

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

DIVISION PTA

DONNA McQUALITY, CLERK

HONORABLE DEBRA R. PHELAN

BY: R.Burns, Deputy Clerk

CASE NO. P1300CR201901558

DATE: DECEMBER 14, 2020

FILED

Date: December 14, 2020

5:00 O'Clock P.M.

DONNA McQUALITY, CLERK

BY: R.Burns

DEPUTY

TITLE:

COUNSEL:

STATE OF ARIZONA,

Brett Harames

Plaintiff,

Assistant Attorney General, AG (e)

(For Plaintiff)

-vs-

MICHAEL LEE HAM,

Edward F. Novak

POLSINELLI

One East Washington Street, suite 1200

Phoenix, AZ 85004

Defendant.

J. Andrew Jolley

Prescott Law Group, PLC (e)

(For Defendant)

HEARING ON:

NATURE OF PROCEEDINGS

COURT REPORTER

ORAL ARGUMENT

LAURA ASHBROOK

START TIME: 1:32 p.m.

APPEARANCES: Brett Harames, Assistant Attorney General (telephonic)
Michael Ham, Defendant (telephonic)
Edward Novak, Counsel for Defendant (TEAMS)
J. Andrew Jolley, Counsel for Defendant

This is the time and date set for an Oral Argument on pending Motions to Dismiss filed by Counsel for Defendant.

Counsel for Defendant filed a Motion to Dismiss Count 49 on July 28, 2020, a Motion to Dismiss Count 25 on July 31, 2020, a Motion to Dismiss Counts on August 4, 2020 and a Motion to Dismiss Count 73 on August 5, 2020.

Counsel for State filed a Response not contesting the dismissal of Counts 49, 25 and 73 which was filed on August 14, 2020.

Counsel for Defendant filed a Reply, listing the dismissal of Count 15 which was a typographical error.

The Court has read the cases on a rule of the Defendant's Motion to Dismiss. The Court only dismisses an Indictment on the Defendant's Motion under circumstances, this one being if the Indictment is improper as a matter of law. As the Court reads the Case Law, Ricker Hughes Case, 182 Arizona 273, an Indictment is legally sufficient if it informs the Defendant of the essential elements of the charges, is sufficiently definite and protects the Defendant from subsequent prosecution for the same offense. The Court believes the Defense is asking for relief that would be more proper as a Rule 20 Motion after the State has presented their evidence.

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Counsel for Defendant presents argument and requests a dismissal of all Counts.

Counsel for State presents argument and requests the Court deny the Motions.

Counsel for Defendant presents rebuttal argument.

IT IS ORDERED:

- Taking this matter *Under Advisement*. The Court will issue a written ruling.

END TIME: 1:43 p.m.

cc: Honorable Debra R. Phelan, Division PTA (e)

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 tested positive for COVID-19 in the past 10 days or are you currently waiting for test results?

◊ Have you had contact with someone who has tested positive for the COVID-19 virus in the last 14 days?

◊ Have you experienced any symptoms of COVID-19 in the last 10 days?

** If you answer "yes" to any of these questions, you may 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. You may request an exception by completing a form and submitting it to Court Administration for consideration.*

- 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 and 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.

SYMPTOMS OF COVID-19
Shortness of breath or difficulty breathing
Muscle pain
Body temperature over 100.4°F
Sore throat
Cough
New loss of taste or smell

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.