

Having been previously admitted, Counsel for State publishes Exhibit 290 to the Jury Panel.

Dr. Diane France is administered the oath and presents testimony.

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

Counsel for State publishes Exhibits 108 and 107 to the witness.

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

Having been previously admitted, Counsel for Defendant publishes Exhibit 294 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 witness is excused 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 9:56 a.m., the Court stands at recess.

~\*~\*~\*~\* *RECESS* ~\*~\*~\*~\*

At 10:18 a.m., the Court reconvenes with Counsel, Defendant and Jury Panel present.

Blair Burtan is administered the oath and presents testimony.

Counsel for State moves for the admission of Exhibit 122. There being no objection Exhibit 122 is admitted and published to the witness and Jury Panel.

Having been previously admitted, Counsel for Defendant publishes Exhibit 122 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.

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.

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

The witness is excused and steps down.

Det. John McDormett is administered the oath and presents testimony.

Counsel for State publishes Exhibit 103 to the witness.

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

Counsel for State publishes Exhibit 253 to the witness and moves for the admission of Exhibit 253. There being no objection, Exhibit 253 is admitted and published to the witness and Jury Panel.

The witness identifies the Defendant in open Court this date.

Having been previously admitted, Counsel for State publishes Exhibit 267 to the witness and Jury Panel.

Counsel for State moves for the admission of Exhibits 185, 184, 183 and 186. There being no objection, Exhibits 185, 184, 183 and 186 are admitted and published 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 at 1:30 p.m. The Jury Panel is excused and exits the Courtroom.

The Court addresses the parties regarding the conduct of Juror #12. Counsel for State requests the Juror be designated as an alternate. Counsel for Defendant objects.

The Court will address the Jury Panel upon return regarding their conduct during Trial.

Discussion ensues regarding the remaining schedule for Trial.

At 12:04 p.m., the Court stands at recess.

~\*~\*~\*~\* **RECESS** ~\*~\*~\*~\*

At 1:34 p.m., the Court reconvenes with Counsel, Defendant and Jury Panel present.

The Court admonishes the Jury Panel re: maintaining attentiveness at all times during Trial.

Detective John McDormett resumes with testimony.

Counsel for State moves for the admission of Exhibits 240, 281, 282, 283 and 284. There being no objection, Exhibits 240, 281, 282, 283 and 284 are admitted and published to the witness and Jury Panel.

Counsel for State moves for the admission of Exhibit 121.

The Court and Counsel conduct a sidebar on the record.

There being no objection, Exhibit 121 is 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 in 10 minutes. The Jury Panel is excused and exits the Courtroom.

At 2:23 p.m., the Court stands at recess.

~\*~\*~\*~\* **RECESS** ~\*~\*~\*~\*

At 2:47 p.m., the Court reconvenes with Counsel, Defendant and Jury Panel present.

Detective John McDormett resumes with testimony.

Counsel for State moves for the admission of Exhibits 300, 301, 302 and 303. There being no objection, Exhibits 300, 301, 302 and 303 are admitted.

Counsel for State publishes Exhibit 222 to the witness.

Having been previously admitted, Counsel for State publishes Exhibits 300, 301, 111, 209 and 253 to the witness and Jury Panel.

Counsel for State moves for the admission of Exhibit 305. There being no objection, Exhibit 305 is published to the witness and Jury Panel.

Counsel for State publishes Exhibit 261 to the witness.

Having been previously admitted, Counsel for State publishes Exhibits 305 and 114 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 at 9:00 a.m., on March 1, 2022.

A Juror presents a deliberation question to the Court.

The Court informs the Jury Panel they may arrive early on March 1, 2022, prior to Trial, to review their notes.

At 3:49 p.m., the Jury Panel exits the Courtroom.

The Court addresses the parties regarding conduct by Juror #12 again.

Counsel for State requests the Juror be excused or designated as an alternate and presents argument.

Counsel for Defendant requests the Juror be allowed to remain on the Jury Panel and presents argument.

Counsel for State presents rebuttal argument.

**IT IS ORDERED** excusing Juror #12 from the Jury Panel over the objection of the Defense.

The Court addresses the Defendant regarding his right to testify.

The Court directs Counsel to be present in the Courtroom on March 1, 2022 at 9:00 a.m.

The Court directs the Defendant to be present in the Courtroom on March 1, 2022 at 8:30 a.m.

**END TIME: 3:49 p.m.**

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