

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

**FILED**  
**DATE: March 3, 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: March 3, 2022

**TITLE:**

STATE OF ARIZONA,  
  
(Plaintiff)  
  
vs.

**COUNSEL:**

Ethan Wolfinger / Casi Harris  
*Yavapai County Attorney's Office (e)*  
(For Plaintiff)  
  
Tyrone Mitchell  
*Tyrone Mitchell, PC (e)*  
(For Defendant)

ANTHONY JAMES RICHARDS,  
  
(Defendant)

**TIME SET FOR:**  
JURY TRIAL DAY 9

**NATURE OF PROCEEDINGS**

**COURT REPORTER**  
LISA CHANEY

**START TIME: 8:30 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

~~~~~Jury Deliberations resumed at 8:30 a.m.~~~~~

At 10:30 a.m., the Court reconvenes with Counsel present. The Defendant's presence is waived.

The Jury Panel presents questions to the Court during deliberation.

The Court provides a response to the Jury Panel.

At 10:32 a.m., the Court stands at recess.

At 10:55 a.m., the Court reconvenes with Counsel present. The Defendant's presence is waived.

The Jury Panel presents questions to the Court during deliberation.

The Court addresses the parties regarding a Second Phase Instruction if necessary.

The Court provides a response to the Jury Panel.

At 10:58 a.m., the Court stands at recess.

At 11:25 a.m., the Court reconvenes with Counsel present. The Defendant's presence is waived.

The Jury Panel presents questions to the Court during deliberation.

Counsel for State moves to amend the Indictment.

Counsel for Defendant objects and presents argument.

The Court provides a response to the Jury Panel.

At 11:29 a.m., the Court stands at recess.

At 11:48 a.m., the Court reconvenes with Counsel present. The Defendant's presence is waived.

The Court notes the parties were trying to get clarification on a question asked by the Jury Panel during deliberation.

The Court does not agree there was a clerical error in the Indictment and will not allow the State to amend the Indictment.

Counsel for State presents argument.

Counsel for Defendant presents argument.

The State's Request to Amend the Indictment is *denied* by the Court.

The Court provides a response to the Jury Panel.

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

~~~~~Jury Deliberations~~~~~

At 12:53 p.m., Court reconvenes with Counsel, Defendant and Jury Panel present.

The Court is informed that the Jury Panel has reached verdicts.

The following Verdicts are read, filed and entered in the record, to wit:

**Verdict – Count 1: Guilty of the lesser offense of Second-Degree Murder, committed on or between April 9, 2007 and April 15, 2007.**

**Verdict – Count 2: Guilty of the charge of Trafficking in Stolen Property, committed on or between April 9, 2007 and April 15, 2007.**

**Verdict – Count 4: Guilty of the charge of Theft of a Credit Card, committed on or between April 9, 2007 and April 15, 2007.**

- Verdict – Count 5:** Guilty of the charge of Taking the Identity of Another, to wit: US Bank VISA credit card ending in 8154 at Texaco, Congress, Arizona, committed on or about April 15, 2007.
- Verdict – Count 6:** Guilty of the charge of Taking the Identity of Another, to wit: US Bank VISA credit card ending in 8154 at Pilot in Lake Havasu City, Arizona, committed on or about April 15, 2007.
- Verdict – Count 7:** Guilty of the charge of Taking the Identity of Another, to wit: US Bank VISA credit card ending in 8154 at Chevron, Barstow, California, committed on or about April 15, 2007.
- Verdict - Count 8:** Guilty of the charge of Taking the Identity of Another, to wit: US Bank VISA credit card ending in 8154 at Auto-Zone, Barstow, California, committed on or about April 15, 2007.
- Verdict – Count 9:** Guilty of the charge of Taking the Identity of Another, to wit: US Bank VISA credit card ending in 8154 at Hob Tower Hobbies, committed on or about April 16, 2007.
- Verdict – Count 10:** Guilty of the charge of Taking the Identity of Another, to wit: US Bank VISA credit card ending in 8154 at Chevron, Earlimart, Barstow, California, committed on or about April 16, 2007.
- Verdict – Count 11:** Guilty of the charge of Taking the Identity of Another, to wit: US Bank VISA credit card ending in 8154 at Shell Oil, Murphy's, California, committed on or about April 16, 2007.
- Verdict – Count 12:** Guilty of the charge of Taking the Identity of Another, to wit: US Bank VISA credit card ending in 8154 at Shell Oil, Alturas, California, committed on or about April 20, 2007.
- Verdict – Count 13:** Guilty of the charge of Taking the Identity of Another, to wit: US Bank VISA credit card ending in 8154 at Kwik Serve, Jackson, California, committed on or about April 20, 2007.
- Verdict – Count 14:** Not Guilty of the charge of Taking the Identity of Another, to wit: US Bank VISA credit card ending in 8154 at Auto-Zone, Bend, Oregon, committed on or about April 26, 2007.
- Verdict – Count 15:** Guilty of the charge of Taking the Identity of Another, to wit: US Bank VISA credit card ending in 8154 at Office Max, Bend, Oregon, committed on or about April 26, 2007.
- Verdict – Count 16:** Guilty of the charge of Taking the Identity of Another, to wit: US Bank VISA credit card ending in 8154 at Office Max, Bend, Oregon, committed on or about April 28, 2007.

**Verdict – Count 17: Guilty of the charge of Taking the Identity of Another, to wit: US Bank VISA credit card ending in 8154 at Harbor Freight, Bend, Oregon, committed on or about April 28, 2007.**

**Verdict – Count 18: Guilty of the charge of Taking the Identity of Another, to wit: US Bank VISA credit card ending in 8154 at East Bend Service, Bend, Oregon, committed on or about April 28, 2007.**

**Verdict – Count 19: Guilty of the charge of Forgery, to wit: Office Max receipt, committed on or about April 28, 2007.**

**Verdict – Count 20: Guilty of the charge of Taking the Identity of Another, to wit: to wit: RC Boyz, committed on or about May 1, 2007.**

**Verdict – Count 21: Guilty of the charge of Taking the Identity of Another, to wit: US Bank VISA credit card ending in 8154 at June R/C, committed on or about May 4, 2007.**

**Verdict – Count 22: Guilty of the charge of Taking the Identity of Another, to wit: US Bank VISA credit card ending in 8154 at Union 76, White City, Oregon, committed on or about May 8, 2007.**

**Verdict – Count 23: Guilty of the charge of Taking the Identity of Another, to wit: US Bank VISA credit card ending in 8154 at Union 76, La Pine, Oregon, committed on or about May 8, 2007.**

**Verdict – Count 24: Guilty of the charge of Taking the Identity of Another, to wit: US Bank VISA credit card ending in 8154 at Rock Auto, committed on or about May 9, 2007.**

The Jury responds that the above are their true and correct verdicts.

The Jury is polled.

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 15 minutes. The Jury Panel is excused and exits the Courtroom.

**IT IS ORDERED** entering Judgment of Acquittal as to Count 14.

Discussion ensues regarding the Second Phase Jury Instructions.

At 1:14 p.m., the Court stands at recess.

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

At 1:24 p.m., the Court reconvenes with Counsel and Defendant present, outside the presence of the Jury Panel.

Discussion ensues regarding the Second Phase Jury Instructions.

**IT IS ORDERED:**

- Modifying Defendant's release conditions, the Defendant shall be held non-bondable pending sentencing in the Yavapai County Jail.
- The Adult Probation Department shall prepare and submit a Presentence Report.
- The Presentence Report writer shall not ask the Defendant about any of the facts in respect to this case.
- Setting Sentencing May 16, 2022 at 3:00 p.m. This Hearing will include time to prove priors as well as an aggravation/mitigation.
- ***The Defendant shall be transported to the Hearing.***
- All parties shall appear in person.

At 1:29 p.m., the Jury Panel enters the Courtroom.

The Court reads the Second Phase Instructions.

The State presents closing argument.

The Defense waives closing argument.

The Court admonishes the Jury Panel and they are directed to return to the Division PTA Courtroom to begin Jury Deliberation after a brief recess.

At 1:47 p.m., the Court stands at recess.

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

At 1:55 p.m., the Jury Panel enters the Courtroom outside the presence of Counsel and Defendant.

At 1:55 p.m., Bailiff, Robert Earle is sworn.

Admitted Exhibits are provided to the Jury Panel.

~~~~~Jury Deliberations 1:56 p.m.~~~~~

At 2:59 p.m., the Court reconvenes with Counsel, Defendant and Jury Panel present.

The Court is informed that the Jury Panel has reached a verdict on the Second Phase.

The following Second Phase Verdict is read, filed and entered in the record, to wit:

**Verdict II (Second Phase): Aggravating circumstances:**

**Proven – The infliction or threatened infliction of serious physical injury.**

**Proven – The use, threatened use, or possession of a deadly weapon or dangerous instrument during the commission of the crime.**

**Proven – The value of the property taken or damaged.**

**Proven – The defendant committed the offense as consideration for the receipt of, or in the expectation of the receipt, of anything of pecuniary value.**

**Proven – The victim or, if the victim has died as a result of the conduct of Defendant, the victim's immediate family suffered physical, emotional or financial harm.**

The Jury responds that the above is their true and correct verdict.

The Jury is not polled.

The Court lifts the admonition, the Jury Panel is excused and exits the courtroom.

**IT IS ORDERED:**

- Releasing any unadmitted, unoffered Exhibits to the submitting parties this date in open Court.

**END TIME: 3:03 p.m.**

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