

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

DIVISION 3

DONNA McQUALITY, CLERK

HON. TINA R. AINLEY

BY: J. STEWART, DEPUTY

CASE NO. P1300CR201901558

DATE: JUNE 10, 2020

FILED
Date: June 10, 2020
5 o'clock p.m.
Donna McQuality, Clerk
By: J. STEWART
Deputy

TITLE:

COUNSEL:

STATE OF ARIZONA,

BRETT HARAMES

Plaintiff

Attorney General (e)

(For Plaintiff)

-vs-

MICHAEL LEE HAM,

EDWARD F. NOVAK

MELISSA S. HO

ANDREW FOX

Polsinelli PC

One East Washington St., Suite 1200

Phoenix, Arizona 85004

(For Defendant)

ANDREW JOLLEY

Prescott Law Group (e)

(For Defendant)

Defendant

HEARING ON:

NATURE OF PROCEEDINGS

COURT REPORTER

ORAL ARGUMENT for New
Determination of Probable Cause

Mina Hunt

START TIME: 2:33 p.m.

APPEARANCES: Brett Harames, Counsel for the State,
Michael Lee Ham, Defendant,
Edward F. Novak, Counsel for Defendant,
Andrew Jolley, Counsel for Defendant,
Melissa S. Ho, Counsel for Defendant,
Andrew Fox, Counsel for Defendant.

This is the date and time set for an Oral Argument on the Motion for New Determination of Probable Cause.

The Court notes it has reviewed all Motions, Attachments, Notice of Errata, and Responses.

The State concedes to Motion to Remand Counts 145, 146, 147, 148.

The Court **Remands** Counts 145, 146, 147, 148 to the Grand Jury for New Presentation.

The State has no objection.

The Parties present oral arguments.

Defense Counsel moves for the admission of Exhibit 1. There being no objection, Exhibit 1 is admitted.

The Court has read all the materials and considered all of the issues.

The Court expects Counts 145, 146, 147, 148 would be a separate proceeding and any indictment return, the State would have to seek consolidation for it to be a part of the current indictment.

6/10/2020

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As to the current indictment, the Court **Remands** the remaining Counts to the Grand Jury for a New Presentation.

The Courts notes that there is potential exculpatory information and it is appropriate to send it back to the Grand Jury.

The Court leaves it to the State's discretion to present solely the Brady Letter or any additional information to the Grand Jury.

Discussion ensues regarding the State filing an Appeal and a Motion for Reconsideration.

The Court has no objection to granting a Stay until the Court of Appeals decides to accept or not.

IT IS ORDERED:

- . **Setting a Status Conference / Arraignment July 6, 2020 at 8:30 a.m.**

END TIME: 3:15 p.m.

cc: Division 3 (e)
AG (e)

Attachment: Health & Safety Guidelines

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 had or have you been exposed to someone who has tested positive for the COVID-19 virus?*
 - ◊ *Do you have a cough?*
 - ◊ *Are you experiencing shortness of breath or difficulty breathing?*
 - * *If you answer "yes" to any of these questions, you will 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.*
- 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.
 - ◊ 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.

We understand that having a reading at 100.4, does not mean a person is sick with COVID 19.

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.