

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. TERESA GODOY  
JUDGE PRO TEMPORE

CASE NO. CR20094760-001

COURT REPORTER: Bob Sipos  
Courtroom - 375

DATE: July 29, 2011

STATE OF ARIZONA

Lindsay P. St John, Esq., counsel for State

VS.

RS (-001)  
Defendant

Jacob M. Amaru, Esq. and Wesley Jamiel Allen,  
Esq., counsel for Defendant

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**MINUTE ENTRY**

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**JURY TRIAL—DAY FOUR**

10:30 a.m. Defendant present, out of custody. Case Officer Det. Evan Hofmann is present.

IN THE ABSENCE OF THE JURY.

Mr. Amaru makes a record regarding his continued objection to the Court's ruling precluding the questioning of Det. Bogdanowich as to his knowledge of the gun policy at Curves gentleman's club.

The Court affirms its previous rulings.

Mr. Amaru makes a record regarding his objection to the Court's ruling precluding the questioning of Andrea Loughridge as to her indictment in this case.

Ms. St. John argues in response.

THE COURT FINDS that Ms. St. John's cross-examination of Andrea Loughridge did not open the door to evidence that Andrea Loughridge was charged in this case.

The Court affirms its previous ruling.

IN THE PRESENCE OF THE JURY.

The previously recorded video deposition of Felice Bedford Ph.D. is shown to the jury. Pursuant to stipulation, the testimony is not set forth on the record by the court reporter.

Defendant's Exhibit N1, being the redacted transcript of the deposition of Felice Bedford Ph.D., is identified.

Defendant's Exhibit X, being a redacted version of Exhibit P, Pima County Superior Court plea agreement for Dominic Adan Ortiz in CR20111524-001, dated 7/21/11, is identified.

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Sabrina West  
Deputy Clerk

**MINUTE ENTRY**

The defendant rests. All sides rest.

11:53 a.m. The jury is admonished and excused until 1:20 p.m. this date.

IN THE ABSENCE OF THE JURY.

The Court and counsel settle final jury instructions and forms of verdict.

Mr. Amaru moves for the inclusion of a Willits instruction as to the audio recording lost by Det. Hofmann.

Ms. St. John argues in opposition.

THE COURT FINDS that the required elements of a Willits instruction are not present.

THE COURT FURTHER FINDS that, while the audio recording may not be available, both Det. Hofmann and Det. Allen were cross-examined regarding its contents. In addition, Det. Hofmann made notes regarding the conversation and incorporated them into a report. Therefore, while the tape has been lost, the information it contained has not been.

IT IS ORDERED that Defendant's motion for a Willits instruction is denied.

Defendant's Exhibit X, previously identified, is admitted over objection.

Defendant's Exhibits N and N1, each previously identified, are admitted as Court's exhibits.

12:05 p.m. Court is at recess until 1:20 p.m. this date.

1:18 p.m. Defendant present, out of custody. Same case officer, counsel, court reporter are present.

IN THE PRESENCE OF THE JURY.

The Court instructs the jury on the rules it must follow in deciding the case; a copy of the Final Jury Instructions is provided to each juror.

Ms. St. John and Mr. Amaru make closing arguments to the jury.

The Court instructs the jury on the preparation of the forms of verdict.

IT IS ORDERED that all exhibits admitted into evidence shall be provided to the jury for its use during deliberations.

The clerk is directed to select one (1) alternate. Juror no. 12, A., is selected by lot as the alternate juror, admonished, and excused conditionally.

2:26 p.m. The jury retires to consider its verdicts under the charge of Law Clerk/Bailiff Lauren Gonzales, who was first duly sworn for that purpose.

Court stands at recess.

5:02 p.m. Defendant present, out of custody. Same case officer, counsel, court reporter are present.

Sabrina West  
Deputy Clerk

**MINUTE ENTRY**

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IN THE PRESENCE OF THE JURY.

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

The clerk is directed to read and record the verdicts.

The jury finds the defendant not guilty of the offense of AGGRAVATED ASSAULT, DEADLY WEAPON/DANGEROUS INSTRUMENT, as alleged in COUNT ONE of the Indictment.

The jury finds the defendant not guilty of the offense of DISCHARGING A FIREARM AT A NONRESIDENTIAL STRUCTURE, as alleged in COUNT TWO of the Indictment.

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

The admonishment is lifted and the jury is thanked for its services and discharged.

IT IS ORDERED that a judgment of acquittal is entered in favor of the defendant and that the defendant is released from Pretrial Services supervision.

IT IS ORDERED that all exhibits shall be released to respective counsel.

5:07 p.m. Court is adjourned.

FILED IN COURT: Jury List; Preliminary Jury Instructions; Final Jury Instructions; Verdicts (2); Jury Questions Submitted During Trial; Stipulation and Order Re: Release of Exhibits

cc: Jacob M. Amaru, Esq.  
Lindsay P. St John, Esq.  
Wesley Jamiel Allen, Esq.  
Clerk of Court - Exhibits (Not Guilty)  
Pretrial Services

Sabrina West  
Deputy Clerk