

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. HOWARD FELL

CASE NO. CR20123725-005

COURT REPORTER: Nichole Forrest
Courtroom - 808

DATE: June 20, 2014

STATE OF ARIZONA

Rona N. Kreamer, Esq. counsel for State

VS.

HT (-005)

Jacob M Amaru, Esq. counsel for Defendant

Defendant

MINUTE ENTRY

JURY TRIAL—(DAY FOUR-FINAL DAY)

9:00 a.m. All jurors return for further deliberation.

11:52 a.m. Defendant present, out of custody.

IN THE PRESENCE OF THE JURY:

The foreperson is informally questioned by the Court regarding whether further deliberation may be fruitful.

The jury being unable to reach a verdict, the Court declares a mistrial as to Count One.

The jury announces through its foreperson that it has reached verdicts in this case.

The jury finds the defendant not guilty of the offense of AGGRAVATED ASSAULT, TEMPORARY/SUBSTANTIAL DISFIGUREMENT with regard to MARTIN SMITH, as alleged in COUNT TWO of the Indictment.

The jury further finds the defendant not guilty of the less serious crime of Assault.

The clerk inquires of the jurors whether these are their verdicts and the verdicts of each of them, and so say they all.

11:55 a.m. The admonishment is lifted and the jury is thanked for its services and discharged.

OUT OF THE PRESENCE OF THE JURY:

IT IS ORDERED that a Status Conference is set on July 7, 2014, at 9:00 a.m., in Division SR.

11:57 a.m. Court stands at recess.

11:58 a.m. Defendant present, out of custody.

Jesse Costanza
Deputy Clerk

MINUTE ENTRY

The Court states that the foreperson indicated to the law clerk, Benjamin Griem, that they had reached a verdict on a portion of Count One and there was some confusion regarding the verdict form.

IN THE PRESENCE OF THE JURY:

The foreperson is questioned by the Court regarding whether a verdict was in fact reached as to Count One.

12:02 p.m. All jurors return for further deliberation.

OUT OF THE PRESENCE OF THE JURY:

The Court notes that upon inquiry of the foreperson, the jury was uninformed regarding what they could do with the verdict form as it related to Count One.

In view of the fact that the jury was confused regarding what their options were with regard to Count One and over the objection of the State,

IT IS ORDERED the Court's pronouncement of a mistrial as to Count One is vacated and the Court will accept the jury's verdict as to Count Two.

IN THE PRESENCE OF THE JURY:

The jury announces through its foreperson that it has reached verdicts in this case.

The Court reads the form of verdict, the jury, the jury finding the defendant not guilty of the offense of AGGRAVATED ASSAULT/TEMPORARY/SUBSTANTIAL DISFIGUREMENT with regard to JOSE ACUNA, as alleged in COUNT ONE of the Indictment.

The Court declares a mistrial as to the less serious crime of ASSAULT.

The Court inquires of the jurors whether these are their verdicts and the verdicts of each of them, and so say they all.

12:06 p.m. The admonishment is lifted and the jury is thanked for its services and discharged.

OUT OF THE PRESENCE OF THE JURY:

IT IS ORDERED as follows:

1. All non-admitted exhibits, except for any preserved exhibits, shall be released to respective counsel.
2. State's Exhibits 108 through 115, 118 through 121, and 123 shall be released to the arresting agency.

12:06 p.m. Court stands at recess.

FILED IN COURT: Jury List; Preliminary Jury Instructions; Jury Questions Submitted During Trial; Final Jury Instructions; Verdicts

Jesse Costanza
Deputy Clerk

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cc: Hon. Howard Fell
Jacob M Amaru, Esq.
Rona N. Kreamer, Esq.
Pretrial Services

Jesse Costanza
Deputy Clerk