

SEP 14 2009

FILED
PATRICIA NOLAND
CLERK, SUPERIOR COURT
September 11, 2009 11:13 AM
By: Ryan Lewis

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. HOWARD FELL
JUDGE PRO TEMPORE

CASE NO. CR20090652-001

COURT REPORTER: Mary Bernal
Courtroom - 475

DATE: September 10, 2009

STATE OF ARIZONA

Rona N Kreamer, Esq. counsel for State

VS.

Jacob M Amaro, Esq. counsel for Defendant

Defendant HR

MINUTE ENTRY.

JURY TRIAL (DAY THREE):

10:37 A.M. IN THE PRESENCE OF THE JURY:

Defendant present, in custody.

The Court instructs the Jury as to the law that is to be applied in this case and a copy of same is provided for his/her use during deliberations.

Counsel make closing arguments to the Jury.

The Court further instructs the Jury.

At the direction of the Court, the Clerk randomly draws Jurors #9 and #6, and said jurors are designated as the alternates.

The Court further instructs the Jury.

The bailiff, Coleen Thoene, is sworn to take charge of the Jury during deliberations.

The Court further instructs the Jury.

12:08 P.M. THE JURY RETIRES TO DELIBERATE THEIR VERDICTS UNDER THE CHARGE OF THE BAILIFF.

12:09 P.M. OUT OF THE PRESENCE OF THE JURY:

Same defendant, counsel and court reporter present.

Upon inquiry by the Court, the defendant waives his presence for the purposes of any questions received from the Jury.

12:10 P.M. THE COURT STANDS AT RECESS.

1:35 P.M. OUT OF THE PRESENCE OF THE JURY:

Same defendant, counsel and court reporter present.

The Court informs counsel of the question received from the Jury and of its intentions to answer same.

1:36 P.M. IN THE PRESENCE OF THE JURY:

Same defendant, counsel and court reporter present.

Ryan Lewis
Deputy Clerk

MINUTE ENTRY

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The Court advises the Jury of the question received and re-explains the forms of Verdict.

FILED IN COURT: Jury Note (During Deliberations)

1:38 P.M. THE JURY RESUMES THEIR DELIBERATIONS UNDER THE CHARGE OF THE BAILIFF.

4:26 P.M. IN THE PRESENCE OF THE JURY:

Same defendant, counsel and court reporter present.

The Jury announces through its Foreperson that they have agreed upon their verdicts.

The Court directs the Clerk to read and record the verdicts, which find as follows:

1. "... the defendant, HR NOT GUILTY of the offense of Armed Robbery, as alleged in Count One of the Indictment." "We, the Jury, duly impaneled and sworn in the above-entitled action, upon our oaths, do find the defendant, HR, NOT GUILTY of the lesser-included offense of Robbery." "We, the Jury, duly impaneled and sworn in the above-entitled action, upon our oaths, do find the defendant, HR NOT GUILTY of the lesser included offense of Theft.";

2. "... the defendant, HR, NO AGREEMENT REACHED of the offense of Aggravated Robbery, as alleged in Count Two of the Indictment." "We, the Jury, duly impaneled and sworn in the above-entitled action, upon our oaths, do find the defendant, HR, NO AGREEMENT REACHED of the lesser-included offense of Robbery." "We, the Jury, duly impaneled and sworn in the above-entitled action, upon our oaths, do find the defendant, HR, GUILTY of the lesser-included offense of Theft."; and

3. "... the defendant, HR, NOT GUILTY of Aggravated Assault of a Minor Under Fifteen, as alleged in Court Three of the Indictment." "We, the Jury, duly impaneled and sworn in the above-entitled action, upon our oaths, do find the defendant, HR NOT GUILTY of the lesser-included offense of Assault."

The Clerk ascertains that these are the verdicts of all 12 jurors.

The Jury is excused with the thanks of the Court.

4:28 P.M. IN THE ABSENCE OF THE JURY:

Same defendant, counsel and court reporter present.

Mr. Amaru moves that the defendant be sentenced at this time.

IT IS ORDERED setting a Sentencing Hearing on Friday, September 18, 2009, at 9:00 AM, in

Division 18.

IT IS ORDERED the Adult Probation Department prepare only time credit information for the Hon. Richard Fields for the purposes of sentencing.

IT IS ORDERED all non-admitted exhibits may be released to respective counsel.

FILED IN COURT: Verdict (3); Exhibit Receipt (2); Jury List; Preliminary Jury Instructions; Questions Received by the Jury During Trial; Jury Note (During Deliberations) (3); Court's Jury Instructions

4:30 P.M. COURT IS ADJOURNED.

cc: Hon. Richard S Fields
Jacob M Amaru, Esq.
Rona N Kreamer, Esq.
Adult Probation
Pretrial Services

Ryan Lewis
Deputy Clerk